

4124--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 29, 2015

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 and a new subdivision 11 is  
9     added to read as follows:  
10    1. It is the intention of this article to offer the fullest possible  
11    support by the state and its agencies to those local governments that  
12    desire to revitalize their waterfronts. Accordingly, any local govern-  
13    ment [or], two or more local governments acting jointly, OR A COMMUNITY  
14    BOARD which has any portion of its jurisdiction contiguous to the  
15    state's coastal waters or inland waterways and which desires to partic-  
16    ipate may submit a waterfront revitalization program to the secretary as  
17    herein provided.  
18    2. The secretary may provide technical and financial assistance as  
19    provided in sections nine hundred seventeen and nine hundred eighteen OF  
20    THIS ARTICLE to any local government OR COMMUNITY BOARD for the prepara-  
21    tion of a waterfront revitalization program for the purposes of this  
22    article.

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

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1 3. A local government [or], two or more local governments acting  
2 jointly OR A COMMUNITY BOARD which intends to submit a waterfront re-  
3 vitalization program for the purposes of this article is strongly encour-  
4 aged to consult, during its preparation, with other entities that may be  
5 affected by its program, including local governments, county and  
6 regional agencies, appropriate port authorities, community based groups  
7 and state and federal agencies. On request by the local government OR  
8 COMMUNITY BOARD, the secretary shall take appropriate action to facili-  
9 tate such consultation.

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

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

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

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

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

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

1 11. FOR PURPOSES OF THIS SECTION, NO APPLICATION BY A COMMUNITY BOARD  
2 FOR PARTICIPATION SHALL BE CONSIDERED ELIGIBLE FOR THE AWARDED OF ANY  
3 GRANTS AVAILABLE HEREIN UNLESS THE APPLICATION ALSO INCLUDES CERTIF-  
4 ICATION BY THE BOROUGH PRESIDENT OF THE REQUISITE BOROUGH APPROVING THE  
5 SUBMISSION OF SUCH AN APPLICATION.

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

9 a. To any local governments, [or to] two or more local governments, OR  
10 TO COMMUNITY BOARDS, for projects approved by the secretary which lead  
11 to preparation of a waterfront revitalization program; provided, howev-  
12 er, that such grants shall not exceed fifty percent of the approved cost  
13 of such projects;

14 S 3. Section 911 of the executive law is amended by adding two new  
15 subdivisions 8 and 9 to read as follows:

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

18 9. "BOROUGH PRESIDENT" SHALL HAVE THE SAME MEANING AS SET FORTH IN  
19 CHAPTER FOUR OF THE NEW YORK CITY CHARTER.

20 S 4. This act shall take effect immediately.