

STATE OF NEW YORK

7277

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. SIMONE, GLICK -- read once and referred to the Committee on Cities

AN ACT to amend the Hudson river park act, in relation to prohibiting a heliport within the boundaries 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. Legislative findings. The legislature finds that the
2 planning, development and operation of the Hudson river park as a public
3 park continues to be a matter of state concern. As detailed in the
4 Hudson river park act, chapter 592 of the laws of 1998 as amended, the
5 creation, development, operation and maintenance of the Hudson river
6 park will enhance and protect the natural, cultural and historic aspects
7 of the Hudson river, enhance and afford quality public access to the
8 river, allow for an array of cultural and recreational programs and
9 provide a host of other public benefits. The changes to the 1998 law by
10 this act are intended to further enhance and protect the river and
11 increase public access and enjoyment of the Hudson river park.

12 § 2. Paragraph (g) of section 3 of chapter 592 of the laws of 1998,
13 constituting the Hudson river park act, as amended by chapter 517 of the
14 laws of 2013, is amended to read as follows:

15 (g) "Park/commercial use" means a use that is not a prohibited use and
16 is compatible with park use, and that is:

17 (i) a transportation water dependent use, including commercial mari-
18 time and marine ferry terminals;

19 (ii) an entertainment, retail, restaurant, broadcast, television, or
20 film or media studio facility, commercial recreational use, commercial
21 amusements, performing arts, schools and educational facilities;

22 (iii) limited parking spaces incidental to permitted uses;

23 (iv) solely at piers 59, 60, and 61 and the headhouse (commonly known
24 as "Chelsea Piers") the uses authorized at such piers and headhouse as
25 of the effective date of this act; and

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

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(v) [~~a non-tourism/non-recreation heliport for commercial and emergency transportation use, and~~
(vi)] solely at pier 57, business, professional or governmental offices[+].

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

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

(i) residential;

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

(iii) warehousing;

(iv) hotel;

(v) incompatible governmental uses;

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

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

(viii) commercial office, except office space that is incidental to a permitted use, and further provided that such prohibition shall not apply to pier 57; and

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

§ 4. Paragraph (m) of section 3 of chapter 592 of the laws of 1998, constituting the Hudson river park act, as amended by chapter 517 of the laws of 2013, is amended to read as follows:

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

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

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

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

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

(v) [~~the development, operation and maintenance of a non-tourism/non-recreational heliport located between west 29th and west 32nd streets provided (A) that there shall be no structures other than the helicopter take-off or landing pads built on floating structures, and (B) such floating structures shall be no higher than a pier deck at low tide, and~~
(vi)] mooring or docking of a barge used as part of a cultural, educational, historic or other public programming in the park; provided that

no more than two barges may be moored or docked per year and provided further that the duration of any such mooring or docking of a barge shall be limited to six months per year at any location within the boundaries of the park.

§ 5. Paragraph (i) of subdivision 9 of section 7 of chapter 592 of the laws of 1998, constituting the Hudson river park act, as amended by chapter 517 of the laws of 2013, is amended to read as follows:

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

57, 59, 60, and 61; ~~or (ii) [a one story heliport terminal building, fuel tank structure and five accessory parking spaces used in connection with a water dependent non tourism/non recreational heliport to be located on a floating structure located between west 29th and west 32nd streets provided that the landing and takeoff area located east of the bulkhead may continue to operate until the landing and takeoff area west of the bulkhead is completed and operational, or (iii)]~~ an interim commercial recreational use along the upland park area between 29th and 34th streets, provided that: (A) any such related enclosed structure shall not exceed two stories; (B) any such use and any related enclosed structure shall not exceed a maximum of two hundred feet in length and shall maintain open view corridors to the Hudson river from streets running towards and away from the park and shall not be located within any designated visual corridors consistent with and to the extent required under the city of New York zoning requirements; and (C) such interim upland commercial recreational use shall not be permitted to be located or continue to operate after July 1, ~~[2024]~~ 2028.

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

§ 7. This act shall take effect on the ninetieth day after it shall become a law. Effective immediately, the Hudson river park trust and any state or local official of appropriate jurisdiction may make regulations and take other actions reasonably necessary to implement this act on that date.