

STATE OF NEW YORK

10224--B

IN ASSEMBLY

May 14, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simone, Glick, L. Rosenthal, Fall, Thiele, Gonzalez-Rojas, Epstein, Carroll) -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the Hudson river park act, in relation to the rights, powers, duties and jurisdiction of the Hudson river park trust and the boundaries and uses of the Hudson river park

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

- 1 Section 1. The opening paragraph of subdivision (e) and subdivisions
2 (g), (j) and (m) of section 3 of chapter 592 of the laws of 1998,
3 constituting the Hudson river park act, as amended by chapter 517 of the
4 laws of 2013, are amended to read as follows:
- 5 "Hudson river park" or "park" means the area in the city and county of
6 New York within the following boundaries, but excluding [~~pier 76 except~~
7 ~~as otherwise provided in paragraph (c) of subdivision nine of section~~
8 ~~seven of this act and~~] piers 78, 88, 90, 92 and 94 and their associated
9 upland areas:
- 10 (g) "Park/commercial use" means a use that is not a prohibited use and
11 is compatible with park use, and that is:
- 12 (i) a transportation water dependent use, including commercial mari-
13 time and marine ferry terminals;
- 14 (ii) an entertainment, retail, restaurant, broadcast, television, or
15 film or media studio facility, commercial recreational use, commercial
16 amusements, performing arts, schools and educational facilities;
- 17 (iii) limited parking spaces incidental to permitted uses;
- 18 (iv) solely at piers 59, 60, and 61 and the headhouse (commonly known
19 as "Chelsea Piers") the uses authorized at such piers and headhouse as
20 of the effective date of this act;
- 21 (v) a non-tourism/non-recreation heliport for commercial and emergen-
22 cy transportation use; [~~and~~]

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

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1 (vi) solely at [~~pier~~] piers 57 and 76, business, professional or
2 governmental offices[~~+~~], provided that at pier 76, the height of any
3 commercial office building may not exceed a height of one hundred eight-
4 y-five feet measured from the deck of the pier, excluding building
5 mechanicals, and provided further that any such office building may not
6 be located proximate to the pier's edge along the western or southern
7 portion of the pier; and

8 (vii) solely at pier 76, large-scale amusement rides and other tourist
9 attractions; warehouse facilities needed for waterborne transportation
10 activities occurring at the pier; and floating restaurants.

11 (j) "Prohibited use" means any of the following uses:

12 (i) residential;

13 (ii) manufacturing, except in furtherance of and incidental to park
14 uses, provided that small scale creation of artisan foods or other craft
15 products shall not be considered manufacturing;

16 (iii) warehousing;

17 (iv) hotel;

18 (v) incompatible governmental uses;

19 (vi) casino and riverboat gambling, and the docking of vessels to be
20 used substantially for gambling or for transportation to such a vessel;

21 (vii) any facility for motorized aircraft, including a heliport except
22 a heliport which is defined as a park/commercial use;

23 (viii) commercial office, except office space that is incidental to a
24 permitted use, and further provided that such prohibition shall not
25 apply to [~~pier~~] piers 57 and 76; and

26 (ix) other uses determined by the trust to be incompatible with the
27 purposes of this act.

28 (m) "Water dependent use" excludes any prohibited use and means:

29 (i) any use that depends on utilization of resources found in the
30 water section;

31 (ii) recreational activities that depend on access to the water
32 section, such as fishing, boating, swimming in such waters, passive
33 enjoyment of the Hudson river and wildlife protection and viewing;

34 (iii) facilities and incidental structures needed to dock and service
35 boats;

36 (iv) scientific and educational activities that by their nature
37 require access to marine reserve waters;

38 (v) the development, operation and maintenance of a non-tourism/non-
39 recreational heliport located between west 29th and west 32nd streets
40 provided (A) that there shall be no structures other than the helicopter
41 take-off or landing pads built on floating structures; and (B) such
42 floating structures shall be no higher than a pier deck at low tide; and

43 (vi) mooring or docking of a barge used as part of a cultural, educa-
44 tional, historic or other public programming in the park; provided that
45 no more than two barges may be moored or docked per year and provided
46 further that the duration of any such mooring or docking of a barge
47 shall be limited to six months per year at any location within the boun-
48 daries of the park, except that at pier 76, the limit of six months per
49 year shall not apply.

50 § 2. Subdivision 1-a of section 7 of chapter 592 of the laws of 1998,
51 constituting the Hudson river park act, as added by chapter 517 of the
52 laws of 2013, is amended to read as follows:

53 1-a. The trust shall not be authorized to forgo or assign any revenues
54 or payments due to it by law, provided however that the trust may assign
55 revenues or payments to maintain, reconstruct and repair the piers and
56 bulkheads existing and as depicted in the May 20, 1998 final environ-

1 mental impact statement within their historic footprints or boundaries
2 subject to a determination by the department of environmental conserva-
3 tion that, to the maximum extent practicable, any significant adverse
4 impact on the marine environment resulting from such maintenance, recon-
5 struction or repair will be minimized or avoided, and provided further
6 that the reconstruction of pier 54 and pier 76 shall not be subject to
7 the historic footprint restriction, provided that at pier 76, any change
8 to the historic footprint shall result in the same size footprint and in
9 more than fifty percent of the footprint dedicated to a park use.

10 § 3. Paragraphs (c) and (i) of subdivision 9 of section 7 of chapter
11 592 of the laws of 1998, constituting the Hudson river park act, para-
12 graph (c) as amended by section 2 of part WW of chapter 56 of the laws
13 of 2020 and paragraph (i) as amended by chapter 517 of the laws of 2013,
14 are amended to read as follows:

15 ~~(c) [(i) On or before July 1, 2020, the city of New York shall convey~~
16 ~~to the state of New York under the jurisdiction of the office of parks,~~
17 ~~recreation and historic preservation its interest in Pier 76, who, upon~~
18 ~~such conveyance shall immediately lease a possessory interest to the~~
19 ~~trust. Upon such conveyance, Pier 76 shall become part of the park and~~
20 ~~shall remain part of the park under the operational control of the trust~~
21 ~~and following redevelopment at least] No less than the equivalent of~~
22 ~~fifty percent of the Pier 76 footprint shall be used for park uses that~~
23 ~~are limited to passive and active open space [and which shall be contig-~~
24 ~~uous to water; and provided further that the remaining portion shall be~~
25 ~~for park/commercial use. (ii) The city of New York shall, prior to~~
26 ~~December 31, 2020, cease using or occupying Pier 76 for any purposes.~~
27 ~~Should the city of New York continue to use or occupy Pier 76 for any~~
28 ~~purpose subsequent to December 31, 2020, the city of New York shall (A)~~
29 ~~compensate the trust in the amount of twelve million dollars, and (B)~~
30 ~~beginning February 1, 2021, pay fees in the amount of three million~~
31 ~~dollars for each complete or partial month of occupancy. (iii) On or~~
32 ~~after the effective date of the chapter of the laws of 2020 which~~
33 ~~amended this paragraph, the trust shall be entitled to timely and~~
34 ~~reasonable access to Pier 76 for the purpose of conducting assessments~~
35 ~~and inspections necessary to further redevelopment of Pier 76 following~~
36 ~~its inclusion in the park. (iv) Beginning July 1, 2020, the city of New~~
37 ~~York shall periodically prepare and submit a report to the state of New~~
38 ~~York, with a copy to the trust, detailing actions taken by the city of~~
39 ~~New York to relocate the tow pound. In the event that the city provides~~
40 ~~demonstrable evidence of its effort to relocate the tow pound or any~~
41 ~~other city uses of Pier 76, initiation of and compliance with land use~~
42 ~~review processes and environmental review processes, such as, issuance~~
43 ~~of a request for qualifications or request for proposals for design or~~
44 ~~construction services for the project; and initiation and completion of~~
45 ~~construction of, and relocation to a replacement tow pound, the state of~~
46 ~~New York, in its sole discretion, may waive the fees assessed in subpar-~~
47 ~~agraph (iii) of this paragraph. (v) This paragraph may be enforced by a~~
48 ~~court of competent jurisdiction and in any suit brought by the state,~~
49 ~~through the attorney general, the trust shall not be a necessary party];~~
50 provided that up to one hundred percent of this pier may be limited to
51 park use as determined by the trust. Notwithstanding any other
52 provision of this act to the contrary, commercial or municipal parking
53 garages or facilities are not permitted at Pier 76.

54 (i) Consistent with the general project plan, the area of the park
55 east of the bulkhead line shall be used solely for park use and to
56 permit access to permitted uses; provided that this limitation shall not

1 apply to (i) the area east of the bulkhead line at pier 76 or those
2 areas east of the bulkhead line that are occupied by pier headhouses or
3 other pier-related structures at the base of piers 57, 59, 60, and 61;
4 (ii) a one story heliport terminal building, fuel tank structure and
5 five accessory parking spaces used in connection with a water dependent
6 non-tourism/non-recreational heliport to be located on a floating struc-
7 ture or fixed barge in the Hudson River located between west 29th and
8 west 32nd streets (referred to in this paragraph as "the site") provided
9 that the landing and takeoff area located east of the bulkhead may
10 continue to operate until the landing and takeoff area west of the bulk-
11 head is completed and operational. If the trust initiates a request for
12 proposals relating to a heliport, the trust shall meet the following
13 requirements:

14 (A) the trust shall form a West 30th street heliport site task force
15 consisting of: three members appointed by the chair of Manhattan commu-
16 nity board 4, and one member each appointed respectively by the Manhat-
17 tan borough president, and by the New York City councilmember, the New
18 York state senator, the New York state assembly member, and the United
19 States representative whose districts include the area of the site, and
20 one member appointed by the trust who has experience with or represents
21 a business or organization that mobilizes private sector resources to
22 spur economic opportunity, upward mobility and innovation, and one
23 member appointed by the trust who has experience with or represents a
24 business or organization with expertise in helicopter operations or
25 helipad siting and operations, and one member appointed by the commis-
26 sioners of the state departments of transportation and environmental
27 conservation acting jointly and by the commissioners of the New York
28 city department of transportation and the department of environmental
29 protection acting jointly. The task force shall review and comment upon
30 any draft request for proposals under this subparagraph before it is
31 issued; (B) the task force shall review and comment upon the proposed
32 request for proposals no less than ninety days before the final request
33 for proposal is issued; provided that members of the task force and the
34 officials who appointed them shall not be involved in the selection of
35 contractors or vendors under the request for proposals, except and
36 unless in relation to a public office held by the individual; (C) any
37 final plan, contract or lease for the site shall not exceed the require-
38 ments of this act; or (iii) an interim commercial recreational use along
39 the upland park area between 29th and 34th streets, provided that: (A)
40 any such related enclosed structure shall not exceed two stories; (B)
41 any such use and any related enclosed structure shall not exceed a maxi-
42 mum of two hundred feet in length and shall maintain open view corridors
43 to the Hudson river from streets running towards and away from the park
44 and shall not be located within any designated visual corridors consist-
45 ent with and to the extent required under the city of New York zoning
46 requirements; and (C) such interim upland commercial recreational use
47 shall not be permitted to be located or continue to operate after July
48 1, 2024.

49 § 4. Paragraph (c) of subdivision 3 of section 8 of chapter 592 of the
50 laws of 1998, constituting the Hudson river park act, is amended and a
51 new paragraph (g) is added to read as follows:

52 (c) Paragraph (b) of this subdivision shall not prohibit floating
53 structures, and lateral stabilizing elements to secure such floating
54 structures, for water dependent uses; minor improvements along the shore
55 front including bulkhead and other repairs, habitat restoration, and
56 platforms either for a waterfront esplanade or to allow public access to

1 the Hudson river; subject to the limitation that, in the aggregate, no
2 more than eight acres of the water section may be covered or altered by
3 floating structures or minor improvements at any time. Any building or
4 other structure constructed on a floating structure must be limited to
5 water dependent uses and may not exceed one story. No dredge spoils
6 shall be allowed for any purpose. Nothing in this subdivision shall
7 impair the ability of the trust or other persons to maintain navigabili-
8 ty or maintain, reconstruct and repair the piers and bulkheads existing
9 and as depicted in the May 20, 1998 final environmental impact statement
10 within their historic footprints or boundaries or as otherwise author-
11 ized in this chapter subject to a determination by the department of
12 environmental conservation that, to the maximum extent practicable, any
13 significant adverse impact on the marine environment resulting from such
14 maintenance, reconstruction or repair will be minimized or avoided.

15 (g) Notwithstanding the provisions of this section, pier 76 may be
16 reconstructed outside of its historic footprint provided that any change
17 to the historic footprint shall result in the same size footprint and in
18 more than fifty percent of the footprint dedicated to a park use.

19 § 5. Severability. If any provision of this act, or any application of
20 any provision of this act, is held to be invalid, or to violate or be
21 inconsistent with any federal law or regulation, that shall not affect
22 the validity or effectiveness of any other provision of this act, or of
23 any other application of any provision of this act, which can be given
24 effect without that provision or application; and to that end, the
25 provisions and applications of this act are severable.

26 § 6. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law.