

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed 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 INFRA-
8 STRUCTURE 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
18 ARCHAEOLOGICAL SITES AND TO FACILITATE THE ADAPTION OF SUCH RESOURCES TO
19 CLIMATE CHANGE;

20 D. PARTNERSHIPS: TO ESTABLISH INTERMUNICIPAL AND OTHER INTERGOVERN-
21 MENTAL PARTNERSHIPS TO ADDRESS DEVELOPMENT ISSUES WHICH TRANSCEND MUNIC-
22 IPAL BOUNDARIES, AND WHICH ARE BEST ADDRESSED BY EFFECTIVE PARTNERSHIPS
23 AMONG LEVELS OF GOVERNMENT, IN ORDER TO INCREASE EFFICIENT, PLANNED, AND
24 COST-EFFECTIVE DELIVERY OF GOVERNMENT SERVICES BY, AMONG OTHER MEANS,

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

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1 FACILITATING COOPERATIVE AGREEMENTS AMONG ADJACENT COMMUNITIES AND TO
2 ENSURE WITHIN A REGIONAL CONTEXT, THE APPROPRIATE BALANCE BETWEEN DEVEL-
3 OPMENT AND OPEN SPACE PROTECTION;

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

12 F. TRANSPORTATION: TO PROVIDE TRANSPORTATION CHOICES, INCLUDING
13 INCREASING PUBLIC TRANSIT, PEDESTRIAN AND BICYCLE AND OTHER CHOICES, IN
14 ORDER TO IMPROVE HEALTH AND QUALITY OF LIFE, REDUCE AUTOMOBILE DEPENDEN-
15 CY, TRAFFIC CONGESTION AND AUTOMOBILE POLLUTION AND PROMOTE ENERGY EFFI-
16 CIENCY;

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

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

24 2. THE DEPARTMENT, DEPARTMENT OF STATE, DEPARTMENT OF TRANSPORTATION,
25 EDUCATION DEPARTMENT, DEPARTMENT OF HEALTH, ENVIRONMENTAL FACILITIES
26 CORPORATION, NEW YORK STATE HOUSING FINANCE AGENCY, HOUSING TRUST FUND
27 CORPORATION, DORMITORY AUTHORITY, NEW YORK STATE THRUWAY AUTHORITY,
28 URBAN DEVELOPMENT CORPORATION, OFFICE OF PARKS, RECREATION AND HISTORIC
29 PRESERVATION, DEPARTMENT OF ECONOMIC DEVELOPMENT, JOB DEVELOPMENT
30 AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY, DIVISION OF HOUSING
31 AND COMMUNITY RENEWAL, DEPARTMENT OF AGRICULTURE AND MARKETS, NEW YORK
32 STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND OFFICE OF REAL PROP-
33 erty SERVICES SHALL:

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

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

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

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

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