

# STATE OF NEW YORK

6565

2019-2020 Regular Sessions

## IN SENATE

June 16, 2019

Introduced by Sens. KAVANAGH, HOYLMAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

AN ACT to amend the Hudson river park act, in relation to development or  
redevelopment of Pier 40 in the Hudson river park

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 9 of section 7 of chapter 592  
2 of the laws of 1998, constituting the Hudson river park act, is amended  
3 to read as follows:

4 (b) No less than the equivalent of fifty percent of the footprint of  
5 Pier 40 shall be passive and active public open space, except in such  
6 event that the Pier 40 building is developed or redeveloped with new or  
7 substantially rehabilitated structures for business, professional or  
8 governmental office use, then the equivalent of sixty-five percent of  
9 the footprint of Pier 40 shall be passive and active public open space  
10 effective at the time that a certificate of occupancy is issued for the  
11 redevelopment; provided that up to one hundred percent of this pier may  
12 be limited to park use by the general project plan. Notwithstanding any  
13 other provision of this act to the contrary, Pier 40 may be used for  
14 parking for passenger vehicles with a seating capacity of 10 passengers  
15 or less, provided however such use shall be predominantly for long-term  
16 parking not accessory to business, professional or governmental office  
17 use at the pier. No business, professional, or governmental office space  
18 shall exceed seven hundred thousand square feet, provided the trust may  
19 utilize up to an additional fifty thousand square feet of office space  
20 and fifty thousand square feet for operations space, notwithstanding the  
21 existing legal park-based commercial uses, park space, open space, park-  
22 ing, or any other component that will contribute to total zoning square  
23 footage, and provided further that no building or structure, including  
24 mechanical structures on top of a building or between floors, shall  
25 exceed a maximum height of eighty-eight feet. Any proposal for develop-

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

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1 ment or redevelopment shall give equal preference to adaptive re-use of  
2 the existing structure located on the pier as of the effective date of  
3 the chapter of the laws of 2019 that amended this paragraph and  
4 construction of a new structure. Any development or redevelopment shall  
5 include the preservation of the mural displayed in such structure as of  
6 the effective date of the chapter of the laws of 2019 that amended this  
7 paragraph created by Frank Nix entitled The Shipping Mural. Any develop-  
8 ment or redevelopment shall maintain a public open perimeter waterside  
9 walkway surrounding the entirety of the pier or so much of the pier as  
10 is feasible and provide space for a boathouse for small-scale boating  
11 and water access on the south side of the pier no less than currently  
12 exists on the pier as of the effective date of the chapter of the laws  
13 of 2019 that amended this paragraph. Any development or redevelopment  
14 shall provide for playing fields no less than three hundred and twenty  
15 thousand square feet, provided that every effort is made to place as  
16 much playing field space at ground level as is feasible. Any request for  
17 proposal for development or redevelopment shall only be issued upon a  
18 majority vote of the board. The trust shall form a Pier 40 Task Force.  
19 The task force shall consist of no fewer than six and no more than eight  
20 members from Manhattan Community Board 2, one member from Manhattan  
21 Community Board 1, one member from Manhattan Community Board 4, and the  
22 local, state, and federal elected officials whose districts abut the  
23 Hudson River Park. The chairs of Manhattan Community Boards 1, 2, and 4  
24 shall appoint task force members representing their respective Community  
25 Boards. The task force members representing Manhattan Community Boards  
26 1, 2, and 4 shall review and comment upon the request for proposal  
27 development program no less than ninety days before such request for  
28 proposal is released, but shall not be involved in the selection of  
29 contractors or other vendors. The local, state, and federal elected  
30 officials on the task force may review and comment upon the request for  
31 proposal development program no less than ninety days before such  
32 request for proposal is released, but shall not be involved in the  
33 selection of contractors or other vendors. Development or redevelopment  
34 shall comply with all zoning and other land use laws and regulations of  
35 the city of New York, and any passive and active public open space that  
36 may be developed or redeveloped pursuant to any overall pier development  
37 or redevelopment proposal shall be available to the general public with-  
38 out professional or commercial activity. Development or redevelopment  
39 shall be subject to and shall comply with the provisions of New York  
40 city's uniform land use review procedure. Pursuant to requirements set  
41 forth in this chapter, the trust shall comply with all requirements  
42 related to a proposed significant action, including but not limited to  
43 holding a public hearing on not less than thirty days' advance public  
44 notice.

45 § 2. Subdivision 11 of section 7 of chapter 592 of the laws of 1998,  
46 constituting the Hudson river park act, as amended by chapter 515 of the  
47 laws of 2018, is amended to read as follows:

48 11. Except as otherwise provided in this subdivision, in paragraph (j)  
49 of subdivision 1 of this section, in paragraph (b) of subdivision 3 of  
50 this section or in chapter 288 of the laws of 2005, the trust may not  
51 enter into a lease, concession agreement, license or other agreement  
52 relating to any part of the park for periods in excess of thirty years  
53 in total; except that such duration restriction shall not apply to (i)  
54 the Hudson river rail tunnel, which use shall be permitted, where the  
55 trust may enter into a lease for a term coterminous with its lease with  
56 the state of New York provided for in paragraph (b) of subdivision 3 of

1 this section, which lease shall be subject to automatic renewal with any  
2 extensions of the term of the underlying state lease that is authorized  
3 under this act and which lease shall provide for the project sponsor to  
4 restore for public open space use, at its cost and in accordance with  
5 plans provided by the trust, the surface portions of the park affected  
6 by or used temporarily in connection with construction and staging of  
7 the Hudson river rail tunnel, and (ii) piers 57, 59, 60, 61, 76, 81, 83  
8 and 98 where the trust may enter into a lease, concession agreement,  
9 license or other agreement for a term or terms that may be up to forty-  
10 nine years and except that such duration restriction shall not apply to  
11 such piers where the trust may enter into a lease, concession agreement,  
12 license or other agreement for a term or terms that may be up to nine-  
13 ty-nine years, provided, however, such lease, concession agreement,  
14 license or other agreement shall only occur upon the condition that such  
15 agreements are identified and authorized in a memorandum of understand-  
16 ing between the governor, the mayor of the city of New York, the tempo-  
17 rary president of the senate and the speaker of the assembly after  
18 consultation with the members of the assembly and senate representing  
19 the area where the pier that is the subject of the agreement is located;  
20 except pier 40, where the trust may enter into a lease, concession  
21 agreement, license or other agreement for a term or terms that may be up  
22 to 49 years with the option of one twenty-five year renewal and a second  
23 renewal for up to twenty-four years, provided, however, such lease,  
24 concession agreement, license or other agreement on pier 40 shall only  
25 occur upon a majority vote of the board; and provided further that any  
26 such agreement for a period in excess of ten years shall be for the  
27 purpose of assuring a lessee, licensee, concessionaire or other party to  
28 an agreement with adequate protection against loss of investments in  
29 developing, renovating, improving, furnishing, and equipping properties  
30 within the park. Any proposed lease, concession agreement, license or  
31 other agreement by the trust for a period in excess of ten years shall  
32 constitute a proposed significant action subject to the requirements of  
33 subdivision six of this section. The trust shall promulgate rules and  
34 regulations governing leases, concession agreements, licenses or other  
35 agreements. Such rules and regulations shall require the trust to issue  
36 a bid prospectus for any leases, concession agreements, licenses and  
37 other agreements which would provide for a total capital investment in  
38 the park of no less than one million dollars over the proposed term of  
39 the agreement, except that the trust shall not be required to issue a  
40 bid prospectus for a compatible governmental use. The bid prospectus  
41 submitted to prospective bidders shall contain specific information  
42 concerning the nature of the capital improvements or equipment to be  
43 provided by the successful bidder and shall be provided to community  
44 boards one, two and four within the borough of Manhattan.

45 § 3. Paragraph (vi) of subdivision (g) of section 3 of chapter 592 of  
46 the laws of 1998, constituting the Hudson river park act, as amended by  
47 chapter 517 of the laws of 2013, is amended to read as follows:

48 (vi) solely at pier 40 pursuant to the restrictions in paragraph (b)  
49 of subdivision 9 of section 7 and pier 57, business, professional or  
50 governmental offices;

51 § 4. This act shall take effect immediately.