

6840

2013-2014 Regular Sessions

I N A S S E M B L Y

April 19, 2013

Introduced by M. of A. RYAN -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to defining boundaries of the Niagara river greenway

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

1 Section 1. Subdivision 1 of section 39.03 of the parks, recreation and  
2 historic preservation law, as added by chapter 460 of the laws of 2004,  
3 is amended to read as follows:

4 1. "Niagara river greenway" or "greenway" shall mean a linear system  
5 of state and local parks and conservation areas linked by a network of  
6 multi use trails within the greenway area WHICH SHALL INCLUDE LANDS: NO  
7 MORE THAN ONE THOUSAND FEET FROM THE SHORELINE OF THE NIAGARA RIVER, ITS  
8 MAJOR TRIBUTARIES, AND LAKE ERIE; NO MORE THAN FIVE HUNDRED FEET FROM  
9 THE SHORELINES IN URBANIZED AREAS; LESS THAN FIVE HUNDRED FEET FROM THE  
10 SHORELINE WHEN A MAJOR ROADWAY, RAILWAY LINE OR OTHER RIGHT OF WAY RUNS  
11 PARALLEL TO THE SHORE; ALL MAJOR LANDS, FACILITIES AND ELECTRIC POWER  
12 GENERATING STATIONS OWNED BY NEW YORK STATE THAT ABUT THE SHORELINE; AND  
13 ANY ADDITIONAL CRITERIA AS established by an approved plan of the  
14 commission as provided for in this article.

15 S 2. The closing paragraph of section 39.07 of the parks, recreation  
16 and historic preservation law, as added by chapter 460 of the laws of  
17 2004, is amended to read as follows:

18 Such draft plan shall be submitted to the commissioner [of parks,  
19 recreation and historic preservation] within two years of the effective  
20 date of this article. The commissioner may approve the plan, may return  
21 the plan to the commission with recommendations for approval, or may  
22 reject such plan. Prior to submission of the draft plan to the commis-  
23 sioner, the commission shall hold at least one public hearing on the  
24 draft plan in each county for which the plan is applicable. The local  
25 legislative body of each city, town or village within the boundaries

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

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1 designated by the draft plan must approve the plan following the public  
2 hearing or hearings and before it is submitted to the commissioner. A  
3 copy of the approved plan shall be provided to the governor, the tempo-  
4 rary president of the senate and the speaker of the assembly. THE PLAN  
5 MUST BE CONSISTENT WITH THE PURPOSE AND EFFECT OF THIS ARTICLE AND ANY  
6 PORTION OF THE PLAN WHICH IS INCONSISTENT SHALL BE IN VIOLATION OF NEW  
7 YORK STATE LAW, AND CONSIDERED NULL AND VOID. IF ANY PART OF THE PLAN IS  
8 DETERMINED TO BE INCONSISTENT WITH THE PURPOSE AND EFFECT OF THIS ARTI-  
9 CLE AND IS CONSIDERED NULL AND VOID, SUCH DETERMINATION SHALL NOT  
10 AFFECT, IMPAIR OR INVALIDATE THE REMAINING PORTION OF THE PLAN.

11 S 3. This act shall take effect immediately.