

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

3494--A

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the state finance law, in relation to establishing the New York state growth interagency task force

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

1 Section 1. The executive law is amended by adding a new article 43 to
2 read as follows:

ARTICLE 43

NEW YORK STATE SMART GROWTH INTERAGENCY TASK FORCE

SECTION 925. DEFINITIONS.

925-A. NEW YORK STATE SMART GROWTH INTERAGENCY TASK FORCE.

925-B. RESPONSIBILITIES OF THE TASK FORCE.

S 925. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "SMART GROWTH PRINCIPLES" MEANS THE FOLLOWING:

A. PUBLIC INVESTMENT: TO PLAN SO AS TO ACCOUNT FOR AND MINIMIZE THE ADDITIONAL PUBLIC COSTS OF NEW DEVELOPMENT, INCLUDING INFRASTRUCTURE COSTS SUCH AS TRANSPORTATION, SEWERS AND WASTE-WATER 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, RECREATION AND OPEN SPACE, SCENIC AREAS, SIGNIFICANT HABITATS, AND SIGNIFICANT HISTORIC AND ARCHAEOLOGICAL SITES;

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

LBD07576-03-2

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

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

17 F. TRANSPORTATION: TO PROVIDE TRANSPORTATION CHOICES, INCLUDING
18 INCREASING PUBLIC TRANSIT, PEDESTRIAN AND BICYCLE AND OTHER CHOICES, IN
19 ORDER TO IMPROVE HEALTH AND QUALITY OF LIFE, REDUCE AUTOMOBILE DEPENDEN-
20 CY, TRAFFIC CONGESTION AND AUTOMOBILE POLLUTION;

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

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

28 2. "TASK FORCE" MEANS THE NEW YORK STATE SMART GROWTH INTERAGENCY TASK
29 FORCE CREATED BY SECTION NINE HUNDRED TWENTY-FIVE-A OF THIS ARTICLE.

30 3. "SMART GROWTH PLANNING GRANT" SHALL MEAN THE "COMMUNITY VISION
31 PLANNING GRANT," THE "AGRICULTURE RETENTION AND FARMLAND PRESERVATION
32 PLANNING GRANT," AND THE "TRANSIT ORIENTED DESIGN PLANNING GRANT."

33 4. "MUNICIPALITY" SHALL MEAN A TOWN, CITY, COUNTY, VILLAGE OR A DESIG-
34 NATED PUBLIC AGENCY THEREOF, OR A PUBLIC AUTHORITY.

35 S 925-A. NEW YORK STATE SMART GROWTH INTERAGENCY TASK FORCE. 1. THERE
36 IS HEREBY CREATED THE NEW YORK STATE SMART GROWTH INTERAGENCY TASK
37 FORCE. THE TASK FORCE SHALL CONSIST OF THE FOLLOWING MEMBERS: THE
38 COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE SECRETARY OF STATE, THE
39 COMMISSIONER OF AGRICULTURE AND MARKETS, THE COMMISSIONER OF TRANSPORTA-
40 TION, THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION,
41 THE COMMISSIONER OF ECONOMIC DEVELOPMENT, THE PRESIDENT OF THE ENVIRON-
42 MENTAL FACILITIES CORPORATION, THE CHAIR OF THE URBAN DEVELOPMENT CORPO-
43 RATION, THE COMMISSIONER OF THE NEW YORK STATE DIVISION OF HOUSING AND
44 COMMUNITY RENEWAL, THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH
45 AND DEVELOPMENT AUTHORITY, THE CHAIR OF THE NEW YORK STATE HOUSING
46 FINANCE AGENCY, THE SPEAKER OF THE ASSEMBLY, AND THE TEMPORARY PRESIDENT
47 OF THE SENATE.

48 2. THE SECRETARY OF STATE AND THE CHAIR OF THE URBAN DEVELOPMENT
49 CORPORATION SHALL SERVE AS CO-CHAIRS OF THE NEW YORK STATE SMART GROWTH
50 INTERAGENCY TASK FORCE.

51 3. A MEMBER MAY APPOINT A DESIGNATED REPRESENTATIVE, WHO SHALL SERVE
52 AT THE PLEASURE OF THE APPOINTING MEMBER, TO EXERCISE HIS OR HER POWERS
53 AND PERFORM HIS OR HER DUTIES.

54 4. MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION BUT SHALL
55 BE ENTITLED TO REIMBURSEMENT FOR ANY NECESSARY EXPENSES INCURRED IN
56 CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES.

1 S 925-B. RESPONSIBILITIES OF THE TASK FORCE. 1. THE NEW YORK STATE
2 SMART GROWTH INTERAGENCY TASK FORCE SHALL PROVIDE FOR MUNICIPALITIES, ON
3 A COMPETITIVE BASIS, WITHIN AMOUNTS APPROPRIATED, SMART GROWTH PLANNING
4 GRANTS AS ENUMERATED IN SUBDIVISION TWO OF THIS SECTION AND APPROVED BY
5 THE TASK FORCE PURSUANT TO SUBDIVISION THREE OF THIS SECTION TO NEW YORK
6 STATE MUNICIPALITIES.

7 2. THE TASK FORCE SHALL ISSUE THE FOLLOWING GRANTS:

8 A. COMMUNITY VISION PLANNING GRANT. THE TASK FORCE SHALL AWARD SUCH
9 GRANT TO FACILITATE IMPLEMENTATION OF A MUNICIPAL PLAN DESIGNED TO
10 ENGAGE LOCAL RESIDENTS IN THE PLANNING PROCESS TO DEVELOP A COMMUNITY
11 CONSENSUS ON WHAT THE RESIDENTS WANT THE COMMUNITY TO BE, THE DIRECTION
12 OF THE COMMUNITY, AND WHAT MUST BE DONE TO ACHIEVE THE DESIRED COMMON
13 VISION. THE GRANT MAY BE USED TO FUND ACTIVITIES RELATED TO COMPLETION
14 OF THE COMMUNITY VISION PROCESS AND PLAN PREPARATION, EXCEPT FOR FUNDS
15 USED FOR TRAVEL, FOOD, FACILITY RENTAL OR OTHER CAPITAL EXPENSES.

16 B. AGRICULTURE RETENTION AND FARMLAND PRESERVATION PLANNING GRANT.
17 SUCH GRANT SHALL BE AWARDED FOR IMPLEMENTATION OF A MUNICIPAL PLAN THAT
18 INCLUDES MEASURES TO ENSURE SUSTAINABLE ECONOMIC VITALITY OF AGRICULTURE
19 IN NEW YORK, IMPLEMENTATION STRATEGIES THAT STRENGTHEN AND PROMOTE THE
20 USE OF EXISTING ALTERNATIVE PLANNING TOOLS AND CREATE NEW TOOLS THAT
21 FACILITATE THE ACCOMMODATION OF GROWTH IN WAYS THAT CONSUME LESS LAND
22 AND ALLOW FOR THE PRESERVATION OF THE MOST PRODUCTIVE SOILS. SUCH PLAN
23 SHALL ALSO INCLUDE AN INVENTORY OF FARM PROPERTIES AND A MAP ILLUSTRAT-
24 ING SIGNIFICANT AREAS OF AGRICULTURAL LAND.

25 C. TRANSIT ORIENTED DESIGN PLANNING GRANT. SUCH GRANT SHALL BE AWARDED
26 TO FACILITATE IMPLEMENTATION OF A PLAN DESIGNED AROUND A MUNICIPALITY'S
27 TRANSIT FACILITY TO ENCOURAGE TRANSIT-FRIENDLY LAND USE AROUND SUCH
28 FACILITIES. SUCH PLAN SHALL ENCOURAGE SUFFICIENT RESIDENTIAL DENSITY IN
29 A MIXED-USE CONFIGURATION FOR TRANSIT-ORIENTED DEVELOPMENT THAT INCORPO-
30 RATES CONNECTIVITY, PEDESTRIAN SAFETY, STREETScape IMPROVEMENT, AND
31 PARKING.

32 3. THE TASK FORCE SHALL APPLY THE FOLLOWING APPROVAL CRITERIA WHEN
33 EVALUATING APPLICATIONS FOR A SMART GROWTH PLANNING GRANT, THE:

34 A. DEGREE TO WHICH THE APPLICANT HAS EFFECTIVELY PARTNERED WITH RELE-
35 VANT, DIVERSE ORGANIZATIONS IN ORDER TO SECURE ENDORSEMENT FOR RECOM-
36 MENDED TECHNIQUES AND PROVIDE THE NECESSARY TECHNICAL EXPERTISE;

37 B. DEGREE TO WHICH THE APPLICANT'S SMART GROWTH PLANNING GRANT APPLI-
38 CATION PROPOSES TO EFFECTIVELY USE GRANT FUNDS; THE TASK FORCE SHALL
39 TAKE INTO ACCOUNT HOW MUCH OF THE GRANT WILL BE USED FOR ACTIVITIES
40 DIRECTLY RELATED TO THE PROJECT AS OPPOSED TO INDIRECT EXPENDITURES;

41 C. DEGREE TO WHICH THE APPLICANT'S SMART GROWTH PLANNING GRANT APPLI-
42 CATION PROPOSES TO EFFECTIVELY LEVERAGE AND USE MATCHING FUNDS, INCLUD-
43 ING FUNDS PROVIDED THROUGH OTHER STATE GRANT PROGRAMS; THE APPLICANT
44 SHALL DEMONSTRATE HOW IT SHALL COORDINATE THE SMART GROWTH PLANNING
45 GRANT WITH OTHER FUNDS TO LEVERAGE ADDITIONAL RESOURCES TO CARRY OUT
46 SUCH PLAN OR THAT SMART GROWTH PLANNING GRANT FUNDS SHALL COMPLEMENT
47 ACTIVITIES RELEVANT TO THE SMART GROWTH PLAN;

48 D. DEGREE TO WHICH THE APPLICANT IS COMMITTED TO SMART GROWTH PRINCI-
49 PLES;

50 E. DEGREE TO WHICH APPLICANT'S SMART GROWTH PLANNING GRANT APPLICATION
51 DEMONSTRATES THE ABILITY TO CARRY OUT THE PROPOSED PLAN.

52 4. THE TASK FORCE SHALL ISSUE REQUESTS FOR PROPOSALS NO LATER THAN THE
53 FIRST OF JUNE SUCCEEDING THE DATE ON WHICH THIS ARTICLE SHALL HAVE
54 BECOME LAW AND EACH YEAR THEREAFTER.

1 5. THE TASK FORCE SHALL FACILITATE COORDINATION AND COOPERATION WITH
2 OTHER STATE GRANT PROGRAMS TO PROVIDE A CENTRALIZED INFORMATION REPOSI-
3 TORY ON GRANT OPPORTUNITIES.

4 S 2. Paragraph (d) of subdivision 6 of section 92-s of the state
5 finance law, as amended by section 13 of part E of chapter 61 of the
6 laws of 2000, is amended to read as follows:

7 (d) Moneys from the open space account shall be available, pursuant to
8 appropriation[,]; (I) for any open space land conservation project[,];
9 (II) FOR bio-diversity stewardship and research pursuant to chapter five
10 hundred fifty-four of the laws of nineteen hundred ninety-three[,];
11 (III) for the purposes of agricultural and farmland protection activ-
12 ities as authorized by article twenty-five-AAA of the agriculture and
13 markets law[,]; (IV) FOR non-point source abatement and control projects
14 pursuant to section 17-1409 of the environmental conservation law and
15 section eleven-b of the soil and water conservation districts law[,];
16 (V) for Long Island Central Pine Barrens area planning or Long Island
17 south shore estuary reserve planning pursuant to title thirteen of arti-
18 cle fifty-four of the environmental conservation law[, and]; (VI) for
19 operation and management of the Albany Pine Bush preserve commission
20 pursuant to subdivision two of section 54-0303 of the environmental
21 conservation law; AND (VII) FOR SMART GROWTH PROJECTS PURSUANT TO ARTI-
22 CLE FORTY-THREE OF THE EXECUTIVE LAW.

23 S 3. This act shall take effect immediately and shall be deemed to
24 have been in full force and effect on and after April 1, 2013.