S T A T E O F N E W Y O R K

5515

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ENGLEBRIGHT, EDDINGTON, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the definition of the term "development" for purposes of the Long Island Pine Barrens maritime reserve act

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

Section 1. Subparagraphs (i), (xiv) and (xv) of the second undesignated paragraph of subdivision 13 of section 57-0107 of the environmental conservation law, subparagraph (i) as amended by chapter 289 of the laws of 2006 and subparagraph (xiv) as amended and subparagraph (xv) as added by chapter 448 of the laws of 2005, are amended and a new subparagraph (xvi) is added to read as follows:

(i) IN THE COMPATIBLE GROWTH AREA, public INFRASTRUCTURE improvements WHICH ARE undertaken, OWNED AND OPERATED BY THE STATE, A MUNICIPALITY, OR A PUBLIC CORPORATION AND ARE LOCATED ON PROPERTY BELONGING TO THE STATE, A MUNICIPALITY, OR A PUBLIC CORPORATION for the health[,] OR safety [or welfare] of the public. Such public improvements shall be consistent with the goals and objectives of this title[, and shall include, but not be limited to, maintenance of an existing road or railroad track];

(xiv) in the compatible growth area, renovations, reconstructions, additions or extensions to existing commercial or industrial uses providing the addition or extension conforms to the uses permitted in the zoning district in which said parcel is located and which does not increase existing square footage by more than twenty-five percent; [or]

(xv) in the core preservation area, the state or public corporation projects on parcels identified in the comprehensive land use plan adopted by the commission in June of nineteen hundred ninety-five, as amended on February twenty-first, two thousand one and October twentieth, two thousand four[.]; OR

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

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(XVI) MAINTENANCE OF AN EXISTING ROAD OR RAILROAD TRACK OR OTHER EXISTING PUBLICLY OWNED INFRASTRUCTURE, EXCLUDING EXPANSIONS AND ADDITIONS, PROVIDED THAT SUCH ACTION SHALL BE CONSISTENT WITH THE GOALS AND OBJECTIVES OF THIS TITLE.

S 2. This act shall take effect immediately.