

1064

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Transportation

AN ACT to amend chapter 180 of the laws of 1974 relating to establishing
route twenty-five-A a scenic and historic corridor in Nassau and
Suffolk counties, in relation to review of state projects that may
adversely affect the historic, scenic, natural and cultural assets of
the route 25A/25 corridor

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

1 Section 1. Sections 1, 2, 3, 4 and 5 of chapter 180 of the laws of
2 1974 relating to establishing route twenty-five-A a scenic and historic
3 corridor in Nassau and Suffolk counties, are amended to read as follows:
4 Section 1. Route [twenty-five-A] 25A AND THAT PORTION OF ROUTE 25,
5 EAST OF THE EASTERN TERMINUS OF ROUTE 25A, HEREINAFTER REFERRED TO
6 COLLECTIVELY AS "ROUTE 25A/25", shall be and hereby is declared to be a
7 scenic and historic route in Nassau and Suffolk counties, and its
8 historic, scenic, and cultural resources, and its natural beauty shall
9 be preserved and protected for the benefit and enjoyment of the people
10 of the state.
11 S 2. Determination and identification of historic sites, structures,
12 landmarks, objects, and places of historic, cultural and scientific
13 interest, and features of natural and scenic beauty worthy of being
14 preserved and interpreted for public recognition, enjoyment and appreci-
15 ation in the route [twenty-five-A] 25A/25 scenic and [historic] HERITAGE
16 corridor shall be made by existing town, village, and county GOVERNMENT,
17 EACH HEREINAFTER REFERRED TO IN THIS ACT AS "A LOCAL UNIT OF GOVERNMENT"
18 AND THEN RESPECTIVE historic and conservation advisory councils and
19 bodies, HEREINAFTER REFERRED TO IN THIS ACT AS "OFFICIAL BODIES", within
20 the terms of this legislative statement of policy, and with particular
21 reference to the establishment of such a corridor in conjunction with

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

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1 and as an expression, in Nassau and Suffolk counties, of [New York
2 state's celebration of the Bicentennial of American Independence] THEMES
3 ASSOCIATED WITH ANY REVEALING SIGNIFICANT EARLY AMERICAN HISTORY INCLUD-
4 ING THE AMERICAN REVOLUTION, THE DEVELOPMENT AND SPECIAL CHARACTER OF
5 THESE HISTORIC MARITIME COMMUNITIES, AND THE HISTORIC MANSIONS ALONG THE
6 NORTH SHORE OF LONG ISLAND.

7 S 3. (A) Such official bodies, in accordance with the aforesaid legis-
8 lative purpose, and each within its own area of jurisdiction, shall
9 further formulate a plan for the preservation, enhancement, and inter-
10 pretation of the historic, scenic, natural, and cultural assets of the
11 corridor within its jurisdiction, including designation of the historic
12 sites, structures, landmarks, objects and places of [historic] HISTORIC,
13 cultural and scenic and natural interest, with recommendations necessary
14 and appropriate for public recognition, enjoyment, and appreciation
15 thereof; recommendations to the appropriate local governing body regard-
16 ing the desirability of acquisition, construction, restoration, manage-
17 ment, jurisdiction and control of property, real or personal, or any
18 interest therein, in accordance with local law and the purposes of this
19 act; recommendations of the ways and means of preserving and enhancing
20 scenic and natural values in the corridor, within such boundaries as may
21 be locally determined, in each jurisdiction, for public benefit and
22 enjoyment; recommendations to appropriate local units of government as
23 may have jurisdiction to establish zoning, land use, architectural,
24 landmark preservation, environmental controls and standards, roadside
25 and billboard controls, and local governmental mechanisms for adminis-
26 tering same; and recommendations for the beautification of route [twen-
27 ty-five-A] 25A/25 and other roadways and structures within said corri-
28 dor, together with planting and landscape management to effect the
29 purposes of this act in [celebration of the two hundredth anniversary of
30 the Declaration of American Independence and as an appropriate recogni-
31 tion of the role of the patriots of Long Island in the American Revo-
32 lution in the establishment of the independence of the state of New York
33 and of the United States] RECOGNITION OF THEMES ASSOCIATED WITH ANY
34 REVEALING SIGNIFICANT EARLY AMERICAN HISTORY INCLUDING THE AMERICAN
35 REVOLUTION, THE DEVELOPMENT AND SPECIAL CHARACTER OF THESE HISTORIC
36 MARITIME COMMUNITIES, AND THE HISTORIC MANSIONS ALONG THE NORTH SHORE OF
37 LONG ISLAND.

38 (B) AS EARLY IN THE PLANNING PROCESS AS MAY BE PRACTICABLE AND PRIOR
39 TO THE PREPARATION OR APPROVAL OF THE FINAL DESIGN OR PLAN OF ANY
40 PROJECT UNDERTAKEN BY A STATE AGENCY, OR PRIOR TO THE FUNDING OF ANY
41 PROJECT BY A STATE AGENCY OR PRIOR TO AN ACTION OF APPROVAL OR ENTITLE-
42 MENT OF ANY PRIVATE PROJECT BY A STATE AGENCY, THE AGENCY SHALL GIVE
43 NOTICE, WITH SUFFICIENT DOCUMENTATION, TO AND CONSULT WITH THE MAYOR
44 AND/OR TOWN SUPERVISOR OF THE TOWN AND/OR VILLAGE IN WHICH THE PROJECT
45 WILL TAKE PLACE CONCERNING THE IMPACT OF THE PROJECT IF IT APPEARS THAT
46 ANY ASPECT OF THE PROJECT MAY OR WILL CAUSE ANY CHANGE, BENEFICIAL OR
47 ADVERSE, IN THE QUALITY OF ANY HISTORIC, SCENIC, ARCHITECTURAL, ARCHEO-
48 LOGICAL OR CULTURAL PROPERTY THAT IS LOCATED ALONG THE ROUTE 25A/25
49 CORRIDOR AND THAT IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES
50 OR PROPERTY LISTED ON THE STATE REGISTER OR IS DETERMINED TO BE ELIGIBLE
51 FOR LISTING ON THE STATE REGISTER BY THE COMMISSIONER OF PARKS, RECRE-
52 ATION AND HISTORIC PRESERVATION. GENERALLY, ADVERSE IMPACTS OCCUR UNDER
53 CONDITIONS WHICH INCLUDE BUT ARE NOT LIMITED TO (1) DESTRUCTION OR
54 ALTERATION OF ALL OR PART OF A PROPERTY; (2) ISOLATION OR ALTERATION OF
55 ITS SURROUNDING ENVIRONMENT; (3) INTRODUCTION OF VISUAL, AUDIBLE OR
56 ATMOSPHERIC ELEMENTS THAT ARE OUT OF CHARACTER WITH THE PROPERTY OR

1 ALTER ITS SETTING; (4) NEGLECT OF PROPERTY RESULTING IN ITS DETERI-
2 ORATION OR DESTRUCTION; OR (5) IS INCONSISTENT WITH ANY PLAN PREPARED
3 PURSUANT TO SUBDIVISION (A) OF THIS SECTION. EVERY AGENCY SHALL FULLY
4 EXPLORE ALL FEASIBLE AND PRUDENT ALTERNATIVES AND GIVE DUE CONSIDERATION
5 TO FEASIBLE AND PRUDENT PLANS WHICH AVOID OR MITIGATE ADVERSE IMPACTS ON
6 SUCH PROPERTY. IN THE EVENT THAT THE AGENCY HAS FILED OR WILL FILE WITH
7 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WITH RESPECT TO THAT
8 CONTEMPLATED PROJECT, A DRAFT ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO
9 THE PROVISIONS OF ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW, IT
10 SHALL PROVIDE A COPY THEREOF TO SUCH MAYOR AND/OR TOWN SUPERVISOR AND
11 SHALL ALSO SUPPLY SUCH FURTHER INFORMATION AS SUCH MAYOR AND/OR TOWN
12 SUPERVISOR MAY REQUEST. THIS SECTION SHALL NOT APPLY TO A STATE PROJECT
13 THAT IS NECESSARY TO PREVENT AN IMMEDIATE AND IMMINENT THREAT TO LIFE OR
14 PROPERTY.

15 WITHIN THIRTY DAYS OF RECEIPT OF NOTICE, THE MAYOR AND/OR TOWN SUPER-
16 VISOR SHALL REVIEW AND MAKE COMMENT AS TO WHETHER OR NOT SUCH PROPOSED
17 PROJECT MAY HAVE AN ADVERSE IMPACT ON THE HISTORIC, SCENIC, NATURAL AND
18 CULTURAL ASSETS OF THE ROUTE 25A/25 CORRIDOR. THE COMMENT SHALL BE PUT
19 ON FILE AND SHALL BE AVAILABLE TO THE PUBLIC ON REQUEST. UPON RECEIPT OF
20 SUCH NOTIFICATION FROM THE MAYOR AND/OR TOWN SUPERVISOR THAT THE PROJECT
21 MAY HAVE AN ADVERSE IMPACT, THE AGENCY SHALL IMMEDIATELY CONTACT THE
22 MAYOR AND/OR TOWN SUPERVISOR FOR THE PURPOSE OF EXPLORING ALTERNATIVES
23 WHICH WOULD AVOID OR MITIGATE ADVERSE IMPACTS TO SUCH PROPERTY. TO THE
24 FULLEST EXTENT PRACTICABLE, IT IS THE RESPONSIBILITY OF EVERY STATE
25 AGENCY, CONSISTENT WITH OTHER PROVISIONS OF LAW, TO AVOID OR MITIGATE
26 ADVERSE IMPACTS ON THE HISTORIC, SCENIC, NATURAL AND CULTURAL ASSETS OF
27 THE ROUTE 25A/25 CORRIDOR.

28 S 4. The legislature commends a spirit of cooperation to the local
29 units of government, including villages, towns and counties, involved in
30 [this bicentennial effort] PROTECTING THE HISTORIC, SCENIC, NATURAL AND
31 CULTURAL ASSETS OF THE ROUTE 25A/25 CORRIDOR, and urges and specifically
32 authorizes joint efforts by local units of government, under such coor-
33 dinated efforts as they may determine to make with each other and with
34 public and private bodies, including citizen advisory units, to carry
35 out these purposes.

36 S 5. It shall be appropriate in the implementation of this act to
37 refer to particular projects thereof as being dedicated, in accordance
38 with this act, to the route [twenty-five-A] 25A/25 scenic and historic
39 corridor in the counties of Nassau and Suffolk in honor of the [bicen-
40 tennial of the] American Revolution AND MARITIME HERITAGE.

41 S 2. This act shall take effect immediately.