

# STATE OF NEW YORK

10224--C

## 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 -- 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;

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

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1 (v) a non-tourism/non-recreation heliport for commercial and emergen-  
2 cy transportation use; [~~and~~]

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

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

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

14 (i) residential;

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

18 (iii) warehousing;

19 (iv) hotel;

20 (v) incompatible governmental uses;

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

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

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

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

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

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

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

36 (iii) facilities and incidental structures needed to dock and service  
37 boats;

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

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

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

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

55 1-a. The trust shall not be authorized to forgo or assign any revenues  
56 or payments due to it by law, provided however that the trust may assign

1 revenues or payments to maintain, reconstruct and repair the piers and  
2 bulkheads existing and as depicted in the May 20, 1998 final environ-  
3 mental impact statement within their historic footprints or boundaries  
4 subject to a determination by the department of environmental conserva-  
5 tion that, to the maximum extent practicable, any significant adverse  
6 impact on the marine environment resulting from such maintenance, recon-  
7 struction or repair will be minimized or avoided, and provided further  
8 that the reconstruction of pier 54 and pier 76 shall not be subject to  
9 the historic footprint restriction, provided that at pier 76, any change  
10 to the historic footprint shall result in the same size footprint and in  
11 more than fifty percent of the footprint dedicated to a park use.

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

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

1 (i) Consistent with the general project plan, the area of the park  
2 east of the bulkhead line shall be used solely for park use and to  
3 permit access to permitted uses; provided that this limitation shall not  
4 apply to (i) the area east of the bulkhead line at pier 76 or those  
5 areas east of the bulkhead line that are occupied by pier headhouses or  
6 other pier-related structures at the base of piers 57, 59, 60, and 61;  
7 (ii) a one story heliport terminal building, fuel tank structure and  
8 five accessory parking spaces used in connection with a water dependent  
9 non-tourism/non-recreational heliport to be located on a floating struc-  
10 ture or fixed barge in the Hudson River located between west 29th and  
11 west 32nd streets (referred to in this paragraph as "the site") provided  
12 that the landing and takeoff area located east of the bulkhead may  
13 continue to operate until the landing and takeoff area west of the bulk-  
14 head is completed and operational. If the trust initiates a request for  
15 proposals relating to a heliport, the trust shall meet the following  
16 requirements:

17 (A) the trust shall form a West 30th street heliport site task force  
18 consisting of: three members appointed by the chair of Manhattan commu-  
19 nity board 4, two members appointed by the mayor of the city of New  
20 York, and one member each appointed respectively by the Manhattan  
21 borough president, and by the New York City councilmember, the New York  
22 state senator, the New York state assembly member, and the United States  
23 representative whose districts include the area of the site, and one  
24 member appointed by the trust who has experience with or represents a  
25 business or organization that mobilizes private sector resources to spur  
26 economic opportunity, upward mobility and innovation, and one member  
27 appointed by the trust who has experience with or represents a business  
28 or organization with expertise in helicopter operations or helipad  
29 siting and operations, and one member appointed by the commissioners of  
30 the state departments of transportation and environmental conservation  
31 acting jointly and by the commissioners of the New York city department  
32 of transportation and the department of environmental protection acting  
33 jointly. The task force shall review and comment upon any draft request  
34 for proposals under this subparagraph before it is issued; (B) the task  
35 force shall review and comment upon the proposed request for proposals  
36 no less than ninety days before the final request for proposal is  
37 issued; provided that members of the task force and the officials who  
38 appointed them shall not be involved in the selection of contractors or  
39 vendors under the request for proposals, except and unless in relation  
40 to a public office held by the individual; (C) any final plan, contract  
41 or lease for the site shall not exceed the requirements of this act; or

42 (iii) an interim commercial recreational use along the upland park area  
43 between 29th and 34th streets, provided that: (A) any such related  
44 enclosed structure shall not exceed two stories; (B) any such use and  
45 any related enclosed structure shall not exceed a maximum of two hundred  
46 feet in length and shall maintain open view corridors to the Hudson  
47 river from streets running towards and away from the park and shall not  
48 be located within any designated visual corridors consistent with and to  
49 the extent required under the city of New York zoning requirements; and  
50 (C) such interim upland commercial recreational use shall not be permit-  
51 ted to be located or continue to operate after July 1, 2024.

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

55 (c) Paragraph (b) of this subdivision shall not prohibit floating  
56 structures, and lateral stabilizing elements to secure such floating

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

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

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

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