

3481--A

2015-2016 Regular Sessions

I N S E N A T E

February 10, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to require real property in the county of Richmond purchased by the governor's office of storm recovery, pursuant to the NY rising recovery program, to be placed in the custody and control of the office of parks, recreation and historic preservation

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

- 1 Section 1. All real property in the county of Richmond purchased by
2 the state or the governor's office of storm recovery, pursuant to the NY
3 rising recovery program, whether such purchase was prior to or after the
4 effective date of this act, shall be transferred to the custody and
5 control of the office of parks, recreation and historic preservation for
6 use pursuant to the parks, recreation and historic preservation law.
7 S 2. With respect to all real property transferred to the custody and
8 control of the office of parks, recreation and historic preservation
9 pursuant to section one of this act:
10 (a) all such land shall be dedicated and maintained in perpetuity as
11 open space for the conservation of natural floodplain functions.
12 Permissible uses include parks for outdoor recreational activities;
13 wetlands management; nature reserves; cultivation; grazing; camping
14 (except where adequate warning time is not available to allow evacuation);
15 unimproved, unpaved parking lots; buffer zones; and other uses
16 consistent with Federal Emergency Management Agency ("FEMA") guidance
17 for open space acquisition; and
18 (b) no new structures or improvements shall be erected on such land
19 other than:

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

LBD02111-02-5

1 (i) a public facility that is open on all sides and functionally
2 related to a designated open space or recreational use; or
3 (ii) a public restroom; or
4 (iii) a flood control structure; or
5 (iv) a structure that the local floodplain manager approves in writing
6 before the commencement of the construction of the structure.
7 Any improvements on the land shall be in accordance with state or
8 local floodplain management policies and practices. Any structures to be
9 built on the land according to this paragraph shall be flood proofed or
10 elevated to at least the base flood level plus one foot of freeboard, or
11 greater, if required by any state or local statute, rule or ordinance.
12 S 3. This act shall take effect immediately.