

STATE OF NEW YORK

9408--A

IN SENATE

May 15, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- committee discharged, bill amended, 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 (e) 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~~]

23 (vi) solely at [~~pier~~] piers 57 and 76, business, professional or
24 governmental offices[+], provided that at pier 76, the height of any
25 commercial office building may not exceed a height of one hundred eight-

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

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1 y-five feet measured from the deck of the pier, excluding building
2 mechanicals, and provided further that any such office building may not
3 be located proximate to the pier's edge along the western or southern
4 portion of the pier; and

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

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

9 (i) residential;

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

13 (iii) warehousing;

14 (iv) hotel;

15 (v) incompatible governmental uses;

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

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

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

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

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

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

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

31 (iii) facilities and incidental structures needed to dock and service
32 boats;

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

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

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

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

50 1-a. The trust shall not be authorized to forgo or assign any revenues
51 or payments due to it by law, provided however that the trust may assign
52 revenues or payments to maintain, reconstruct and repair the piers and
53 bulkheads existing and as depicted in the May 20, 1998 final environ-
54 mental impact statement within their historic footprints or boundaries
55 subject to a determination by the department of environmental conserva-
56 tion that, to the maximum extent practicable, any significant adverse

1 impact on the marine environment resulting from such maintenance, recon-
2 struction or repair will be minimized or avoided, and provided further
3 that the reconstruction of pier 54 and pier 76 shall not be subject to
4 the historic footprint restriction, provided that at pier 76, any change
5 to the historic footprint shall result in the same size footprint and in
6 more than fifty percent of the footprint dedicated to a park use.

7 § 3. Paragraphs (c) and (i) of subdivision 9 of section 7 of chapter
8 592 of the laws of 1998, constituting the Hudson river park act, para-
9 graph (c) as amended by section 2 of part WW of chapter 56 of the laws
10 of 2020 and paragraph (i) as amended by chapter 517 of the laws of 2013,
11 are amended to read as follows:

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

51 (i) Consistent with the general project plan, the area of the park
52 east of the bulkhead line shall be used solely for park use and to
53 permit access to permitted uses; provided that this limitation shall not
54 apply to (i) the area east of the bulkhead line at pier 76 or those
55 areas east of the bulkhead line that are occupied by pier headhouses or
56 other pier-related structures at the base of piers 57, 59, 60, and 61;

1 (ii) a one story heliport terminal building, fuel tank structure and
2 five accessory parking spaces used in connection with a water dependent
3 non-tourism/non-recreational heliport to be located on a floating struc-
4 ture or fixed barge in the Hudson River located between west 29th and
5 west 32nd streets (referred to in this paragraph as "the site") provided
6 that the landing and takeoff area located east of the bulkhead may
7 continue to operate until the landing and takeoff area west of the bulk-
8 head is completed and operational. If the trust initiates a request for
9 proposals relating to a heliport, the trust shall meet the following
10 requirements:

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

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

43 (c) Paragraph (b) of this subdivision shall not prohibit floating
44 structures, and lateral stabilizing elements to secure such floating
45 structures, for water dependent uses; minor improvements along the shore
46 front including bulkhead and other repairs, habitat restoration, and
47 platforms either for a waterfront esplanade or to allow public access to
48 the Hudson river; subject to the limitation that, in the aggregate, no
49 more than eight acres of the water section may be covered or altered by
50 floating structures or minor improvements at any time. Any building or
51 other structure constructed on a floating structure must be limited to
52 water dependent uses and may not exceed one story. No dredge spoils
53 shall be allowed for any purpose. Nothing in this subdivision shall
54 impair the ability of the trust or other persons to maintain navigabili-
55 ty or maintain, reconstruct and repair the piers and bulkheads existing
56 and as depicted in the May 20, 1998 final environmental impact statement

1 within their historic footprints or boundaries or as otherwise author-
2 ized in this chapter subject to a determination by the department of
3 environmental conservation that, to the maximum extent practicable, any
4 significant adverse impact on the marine environment resulting from such
5 maintenance, reconstruction or repair will be minimized or avoided.

6 (g) Notwithstanding the provisions of this section, pier 76 may be
7 reconstructed outside of its historic footprint provided that 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 § 5. Severability. If any provision of this act, or any application of
11 any provision of this act, is held to be invalid, or to violate or be
12 inconsistent with any federal law or regulation, that shall not affect
13 the validity or effectiveness of any other provision of this act, or of
14 any other application of any provision of this act, which can be given
15 effect without that provision or application; and to that end, the
16 provisions and applications of this act are severable.

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