

STATE OF NEW YORK

8252

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. BRABENEC -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to permitting the town of Warwick to utilize preservation funds for the implementation of water quality improvement projects, aquatic habitat restoration projects, pollution prevention projects, and stormwater collecting systems

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

1 Section 1. Subdivisions 1, 3, and 4 of section 64-g of the town law,
2 as added by chapter 262 of the laws of 2005, are amended and two new
3 subdivisions 9-a and 11 are added to read as follows:

4 1. As used in this section, the following words and terms shall have
5 the following meanings:

6 (a) "Town" means the town of Warwick.

7 (b) "Community preservation" shall mean and include any of the
8 purposes outlined in subdivision four of this section.

9 (c) "Board" means the advisory board required pursuant to subdivision
10 five of this section.

11 (d) "Fund" means the community preservation fund created pursuant to
12 subdivision two of this section.

13 (e) "Water quality improvement project" means: (i) wastewater treat-
14 ment improvement projects; (ii) non-point source abatement and control
15 program projects developed pursuant to section eleven-b of the soil and
16 water conservation districts law, or title fourteen of article seventeen
17 of the environmental conservation law; (iii) aquatic habitat restoration
18 projects; (iv) pollution prevention projects; (v) the construction of
19 public water mains and connections to provide drinking water to inhabit-
20 ants whose drinking water supply has been contaminated by toxic chemi-
21 cals as defined in section 37-0301 of the environmental conservation
22 law, hazardous substances as defined in section 40-0105 of the environ-
23 mental conservation law or emerging contaminants as defined in section

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

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1 eleven hundred twelve of the public health law; and (vi) a septic system
2 replacement loan program, pursuant to section sixty-four-ee of this
3 article. Such projects shall have as their purpose the improvement of
4 existing water quality to meet existing specific water quality stand-
5 ards. Projects which have as a purpose to permit or accommodate new
6 growth shall not be included within this definition.

7 (f) "Town board" means the town board of the town of Warwick.

8 (g) "Aquatic habitat restoration project" means the planning, design,
9 construction, management, maintenance, reconstruction, revitalization,
10 or rejuvenation activities intended to improve waters of the state of
11 ecological significance or any part thereof, including, but not limited
12 to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and
13 shorelines thereof, to support a spawning, nursery, wintering, migrato-
14 ry, nesting, breeding, feeding, or foraging environment for fish and
15 wildlife and other biota.

16 (h) "Pollution prevention project" means the planning, design,
17 construction, improvement, maintenance or acquisition of facilities,
18 production processes, equipment or buildings owned or operated by muni-
19 cipalities for the reduction, avoidance, or elimination of the use of
20 toxic or hazardous substances or the generation of such substances or
21 pollutants so as to reduce risks to public health or the environment,
22 including changes in production processes or raw materials; such
23 projects shall not include incineration, transfer from one medium of
24 release or discharge to another medium, off-site or out-of-production
25 recycling, end-of-pipe treatment or pollution control.

26 (i) "Stormwater collecting system" means systems of conduits and all
27 other construction, devices, and appliances appurtenant thereto,
28 designed and used to collect and carry stormwater and surface water,
29 street wash, and other wash and drainage waters to a point source for
30 discharge.

31 3. The purposes of the fund shall be exclusively, (a) to implement a
32 plan for the preservation of community character as required by this
33 section, (b) to acquire interests or rights in real property for the
34 preservation of community character within the town including villages
35 therein in accordance with such plan and in cooperation with willing
36 sellers, (c) to establish a bank pursuant to a transfer of development
37 rights program consistent with section two hundred sixty-one-a of this
38 chapter, ~~and~~ (d) to provide a management and stewardship program for
39 such interests and rights consistent with subdivision nine of this
40 section and in accordance with such plan designed to preserve community
41 character, and (e) to implement water quality improvement projects,
42 aquatic habitat restoration projects, pollution prevention projects,
43 stormwater collecting systems, in accordance with a plan to preserve
44 community character and protect natural resources. Not more than ~~ten~~
45 thirty percent of the fund shall be utilized for the management and
46 stewardship program. Not more than ten percent of the fund shall be
47 utilized for the implementation of water quality improvement projects,
48 aquatic habitat restoration projects, pollution prevention projects, and
49 stormwater collecting systems, in accordance with a plan to preserve
50 community character and protect natural resources. If the implementation
51 of the community preservation project plan, adopted by the town board,
52 as provided in subdivision six of this section, has been completed, and
53 funds are no longer needed for the purposes outlined in this subdivi-
54 sion, then any remaining monies in the fund shall be applied to reduce
55 any bonded indebtedness or obligations incurred to effectuate the
56 purposes of this section.

1 4. Preservation of community character shall involve one or more of
2 the following: (a) establishment of parks, nature preserves, or recre-
3 ation areas; (b) preservation of open space, including agricultural
4 lands, provided, however, that farm buildings and structures used for
5 the marketing of farm products produced on such agricultural lands shall
6 be permitted; (c) preservation of lands of exceptional scenic value; (d)
7 preservation of aquifer recharge areas; (e) preservation of undeveloped
8 beachlands or shoreline; (f) establishment of wildlife refuges for the
9 purpose of maintaining native animal species diversity, including the
10 protection of habitat essential to the recovery of rare, threatened or
11 endangered species; (g) preservation of unique or threatened ecological
12 areas; (h) preservation of rivers and river areas in a natural, free-
13 flowing condition; (i) preservation of forested land; (j) preservation
14 of public access to lands for public use including lakes, stream rights
15 and waterways; (k) preservation of historic places and properties listed
16 on the New York state register of historic places and/or protected under
17 a municipal historic preservation ordinance or law; [and] (l) preserva-
18 tion of aquifer recharge areas; and (m) undertaking any of the aforemen-
19 tioned in furtherance of the establishment of a greenbelt.

20 9-a. (a) Except for interests or rights in real property acquired for
21 historic preservation purposes, management and stewardship projects
22 shall be only expended for: (i) projects which promote the protection or
23 enhancement of the natural, scenic, and open space character for which
24 the interests or rights in real property were acquired; (ii) accessory
25 uses related to the purpose for which the interests or rights in real
26 property were acquired consistent with subdivision nine of this section;
27 or (iii) restoration of acquired real property to its natural state
28 including the demolition of existing buildings and structures.

29 (b) In the case of interests or rights in real property acquired for
30 historic preservation purposes, funds may be expended only for the
31 restoration and rehabilitation of buildings and structures consistent
32 with accepted standards for historic preservation.

33 (c) Expenses related to the customary operation and maintenance of
34 acquired interests or rights in real property shall be permitted from
35 the fund.

36 (d) Any project funded pursuant to this subdivision shall have a
37 useful life of five years or more under section 11.00 of the local
38 finance law.

39 11. The cost of employees and independent contractors to implement the
40 provisions of this section shall only be paid for by the fund where the
41 duties and responsibilities of said employees and independent contrac-
42 tors are directly dedicated to implementing the provisions of this
43 section. Where such employees and independent contractors are not
44 exclusively dedicated to implementing the provisions of this section, no
45 more than the cost of the actual time expended directly dedicated to
46 implementing the provisions of this section may be charged to the fund.
47 Such costs shall be expressly identified in the town budget and any plan
48 adopted pursuant to this section before funds for such costs shall be
49 expended. In addition, such costs shall be documented by a time
50 accounting system, subject to audit. Costs relating to the activities of
51 elected officials implementing the purposes of this section shall not be
52 a charge to the fund.

53 § 2. This act shall take effect immediately.