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I N   S E N A T E

March 10, 2014

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Introduced by Sens. MONTGOMERY, ADDABBO, DIAZ, SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to allowing community boards to apply and receive grants for waterfront revitalization programs for coastal areas and inland waterways

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

- 1     Section 1. Subdivisions 1, 2, 3, the opening paragraph of subdivision  
2     4, the opening paragraph and paragraph h of subdivision 5, and subdivi-  
3     sions 7, 9 and 10 of section 915 of the executive law, subdivision 1 as  
4     amended by chapter 454 of the laws of 2001, subdivision 2 and the open-  
5     ing paragraph of subdivision 5 as amended by chapter 842 of the laws of  
6     1981, and subdivision 3, the opening paragraph of subdivision 4, para-  
7     graph h of subdivision 5, and subdivisions 7, 9 and 10 as added by chap-  
8     ter 840 of the laws of 1981, are amended to read as follows:  
9     1. It is the intention of this article to offer the fullest possible  
10    support by the state and its agencies to those local governments that  
11    desire to revitalize their waterfronts. Accordingly, any local govern-  
12    ment [or], two or more local governments acting jointly, OR A COMMUNITY  
13    BOARD which has any portion of its jurisdiction contiguous to the  
14    state's coastal waters or inland waterways and which desires to partic-  
15    ipate may submit a waterfront revitalization program to the secretary as  
16    herein provided.  
17    2. The secretary may provide technical and financial assistance as  
18    provided in sections nine hundred seventeen and nine hundred eighteen OF  
19    THIS ARTICLE to any local government OR COMMUNITY BOARD for the prepara-  
20    tion of a waterfront revitalization program for the purposes of this  
21    article.  
22    3. A local government [or], two or more local governments acting  
23    jointly OR A COMMUNITY BOARD which intends to submit a waterfront re-  
24    vitalization program for the purposes of this article is strongly encour-  
25    aged to consult, during its preparation, with other entities that may be  
26    affected by its program, including local governments, county and

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

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1 regional agencies, appropriate port authorities, community based groups  
2 and state and federal agencies. On request by the local government OR  
3 COMMUNITY BOARD, the secretary shall take appropriate action to facili-  
4 tate such consultation.

5 The secretary shall prepare and distribute guidelines and regulations  
6 for local governments OR COMMUNITY BOARDS desiring to prepare, or cause  
7 to be prepared, a waterfront revitalization program (hereinafter  
8 referred to as the "program"). Such guidelines shall provide that the  
9 program will be consistent with the policies and purposes of this arti-  
10 cle generally and shall include, but not be limited to:

11 The secretary shall approve any local government OR COMMUNITY BOARD  
12 waterfront revitalization program as eligible for the benefits set forth  
13 in section nine hundred sixteen of this article if he finds that such  
14 program will be consistent with coastal policies and will achieve the  
15 waterfront revitalization purposes of this article. In making such  
16 determination, the secretary shall find that the program incorporates  
17 each of the following to an extent commensurate with the particular  
18 circumstances of that local government OR COMMUNITY BOARD:

19 h. A statement identifying those elements of the program which can be  
20 implemented by the local government OR COMMUNITY BOARD, unaided, and  
21 those that can only be implemented with the aid of other levels of  
22 government or other agencies. Such statement shall include those permit,  
23 license, certification or approval programs, grant, loan, subsidy or  
24 other funding assistance programs, facilities construction and planning  
25 programs which may affect the achievement of the waterfront revitaliza-  
26 tion program.

27 7. Where there is a conflict between a submitted waterfront revitali-  
28 zation program and any state or federal policy, at the request of the  
29 local government, COMMUNITY BOARD or the state or federal agency  
30 affected, the secretary shall attempt to reconcile and resolve the  
31 differences between the submitted program and such policies and shall  
32 meet with the local government OR COMMUNITY BOARD and involved state and  
33 federal agencies to this end.

34 9. Before undertaking any action pursuant to any programs identified  
35 pursuant to paragraph [(h)] H of subdivision five of THIS section [nine  
36 hundred fifteen of this article] the affected state agency shall submit,  
37 through appropriate existing clearing house procedures including but not  
38 limited to the state environmental quality review law, information on  
39 the proposed action to local government OR COMMUNITY BOARD. The local  
40 government OR COMMUNITY BOARD shall identify potential conflicts and so  
41 notify the secretary. Upon notification of the conflict, the secretary  
42 will confer with the affected state agency and the local government OR  
43 COMMUNITY BOARD to modify the proposed action to be consistent with the  
44 local plan.

45 10. Any local government OR COMMUNITY BOARD which has had a waterfront  
46 revitalization program approved pursuant to this section may withdraw  
47 its program at any time by filing with the secretary a copy of a resol-  
48 ution of its legislative body providing for such withdrawal. Upon  
49 receipt of such resolution, the secretary shall immediately notify all  
50 affected state agencies.

51 S 2. Paragraph a of subdivision 1 of section 918 of the executive law,  
52 as added by chapter 840 of the laws of 1981, is amended to read as  
53 follows:

54 a. To any local governments, [or to] two or more local governments, OR  
55 TO COMMUNITY BOARDS, for projects approved by the secretary which lead  
56 to preparation of a waterfront revitalization program; provided, howev-



1 er, that such grants shall not exceed fifty percent of the approved cost  
2 of such projects;

3 S 3. Section 911 of the executive law is amended by adding a new  
4 subdivision 8 to read as follows:

5 8. "COMMUNITY BOARD" SHALL HAVE THE SAME MEANING AS SET FORTH IN  
6 SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER.

7 S 4. This act shall take effect immediately.