

2552

2013-2014 Regular Sessions

I N S E N A T E

January 22, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Finance

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 ARTICLE 43

4 NEW YORK STATE SMART GROWTH INTERAGENCY TASK FORCE

5 SECTION 925. DEFINITIONS.

6 925-A. NEW YORK STATE SMART GROWTH INTERAGENCY TASK FORCE.

7 925-B. RESPONSIBILITIES OF THE TASK FORCE.

8 S 925. DEFINITIONS. AS USED IN THIS ARTICLE:

9 1. "SMART GROWTH PRINCIPLES" MEANS THE FOLLOWING:

10 A. PUBLIC INVESTMENT: TO PLAN SO AS TO ACCOUNT FOR AND MINIMIZE THE
11 ADDITIONAL PUBLIC COSTS OF NEW DEVELOPMENT, INCLUDING INFRASTRUCTURE
12 COSTS SUCH AS TRANSPORTATION, SEWERS AND WASTE-WATER TREATMENT, WATER,
13 SCHOOLS, RECREATION, OPEN SPACE AND OTHER ENVIRONMENTAL IMPACTS;

14 B. ECONOMIC DEVELOPMENT: TO ENCOURAGE REDEVELOPMENT OF EXISTING COMMU-
15 NITY CENTERS, AND TO ENCOURAGE NEW DEVELOPMENT IN AREAS WHERE TRANSPOR-
16 TATION, WATER AND SEWER INFRASTRUCTURE ARE READILY AVAILABLE;

17 C. CONSERVATION AND RESTORATION: TO PROTECT, PRESERVE, ENHANCE AND
18 RESTORE THE STATE'S NATURAL AND HISTORIC RESOURCES, INCLUDING AGRICUL-
19 TURAL LAND, FORESTS, SURFACE WATER AND GROUNDWATER, RECREATION AND OPEN
20 SPACE, SCENIC AREAS, SIGNIFICANT HABITATS, AND SIGNIFICANT HISTORIC AND
21 ARCHAEOLOGICAL SITES;

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

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

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1 COST-EFFECTIVE DELIVERY OF GOVERNMENT SERVICES BY, AMONG OTHER MEANS,
2 FACILITATING COOPERATIVE AGREEMENTS AMONG ADJACENT COMMUNITIES AND TO
3 ENSURE WITHIN A REGIONAL CONTEXT, THE APPROPRIATE BALANCE BETWEEN DEVEL-
4 OPMENT AND OPEN SPACE PROTECTION;

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

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

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 DO NOT COMPROMISE THE NEEDS OF FUTURE GENERATIONS, BY AMONG OTHER
21 MEANS ENCOURAGING BROAD BASED PUBLIC INVOLVEMENT IN DEVELOPING AND
22 IMPLEMENTING A COMMUNITY PLAN AND ENSURING THE GOVERNANCE STRUCTURE IS
23 ADEQUATE TO SUSTAIN ITS IMPLEMENTATION.

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

26 3. "SMART GROWTH PLANNING GRANT" SHALL MEAN THE "COMMUNITY VISION
27 PLANNING GRANT," THE "AGRICULTURE RETENTION AND FARMLAND PRESERVATION
28 PLANNING GRANT," AND THE "TRANSIT ORIENTED DESIGN PLANNING GRANT."

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

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

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

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

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

53 S 925-B. RESPONSIBILITIES OF THE TASK FORCE. 1. THE NEW YORK STATE
54 SMART GROWTH INTERAGENCY TASK FORCE SHALL PROVIDE FOR MUNICIPALITIES, ON
55 A COMPETITIVE BASIS, WITHIN AMOUNTS APPROPRIATED, SMART GROWTH PLANNING
56 GRANTS AS ENUMERATED IN SUBDIVISION TWO OF THIS SECTION AND APPROVED BY

1 THE TASK FORCE PURSUANT TO SUBDIVISION THREE OF THIS SECTION TO NEW YORK
2 STATE MUNICIPALITIES.

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

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

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

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

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

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

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

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

44 D. DEGREE TO WHICH THE APPLICANT IS COMMITTED TO SMART GROWTH PRINCI-
45 PLES;

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

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

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

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

1 (d) Moneys from the open space account shall be available, pursuant to
2 appropriation[,]; (I) for any open space land conservation project[,];
3 (II) FOR bio-diversity stewardship and research pursuant to chapter five
4 hundred fifty-four of the laws of nineteen hundred ninety-three[,];
5 (III) for the purposes of agricultural and farmland protection activ-
6 ities as authorized by article twenty-five-AAA of the agriculture and
7 markets law[,]; (IV) FOR non-point source abatement and control projects
8 pursuant to section 17-1409 of the environmental conservation law and
9 section eleven-b of the soil and water conservation districts law[,];
10 (V) for Long Island Central Pine Barrens area planning or Long Island
11 south shore estuary reserve planning pursuant to title thirteen of arti-
12 cle fifty-four of the environmental conservation law[, and]; (VI) for
13 operation and management of the Albany Pine Bush preserve commission
14 pursuant to subdivision two of section 54-0303 of the environmental
15 conservation law; AND (VII) FOR SMART GROWTH PROJECTS PURSUANT TO ARTI-
16 CLE FORTY-THREE OF THE EXECUTIVE LAW.
17 S 3. This act shall take effect immediately and shall be deemed to
18 have been in full force and effect on and after April 1, 2014.