

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.

41.15 Appropriations by the city of Buffalo.

41.17 State actions.

41.19 State purpose.

§ 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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1 van Avenue, Main Street, Jewett Parkway, Parkside Avenue, Nottingham
2 Terrace, and Amherst Street is of unique and historic significance to
3 the state. It is the intent of the legislature to establish the Scaja-
4 quada heritage area in the city of Buffalo as defined in paragraph (w)
5 of subdivision one of section 35.03 of this title, to work with partic-
6 ipating state and municipal agencies, organizations and residents in
7 order to implement or cause to be implemented the preservation and
8 enhancement of the historic, cultural, economic and architectural
9 resources of the heritage area. The commission established by this arti-
10 cle is designed to ensure and promote the accessibility to the resources
11 in the heritage area to a broad range of academic and tourism interests.
12 It is the intent of the legislature that the heritage area be marketed
13 to niche market travelers and scholars and that economic development
14 within its boundaries is consistent with the legislative intent, and the
15 mission of the heritage area.

16 § 41.03 Definitions. In addition to the definitions contained in
17 section 31.01 of this title, whenever used in this article, unless a
18 different meaning is clearly apparent from the context, the terms listed
19 below shall have the following meanings:

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

25 2. "Scajaquada heritage area commission" or "commission" shall mean
26 the Scajaquada heritage area commission created pursuant to this arti-
27 cle.

28 § 41.05 Scajaquada heritage area commission. 1. The commission is
29 hereby established as a not-for-profit corporation. The commission shall
30 be governed by the not-for-profit corporation law except where such law
31 conflicts with this article, in which case the provisions of this arti-
32 cle shall govern. The commission shall consist of up to eleven voting
33 members and six non-voting ex-officio members. One member each shall be
34 appointed by the governor, the temporary president of the senate, and
35 the speaker of the assembly. Other members shall include the mayor of
36 the city of Buffalo or their designee, a representative of the Seneca
37 Nation, two representatives of community groups specified herein, two
38 representatives from environmental, cultural, or recreational organiza-
39 tions in the heritage area specified herein, and two academic represen-
40 tatives from institutions specified herein. Each term, two of the
41 following community groups shall each appoint a representative: Black
42 Rock Riverside Alliance, Vision Niagara, and Parkside Community Associ-
43 ation. Each term, two of the following cultural, environmental, and
44 recreational organizations shall each appoint a representative: Buffalo
45 History Museum, Black Rock Historical Society, Buffalo Olmsted Parks
46 Conservancy, Forest Lawn Cemetery, Darwin Martin House, Buffalo AKG
47 Museum, Buffalo Niagara Waterkeeper, Go Bike Buffalo, Richardson Olmsted
48 Campus, Buffalo Zoo, and Burchfield Penney Art Center. Each term, two of
49 the following academic institutions shall each appoint a representative:
50 Buffalo State University, University at Buffalo, Canisius University,
51 Buffalo Public School number 305, and the Nichols School. No community
52 group, environmental, cultural, and recreational organization, or
53 academic institution may appoint a representative in two consecutive
54 terms, and such appointments shall occur on a rotating basis, as deter-
55 mined by the commission. All appointees shall be residents of the city
56 of Buffalo, but the commission has the authority to waive this require-

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

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

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

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

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

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

30 7. Every local agency relating to the heritage area may offer assist-
31 ance to the commission in carrying out the provisions of this article.

32 § 41.07 Commission purpose. The purpose of the commission is to under-
33 take all necessary actions to facilitate the creation of the Scajaquada
34 heritage area in Buffalo, complete a management plan to ensure the long-
35 term preservation and maintenance of such heritage area, and provide for
36 the implementation and sustainability of undertaking recommendations of
37 the completed management plan.

38 § 41.09 Management plan. 1. Notwithstanding the provisions of section
39 35.05 of this title, the management plan shall:

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

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

45 (c) Create an inventory of privately owned existing land and build-
46 ings;

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

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

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

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

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

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

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

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

25 2. The draft management plan shall be submitted to the commissioner
26 for approval within four years of the effective date of this article.
27 Prior to submitting the plan to the commissioner, the legislative repre-
28 sentative body of the city of Buffalo shall approve the plan. The legis-
29 lative body of the city of Buffalo, at its discretion and in the inter-
30 est of expediting the local approval process, shall hold two public
31 meetings at any time during the local approval process. The commissioner
32 may approve the plan, may return the plan to the commission with recom-
33 mendations for approval, or may reject the plan. A copy of the approved
34 plan shall be provided to the governor, the temporary president of the
35 senate and the speaker of the assembly.

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

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

45 § 41.11 Powers and duties of the commission. The commission shall have
46 the following powers and duties:

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

48 2. To acquire, hold, and dispose of personal property for its corpo-
49 rate purposes;

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

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

54 5. To enter into contracts and leases, and to execute all instruments
55 necessary and convenient with any person, firm, partnership or corpo-
56 ration, either public or private, or the state;

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

7 7. To designate the depositories of its money;

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

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

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

15 11. To organize and meet with a committee of planners for munici-
16 palities in or adjacent to the heritage area regarding regional projects
17 and the provision of planning services;

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

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

27 § 41.13 Cooperation with the city of Buffalo, state agencies and
28 public corporations. 1. The city of Buffalo, any state agency, or any
29 public corporation may provide the commission with the services of its
30 agents, employees, and facilities without charge to the commission.
31 Persons serving as officers or employees of the commission may be
32 employees of the city of Buffalo and the commission, and the commission
33 may pay the city of Buffalo an agreed portion of the compensation or
34 costs of such officers or employees.

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

40 § 41.15 Appropriations by the city of Buffalo. To effectuate the
41 purposes of this article, the city of Buffalo may appropriate and trans-
42 fer to the commission moneys to be expended by the commission to carry
43 out its functions pursuant to this article.

44 § 41.17 State actions. Each state agency shall review its actions
45 within the heritage area in relation to the consistency of such actions
46 with the approved plan.

47 § 41.19 State purpose. The development and implementation of a Scaja-
48 quada heritage area plan is considered a state purpose. Notwithstanding
49 any law to the contrary, any state agency or public corporation within
50 amounts appropriated or available therefore may offer assistance to the
51 commission in support of its corporate purpose through the lending of
52 staff or other resources to accomplish the purposes of this article.

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