

STATE OF NEW YORK

4489

2017-2018 Regular Sessions

IN SENATE

February 15, 2017

Introduced by Sens. MONTGOMERY, COMRIE -- 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 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.

23 3. A local government ~~[or]~~, two or more local governments acting
24 jointly or a community board which intends to submit a waterfront revi-

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

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1 talization program for the purposes of this article is strongly encour-
2 aged to consult, during its preparation, with other entities that may be
3 affected by its program, including local governments, county and
4 regional agencies, appropriate port authorities, community based groups
5 and state and federal agencies. On request by the local government or
6 community board, the secretary shall take appropriate action to facili-
7 tate such consultation.

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

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

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

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

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

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

54 11. For purposes of this section, no application by a community board
55 for participation shall be considered eligible for the awarding of any
56 grants available herein unless the application also includes certifi-

1 ication by the borough president of the requisite borough approving the
2 submission of such an application.

3 § 2. Paragraph a of subdivision 1 of section 918 of the executive law,
4 as added by chapter 840 of the laws of 1981, is amended to read as
5 follows:

6 a. To any local governments, [~~or to~~] two or more local governments, or
7 to community boards, for projects approved by the secretary which lead
8 to preparation of a waterfront revitalization program; provided, howev-
9 er, that such grants shall not exceed fifty percent of the approved cost
10 of such projects;

11 § 3. Section 911 of the executive law is amended by adding two new
12 subdivisions 8 and 9 to read as follows:

13 8. "Community board" shall have the same meaning as set forth in
14 section twenty-eight hundred of the New York city charter.

15 9. "Borough president" shall have the same meaning as set forth in
16 chapter four of the New York city charter.

17 § 4. This act shall take effect immediately.