

# STATE OF NEW YORK

6566

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 shall exceed  
24 a maximum height of eighty-eight feet, excluding mechanical structures,  
25 which dimensions and location would be designated pursuant to local law

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

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1 and which must in any event have the mechanical equipment fully screened  
2 with coverage on the roof of no more than twenty-five percent and set  
3 back from the building edge at a sky exposure plane ratio of not less  
4 than one to one and provided further that such mechanicals shall be no  
5 taller than twenty feet. Any proposal for development or redevelopment  
6 shall give equal preference to adaptive re-use of the existing structure  
7 located on the pier as of the effective date of the chapter of the laws  
8 of 2019 that amended this paragraph and construction of a new structure.  
9 Any development or redevelopment shall include the preservation of the  
10 mural displayed in such structure as of the effective date of the chap-  
11 ter of the laws of 2019 that amended this paragraph created by Frank Nix  
12 entitled The Shipping Mural. Any development or redevelopment shall  
13 maintain a public open perimeter waterside walkway surrounding the  
14 entirety of the pier or so much of the pier as is feasible and provide  
15 space for a boathouse for small-scale boating and water access on the  
16 south side of the pier no less than currently exists on the pier as of  
17 the effective date of the chapter of the laws of 2019 that amended this  
18 paragraph. Any development or redevelopment shall provide for playing  
19 fields no less than three hundred and twenty thousand square feet,  
20 provided that every effort is made to place as much playing field space  
21 at ground level as is feasible. Any request for proposal for development  
22 or redevelopment shall only be issued upon a majority vote of the board.  
23 The trust shall form a Pier 40 Task Force. The task force shall consist  
24 of no fewer than six and no more than eight members from Manhattan  
25 Community Board 2, one member from Manhattan Community Board 1, one  
26 member from Manhattan Community Board 4, and the local, state, and  
27 federal elected officials whose districts abut the Hudson River Park.  
28 The chairs of Manhattan Community Boards 1, 2, and 4 shall appoint task  
29 force members representing their respective Community Boards. The task  
30 force members representing Manhattan Community Boards 1, 2, and 4 shall  
31 review and comment upon the request for proposal development program no  
32 less than ninety days before such request for proposal is released, but  
33 shall not be involved in the selection of contractors or other vendors.  
34 The local, state, and federal elected officials on the task force may  
35 review and comment upon the request for proposal development program no  
36 less than ninety days before such request for proposal is released, but  
37 shall not be involved in the selection of contractors or other vendors.  
38 Development or redevelopment shall comply with all zoning and other land  
39 use laws and regulations of the city of New York, and any passive and  
40 active public open space that may be developed or redeveloped pursuant  
41 to any overall pier development or redevelopment proposal shall be  
42 available to the general public without professional or commercial  
43 activity. Development or redevelopment shall be subject to and shall  
44 comply with the provisions of New York city's uniform land use review  
45 procedure. Pursuant to requirements set forth in this chapter, the  
46 trust shall comply with all requirements related to a proposed signif-  
47 icant action, including but not limited to holding a public hearing on  
48 not less than thirty days' advance public notice.

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

52 11. Except as otherwise provided in this subdivision, in paragraph (j)  
53 of subdivision 1 of this section, in paragraph (b) of subdivision 3 of  
54 this section or in chapter 288 of the laws of 2005, the trust may not  
55 enter into a lease, concession agreement, license or other agreement  
56 relating to any part of the park for periods in excess of thirty years

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

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

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

55 § 4. This act shall take effect immediately.