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

S. 5549 A. 8331

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

May 15, 2009

IN SENATE -- Introduced by Sens. MONTGOMERY, MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. HOYT -- 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:

Section 1. The environmental conservation law is amended by adding a new section 3-0319 to read as follows:

S 3-0319. NEW YORK STATE SMART GROWTH PRINCIPLES.

1. FOR THE PURPOSES OF THIS SECTION, "SMART GROWTH PRINCIPLES" MEANS THE FOLLOWING:

A. PUBLIC INVESTMENT: TO PLAN SO AS TO ACCOUNT FOR AND MINIMIZE THE DIRECT AND INDIRECT PUBLIC COSTS OF NEW DEVELOPMENT, INCLUDING INFRASTRUCTURE COSTS SUCH AS TRANSPORTATION, SEWERS AND WASTEWATER TREATMENT, WATER, SCHOOLS, RECREATION, OPEN SPACE AND OTHER ENVIRONMENTAL IMPACTS;

B. ECONOMIC DEVELOPMENT: TO ENCOURAGE REDEVELOPMENT OF EXISTING COMMUNITY CENTERS, AND TO ENCOURAGE NEW DEVELOPMENT IN AREAS WHERE TRANSPORTATION, WATER AND SEWER INFRASTRUCTURE ARE READILY AVAILABLE;

C. CONSERVATION AND RESTORATION: TO PROTECT, PRESERVE, ENHANCE AND RESTORE THE STATE'S NATURAL AND HISTORIC RESOURCES, INCLUDING AGRICULTURAL LAND, FORESTS, SURFACE WATER AND GROUNDWATER, WATERFRONTS, RECREATION AND OPEN SPACE, SCENIC AREAS, SIGNIFICANT HABITATS, NATIONAL AND STATE HERITAGE AREAS AND REGIONAL GREENWAYS AND SIGNIFICANT HISTORIC AND ARCHAEOLOGICAL SITES AND TO FACILITATE THE ADAPTION OF SUCH RESOURCES TO CLIMATE CHANGE;

D. PARTNERSHIPS: TO ESTABLISH INTERMUNICIPAL AND OTHER INTERGOVERNMENTAL PARTNERSHIPS TO ADDRESS DEVELOPMENT ISSUES WHICH TRANSCEND MUNIC-

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

LBD11865-01-9

IPAL BOUNDARIES, AND WHICH ARE BEST ADDRESSED BY EFFECTIVE PARTNERSHIPS AMONG LEVELS OF GOVERNMENT, IN ORDER TO INCREASE EFFICIENT, PLANNED, AND COST-EFFECTIVE DELIVERY OF GOVERNMENT SERVICES BY, AMONG OTHER MEANS, FACILITATING COOPERATIVE AGREEMENTS AMONG ADJACENT COMMUNITIES AND TO ENSURE WITHIN A REGIONAL CONTEXT, THE APPROPRIATE BALANCE BETWEEN DEVELOPMENT AND OPEN SPACE PROTECTION;

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

F. TRANSPORTATION: TO PROVIDE TRANSPORTATION CHOICES, INCLUDING INCREASING PUBLIC TRANSIT, PEDESTRIAN AND BICYCLE AND OTHER CHOICES, IN ORDER TO IMPROVE HEALTH AND QUALITY OF LIFE, REDUCE AUTOMOBILE DEPENDENCY, TRAFFIC CONGESTION AND AUTOMOBILE POLLUTION AND PROMOTE ENERGY EFFICIENCY;

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

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

2. THE DEPARTMENT, DEPARTMENT OF STATE, DEPARTMENT OF TRANSPORTATION, EDUCATION DEPARTMENT, DEPARTMENT OF HEALTH, ENVIRONMENTAL FACILITIES CORPORATION, NEW YORK STATE HOUSING FINANCE AGENCY, HOUSING TRUST FUND CORPORATION, DORMITORY AUTHORITY, NEW YORK STATE THRUWAY AUTHORITY, URBAN DEVELOPMENT CORPORATION, OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, DEPARTMENT OF ECONOMIC DEVELOPMENT, JOB DEVELOPMENT AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY, DIVISION OF HOUSING AND COMMUNITY RENEWAL, DEPARTMENT OF AGRICULTURE AND MARKETS, NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND OFFICE OF REAL PROPERTY SERVICES SHALL:

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

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

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

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

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