

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. HOYT, PAULIN, CLARK, BRADLEY, ENGLEBRIGHT, FIELDS, CAHILL, PEOPLES, SCHROEDER, MILLMAN, COOK, COLTON, JAFFEE, KOON, PERALTA, KAVANAGH -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CHRISTENSEN, CONTE, DIAZ, ERRIGO, GALEF, GOTTFRIED, GREENE, JOHN, LAVINE, LIFTON, LUPARDO, MAGEE, MAGNARELLI, MARKEY, McDONOUGH, McENENY, MOLINARO, ROSENTHAL, SPANO, SWEENEY, TOWNS, WALKER, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the New York state smart growth principles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The environmental conservation law is amended by adding a  
2 new section 3-0319 to read as follows:  
3 S 3-0319. NEW YORK STATE SMART GROWTH PRINCIPLES.  
4 1. FOR THE PURPOSES OF THIS SECTION, "SMART GROWTH PRINCIPLES" MEANS  
5 THE FOLLOWING:  
6 A. PUBLIC INVESTMENT: TO PLAN SO AS TO ACCOUNT FOR AND MINIMIZE THE  
7 DIRECT AND INDIRECT PUBLIC COSTS OF NEW DEVELOPMENT, INCLUDING INFRAS-  
8 TRUCTURE COSTS SUCH AS TRANSPORTATION, SEWERS AND WASTEWATER TREATMENT,  
9 WATER, SCHOOLS, RECREATION, OPEN SPACE AND OTHER ENVIRONMENTAL IMPACTS;  
10 B. ECONOMIC DEVELOPMENT: TO ENCOURAGE REDEVELOPMENT OF EXISTING COMMU-  
11 NITY CENTERS, AND TO ENCOURAGE NEW DEVELOPMENT IN AREAS WHERE TRANSPOR-  
12 TATION, WATER AND SEWER INFRASTRUCTURE ARE READILY AVAILABLE;  
13 C. CONSERVATION AND RESTORATION: TO PROTECT, PRESERVE, ENHANCE AND  
14 RESTORE THE STATE'S NATURAL AND HISTORIC RESOURCES, INCLUDING AGRICUL-  
15 TURAL LAND, FORESTS, SURFACE WATER AND GROUNDWATER, WATERFRONTS, RECRE-  
16 ATION AND OPEN SPACE, SCENIC AREAS, SIGNIFICANT HABITATS, NATIONAL AND  
17 STATE HERITAGE AREAS AND REGIONAL GREENWAYS AND SIGNIFICANT HISTORIC AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02860-01-9

1 ARCHAEOLOGICAL SITES AND TO FACILITATE THE ADAPTION OF SUCH RESOURCES TO  
2 CLIMATE CHANGE;

3 D. PARTNERSHIPS: TO ESTABLISH INTERMUNICIPAL AND OTHER INTERGOVERN-  
4 MENTAL PARTNERSHIPS TO ADDRESS DEVELOPMENT ISSUES WHICH TRANSCEND MUNIC-  
5 IPAL BOUNDARIES, AND WHICH ARE BEST ADDRESSED BY EFFECTIVE PARTNERSHIPS  
6 AMONG LEVELS OF GOVERNMENT, IN ORDER TO INCREASE EFFICIENT, PLANNED, AND  
7 COST-EFFECTIVE DELIVERY OF GOVERNMENT SERVICES BY, AMONG OTHER MEANS,  
8 FACILITATING COOPERATIVE AGREEMENTS AMONG ADJACENT COMMUNITIES AND TO  
9 ENSURE WITHIN A REGIONAL CONTEXT, THE APPROPRIATE BALANCE BETWEEN DEVEL-  
10 OPMENT AND OPEN SPACE PROTECTION;

11 E. COMMUNITY LIVABILITY: TO STRENGTHEN COMMUNITIES' SENSE OF PLACE BY  
12 ENCOURAGING COMMUNITIES TO ADOPT DEVELOPMENT AND REDEVELOPMENT STRATE-  
13 GIES WHICH BUILD ON EACH COMMUNITY'S VISION FOR ITS FUTURE, INCLUDING  
14 INTEGRATION OF ALL INCOME AND AGE GROUPS, MIXED LAND USES AND COMPACT  
15 DEVELOPMENT, TRANSPORTATION CHOICES, DOWNTOWN REVITALIZATION, OPEN SPACE  
16 PROTECTION, BROWNFIELD REDEVELOPMENT, ENHANCED BEAUTY IN PUBLIC SPACES,  
17 AND DIVERSE AND AFFORDABLE HOUSING IN PROXIMITY TO PLACES OF EMPLOYMENT,  
18 RECREATION AND COMMERCIAL DEVELOPMENT;

19 F. TRANSPORTATION: TO PROVIDE TRANSPORTATION CHOICES, INCLUDING  
20 INCREASING PUBLIC TRANSIT, PEDESTRIAN AND BICYCLE AND OTHER CHOICES, IN  
21 ORDER TO IMPROVE HEALTH AND QUALITY OF LIFE, REDUCE AUTOMOBILE DEPENDEN-  
22 CY, TRAFFIC CONGESTION AND AUTOMOBILE POLLUTION AND PROMOTE ENERGY EFFI-  
23 CIENCY;

24 G. CONSISTENCY: TO ENSURE PREDICTABILITY IN BUILDING AND LAND USE  
25 CODES; AND

26 H. SUSTAINABILITY: TO STRENGTHEN EXISTING AND CREATE NEW COMMUNITIES  
27 WHICH REDUCE GREENHOUSE GAS EMISSIONS AND DO NOT COMPROMISE THE NEEDS OF  
28 FUTURE GENERATIONS, BY AMONG OTHER MEANS ENCOURAGING BROAD BASED PUBLIC  
29 INVOLVEMENT IN DEVELOPING AND IMPLEMENTING A COMMUNITY PLAN AND ENSURING  
30 THE GOVERNANCE STRUCTURE IS ADEQUATE TO SUSTAIN ITS IMPLEMENTATION.

31 2. THE DEPARTMENT, DEPARTMENT OF STATE, DEPARTMENT OF TRANSPORTATION,  
32 EDUCATION DEPARTMENT, DEPARTMENT OF HEALTH, ENVIRONMENTAL FACILITIES  
33 CORPORATION, NEW YORK STATE HOUSING FINANCE AGENCY, HOUSING TRUST FUND  
34 CORPORATION, DORMITORY AUTHORITY, NEW YORK STATE THRUWAY AUTHORITY,  
35 URBAN DEVELOPMENT CORPORATION, OFFICE OF PARKS, RECREATION AND HISTORIC  
36 PRESERVATION, DEPARTMENT OF ECONOMIC DEVELOPMENT, JOB DEVELOPMENT  
37 AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY, DIVISION OF HOUSING  
38 AND COMMUNITY RENEWAL, DEPARTMENT OF AGRICULTURE AND MARKETS, NEW YORK  
39 STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND OFFICE OF REAL PROP-  
40 ERTY SERVICES SHALL:

41 A. CONSIDER SMART GROWTH PRINCIPLES IN THE IMPLEMENTATION OF STATE  
42 POLICIES AND PROGRAMS;

43 B. REFOCUS STATE TRAINING AND TECHNICAL ASSISTANCE PROGRAMS FOR LOCAL  
44 OFFICIALS TO INCORPORATE THE SMART GROWTH PRINCIPLES AND TO ENHANCE  
45 LOCAL GOVERNMENT CAPACITY TO ADOPT AND ADHERE TO SUCH PRINCIPLES IN  
46 COMMUNITY PLANNING AND DEVELOPMENT;

47 C. ENCOURAGE COMMUNITY TRANSPORTATION PLANNING AND COORDINATION BASED  
48 ON SMART GROWTH PRINCIPLES; AND

49 D. WITHIN ALL GRANTS, AWARDS, LOANS OR ASSISTANCE PROGRAMS, GIVE DUE  
50 CONSIDERATION TO THOSE APPLICATIONS WHICH ARE CONSISTENT WITH SMART  
51 GROWTH PRINCIPLES.

52 S 2. This act shall take effect on the one hundred eightieth day after  
53 it shall have become a law.