

4824

2015-2016 Regular Sessions

I N S E N A T E

April 20, 2015

Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the parks, recreation and historic preservation law, in relation to defining boundaries of the Niagara river greenway

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

1 Section 1. Subdivision 1 of section 39.03 of the parks, recreation and  
2 historic preservation law, as added by chapter 460 of the laws of 2004,  
3 is amended to read as follows:

4 1. "Niagara river greenway" or "greenway" shall mean a linear system  
5 of state and local parks and conservation areas linked by a network of  
6 multi use trails within the greenway area [established by an approved  
7 plan of the commission as provided for in this article] WHICH SHALL  
8 INCLUDE: LANDS AND WATERS AS IDENTIFIED AS THE "GREENWAY FOCUS AREA"  
9 DESIGNATED WITHIN THE NIAGARA RIVER GREENWAY PLAN THAT INCLUDES AREAS  
10 WITHIN ADOPTED LOCAL WATERFRONT REVITALIZATION PLANS AND NEW YORK STATE  
11 COASTAL MANAGEMENT ZONES. ONLY THOSE PROJECTS LOCATED WITHIN THE GREEN-  
12 WAY FOCUS AREA MAY BE FUNDED. WITHIN THE TRIBUTARIES OF THE GREENWAY  
13 FOCUS AREA, ONLY THOSE PROJECTS WHICH DEMONSTRATE A DIRECT RELATIONSHIP  
14 TO WATER QUALITY IMPROVEMENT, ECOSYSTEM FUNCTION, OR TRAIL CONNECTIONS,  
15 MAY BE FUNDED.

16 S 2. The closing paragraph of section 39.07 of the parks, recreation  
17 and historic preservation law, as added by chapter 460 of the laws of  
18 2004, is amended to read as follows:

19 Such draft plan shall be submitted to the commissioner [of parks,  
20 recreation and historic preservation] within two years of the effective  
21 date of this article. The commissioner may approve the plan, may return  
22 the plan to the commission with recommendations for approval, or may  
23 reject such plan. Prior to submission of the draft plan to the commis-  
24 sioner, the commission shall hold at least one public hearing on the

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

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1 draft plan in each county for which the plan is applicable. The local  
2 legislative body of each city, town or village within the boundaries  
3 designated by the draft plan must approve the plan following the public  
4 hearing or hearings and before it is submitted to the commissioner. A  
5 copy of the approved plan shall be provided to the governor, the tempo-  
6 rary president of the senate and the speaker of the assembly. AS CREAT-  
7 ING A LINEAR SYSTEM OF STATE AND LOCAL PARKS AND CONSERVATION AREAS  
8 LINKED BY A NETWORK OF MULTI-USE TRAILS IS THE PRIMARY MISSION OF THE  
9 NIAGARA RIVER GREENWAY COMMISSION, THIS MISSION SHALL TAKE PRIORITY AND  
10 NO PROJECT WHICH DOES NOT FURTHER THIS MISSION, AS DESCRIBED AND DEFINED  
11 IN THIS PARAGRAPH, SHALL BE FUNDED.

12 S 3. Section 39.19 of the parks, recreation and historic preservation  
13 law, as added by chapter 460 of the laws of 2004, is amended to read as  
14 follows:

15 S 39.19 State actions. Each state agency shall review its actions  
16 within the greenway in relation to the consistency of such actions with  
17 the approved Niagara river greenway plan. HOWEVER, NO ACTION MAY BE  
18 TAKEN UNLESS IT IS CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND  
19 THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT AMENDED THIS  
20 SECTION.

21 S 4. This act shall take effect immediately.