STATE OF NEW YORK

7615

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. RIVERA -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to designating the Scajaquada heritage area and establishing the Scajaquada heritage area commission; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Subdivision 1 of section 35.03 of the parks, recreation and historic preservation law is amended by adding a new paragraph (w) to read as follows:

(w) The Scajaquada heritage area, encompassing the cohesive geographic area of the city of Buffalo surrounding and associated with the Scajaquada creek.

§ 2. The parks, recreation and historic preservation law is amended by adding a new article 41 to read as follows:

ARTICLE 41

SCAJAQUADA HERITAGE AREA COMMISSION

Section 41.01 Legislative findings and intent.
41.03 Definitions.
41.05 Scajaquada heritage area commission.
41.07 Commission purpose.
41.09 Management plan.
41.11 Powers and duties of the commission.
41.13 Cooperation with the city of Buffalo, state agencies and public corporations.
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§ 41.01 Legislative findings and intent. The heritage area bounded by the Niagara River, Niagara Street, Forest Avenue, Delaware Avenue, Dele-

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

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van Avenue, Main Street, Jewett Parkway, Parkside Avenue, Nottingham Terrace, and Amherst Street is of unique and historic significance to the state. It is the intent of the legislature to establish the Scajaquada heritage area in the city of Buffalo as defined in paragraph (w) of subdivision one of section 35.03 of this title, to work with participating state and municipal agencies, organizations and residents in order to implement or cause to be implemented the preservation and enhancement of the historic, cultural, economic and architectural resources of the heritage area. The commission established by this article is designed to ensure and promote the accessibility to the resources in the heritage area to a broad range of academic and tourism interests. It is the intent of the legislature that the heritage area be marketed to niche market travelers and scholars and that economic development within its boundaries is consistent with the legislative intent, and the mission of the heritage area.

§ 41.03 Definitions. In addition to the definitions contained in section 31.01 of this title, whenever used in this article, unless a different meaning is clearly apparent from the context, the terms listed below shall have the following meanings:

1. "Scajaquada Heritage Area" or "heritage area" shall mean the preservation corridor located between the Niagara River, Niagara Street, Forest Avenue, Delaware Avenue, Delevan Avenue, Main Street, Jewett Parkway, Parkside Avenue, Nottingham Terrace, and Amherst Street or such other geographic corridors established by an approved management plan.

2. "Scajaquada heritage area commission" or "commission" shall mean the Scajaquada heritage area commission created pursuant to this article.

§ 41.05 Scajaquada heritage area commission. 1. The commission is hereby established as a not-for-profit corporation. The commission shall be governed by the not-for-profit corporation law except where such law conflicts with this article, in which case the provisions of this article shall govern. The commission shall consist of up to eleven voting members and six non-voting ex-officio members. One member each shall be appointed by the governor, the temporary president of the senate, and the speaker of the assembly. Other members shall include the mayor of the city of Buffalo or their designee, a representative of the Seneca Nation, two representatives of community groups specified herein, two representatives from environmental, cultural, or recreational organizations in the heritage area specified herein, and two academic representatives from institutions specified herein. Each term, two of the following community groups shall each appoint a representative: Black Rock Riverside Alliance, Vision Niagara, and Parkside Community Association. Each term, two of the following cultural, environmental, and recreational organizations shall each appoint a representative: Buffalo History Museum, Black Rock Historical Society, Buffalo Olmsted Parks Conservancy, Forest Lawn Cemetery, Darwin Martin House, Buffalo AKG Museum, Buffalo Niagara Waterkeeper, Go Bike Buffalo, Richardson Olmsted Campus, Buffalo Zoo, and Burchfield Penney Art Center. Each term, two of the following academic institutions shall each appoint a representative: Buffalo State University, University at Buffalo, Canisius University, Buffalo Public School number 305, and the Nichols School. No community group, environmental, cultural, and recreational organization, or academic institution may appoint a representative in two consecutive terms, and such appointments shall occur on a rotating basis, as determined by the commission. All appointees shall be residents of the city of Buffalo, but the commission has the authority to waive this require-

ment at its discretion. In addition, six non-voting members shall serve ex-officio: the secretary of state, the commissioners of the office of parks, recreation and historic preservation, the department of environmental conservation, the department of economic development, and the department of education, and the president of the city of Buffalo's convention and visitor's bureau or their designees. Appointments to the commission shall be filed with the commissioner who shall convene the first meeting of the commission following the filing of a majority of the appointments. At the initial meeting, the members of the commission shall select officers.

2. The term of office for appointees shall be four years. Members may serve on the commission until they resign or are replaced. In the event of a vacancy occurring other than by the expiration of a member's term, such vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

3. A majority of the voting members of the commission shall constitute a quorum.

4. The members of the commission shall receive no compensation for their services but shall be entitled to reimbursement for their expenses actually and necessarily incurred in the performance of their duties.

5. Notwithstanding any inconsistent provisions of law, general, special, or local, no officer or employee of the state or any civil division thereof shall be deemed to have forfeited or shall forfeit their office or employment by reason of their acceptance of membership on the commission.

6. Every state agency and public corporation having jurisdiction of land within the heritage area shall, to the fullest extent practicable, cooperate with and assist the commission in carrying out the provisions of this article.

7. Every local agency relating to the heritage area may offer assistance to the commission in carrying out the provisions of this article.

§ 41.07 Commission purpose. The purpose of the commission is to undertake all necessary actions to facilitate the creation of the Scajaquada heritage area in Buffalo, complete a management plan to ensure the long-term preservation and maintenance of such heritage area, and provide for the implementation and sustainability of undertaking recommendations of the completed management plan.

§ 41.09 Management plan. 1. Notwithstanding the provisions of section 35.05 of this title, the management plan shall:

(a) Designate the specific boundaries of the Scajaquada heritage area as depicted on a map accompanying the management plan;

(b) Develop a vision, goals, and objectives for the heritage area that focus on ensuring educational benefits to the public and prohibiting incompatible uses within the heritage area;

(c) Create an inventory of privately owned existing land and buildings;

(d) Identify other land and buildings that can contribute to the purposes of the heritage area;

(e) Recommend means of linking the heritage area to other historic amenities and commercial assets and describe the techniques or means of preservation and protection of historic and cultural resources within the heritage area;

(f) Evaluate the ways in which economic development activities in proximity to the heritage area can support, complement, and sustain the development of the heritage area;

(g) Describe the organizational structure to be utilized for long range planning, development, and management of the heritage area for a minimum of ten years, including the responsibilities and interrelationships of local, regional, and state agencies in the management process, and a program to provide maximum feasible private participation in the implementation of the management plan;

(h) Include a plan for the development of the heritage area as an academic destination that can provide opportunities for educational programs, including advanced scholarly research for students of all educational backgrounds. Such plan may include, but is not limited to, academic symposia, lectures, archive collections, library collections, and a museum;

(i) Include an economic assessment of the long- and short-term costs and benefits related to the establishment, operation, and maintenance of the heritage area, including a comprehensive estimate of the costs of implementing the management plan identified by source of funding and specifically delineating expected state, local, federal, and private contribution;

(j) Include a marketing plan, which shall include measures to target niche market travelers and scholars. Such plan shall include supporting evidence for targeting such travelers and shall consider out-of-state marketing as allowable in budgeting; and

(k) Make recommendations for the ongoing operation and maintenance of the Scajaquada heritage area.

2. The draft management plan shall be submitted to the commissioner for approval within four years of the effective date of this article. Prior to submitting the plan to the commissioner, the legislative representative body of the city of Buffalo shall approve the plan. The legislative body of the city of Buffalo, at its discretion and in the interest of expediting the local approval process, shall hold two public meetings at any time during the local approval process. The commissioner may approve the plan, may return the plan to the commission with recommendations for approval, or may reject the plan. A copy of the approved plan shall be provided to the governor, the temporary president of the senate and the speaker of the assembly.

3. Selected individual requirements or portions thereof for the management plan submissions may be waived by the commissioner provided that prior submissions to the office during a previous planning process are judged sufficient to fulfill the purpose of the management plan.

4. Approval of the management plan by the commissioner shall establish eligibility for the receipt of acquisition, development, and programming assistance from the state heritage area program within the defined heritage area boundaries. Nothing in this article shall prohibit the commission from applying for other grant programs or sources of funding.

§ 41.11 Powers and duties of the commission. The commission shall have the following powers and duties:

1. To have a seal and alter the same at its pleasure;

2. To acquire, hold, and dispose of personal property for its corporate purposes;

3. To make by-laws for the management and regulation of its affairs;

4. To appoint an executive officer, officers, agents, and employees, to prescribe their qualifications and to fix their compensation and to pay the same out of funds of the commission;

5. To enter into contracts and leases, and to execute all instruments necessary and convenient with any person, firm, partnership or corporation, either public or private, or the state;

6. To accept gifts, grants, loans, or contributions from, and enter into contracts or other transactions with, the United States and the state or any commission of either of them, any municipality, any public or private corporation, individual or other legal entity, and to use any such gift, grants, loans, or contributions to advance any of its purposes;

7. To designate the depositories of its money;

8. To establish and re-establish its fiscal year;

9. To prepare an annual report on the conduct of its activities which shall include a financial statement for that year and a work plan for the next year, which may include an estimate of the resources required to complete the commission's activities to be sent to the governor, the temporary president of the senate, and the speaker of the assembly;

10. To contract with the state as a not-for-profit corporation;

11. To organize and meet with a committee of planners for municipalities in or adjacent to the heritage area regarding regional projects and the provision of planning services;

12. To create advisory committees to advise on matters of interest, provided, however, there shall be created, at a minimum, a citizens' advisory committee consisting of representatives of local civic, commercial, educational, historic, and cultural organizations; and

13. To do all things necessary or convenient to carry out its purposes and exercise the powers expressly given in this article; provided, however, that no power is provided to the commission to operate any portion of the heritage area, to impose operating standards upon any portion of the heritage area, or to take property by eminent domain.

§ 41.13 Cooperation with the city of Buffalo, state agencies and public corporations. 1. The city of Buffalo, any state agency, or any public corporation may provide the commission with the services of its agents, employees, and facilities without charge to the commission. Persons serving as officers or employees of the commission may be employees of the city of Buffalo and the commission, and the commission may pay the city of Buffalo an agreed portion of the compensation or costs of such officers or employees.

2. Nothing contained in this article shall be deemed to affect, impair, or supersede the provisions of any city charter, local law, rule, or other local requirement or procedure heretofore or hereafter adopted, including but not limited to, any such provisions relating to the zoning and use of land.

§ 41.15 Appropriations by the city of Buffalo. To effectuate the purposes of this article, the city of Buffalo may appropriate and transfer to the commission moneys to be expended by the commission to carry out its functions pursuant to this article.

§ 41.17 State actions. Each state agency shall review its actions within the heritage area in relation to the consistency of such actions with the approved plan.

§ 41.19 State purpose. The development and implementation of a Scajaquada heritage area plan is considered a state purpose. Notwithstanding any law to the contrary, any state agency or public corporation within amounts appropriated or available therefore may offer assistance to the commission in support of its corporate purpose through the lending of staff or other resources to accomplish the purposes of this article.

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall expire and be deemed repealed five years after it shall have become law.