§ 44-0119. Greenway compact.

1. The council shall guide and support a cooperative planning process to establish a voluntary regional compact among the counties, cities, towns and villages of the greenway to further the recommended criteria of natural and cultural resource protection, conservation and management of renewable natural resources, regional planning, economic development, public access and heritage education.

2. Initially, the council shall offer technical assistance from the conservancy and state agencies to the riverside communities in attaining the goal of establishing and having maximum effective implementation of local planning and zoning through natural and cultural resources inventories, the adoption of a comprehensive zoning ordinance or local law, master plan, site plan and subdivision plat review consistent with the greenway criteria. The council shall also encourage the use of cluster zoning, historic preservation ordinances, transfer of development rights, conservation easements, designation of critical environmental areas and other zoning techniques where appropriate to attain local planning and environmental objectives and participation in the coastal management program and the state urban cultural park program. The council and the conservancy may each, consistent with their respective responsibilities as provided in this article, enter into contracts not to exceed fifty percent of project cost with riverside communities and in consultation with appropriate state agencies for purposes of administrating grants pursuant to this subdivision including, but not limited to, grants to conduct natural and cultural resources inventories, prepare or update a master plan, a zoning ordinance, a transfer of development rights ordinance, a local government waterfront revitalization program, an urban cultural park feasibility study or management plan or a tourism development feasibility study or plan. Any community which receives a grant pursuant to this subdivision may, at the discretion of the council or the conservancy, contribute its fifty percent of the project cost in the form of an in kind or other non-monetary contribution.

3. Not later than four years after the effective date of this article,

the council shall convene meetings of the chief elected officials of counties, cities, towns and villages or their designated representatives for each of the subregional districts designated by the council. Such officials in each district shall organize to prepare, or cause to be prepared within twenty-four months, a comprehensive regional plan for their district to be submitted to the council. The conservancy shall offer technical assistance in preparation of such plans and amendments thereof. Within funds available therefor, the council shall grant funds to meet the cost of each regional plan and amendments thereof. Each such regional plan shall address the greenway criteria and the objectives adopted by the council by provisions including, but not limited to, identifying developments of regional impact and areas of regional concern including, but not limited to identifying necessary public facilities and infrastructure consistent with such criteria and objectives and providing for the voluntary adoption by action of a local legislative body and implementation of relevant provisions by each participating county, city, town and village. The council shall review each regional plan for its consistency with the greenway criteria and objectives and to assure that the regional plans conform to establish an overall greenway compact. Upon finding such consistency and conformance, the council shall approve the regional plan and, upon approving all the regional plans, shall produce an overall greenway plan to be known as the compact. If the local officials in any district fail to produce a regional plan for their district or submit such plan which the council cannot approve, the council may prepare or cause to be prepared a district plan which cities, towns and villages in such district may voluntarily adopt by local law to become participating communities. The council's actions shall not be inconsistent with the requirements of article forty-two of the executive law in approving any regional plan.

4. Upon approval by the council of a regional plan, each county, city, town or village within the district for which the plan was prepared and which adopted the plan by its local legislative body shall become a participating community in the greenway compact by adopting the regional plan as provided in such plan.

4-a. Notwithstanding any other provision of this article, the mayor of

the city of New York may submit those portions of such city's waterfront revitalization program, prepared pursuant to article forty-two of the executive law and adopted through the process for the adoption and amendment of plans contained in the charter of such city, as such program applies to areas within the greenway, as the regional plan for the region comprised of the areas of Bronx and New York counties designated pursuant to section 44-0109 of this article. The mayor of such city may submit amendments to such regional plan adopted through the process for the adoption and amendment of plans contained in the charter of such city. Any such plan or amendment thereof submitted pursuant to this subdivision shall be deemed to have been approved pursuant to this section and, upon submission of such plan, the areas of the city of New York designated pursuant to section 44-0109 of this article and which are also included within such plan shall be deemed to be a participating community and, unless otherwise specified, the mayor of such city shall exercise the authority granted to such participating community. Solely for purposes of subdivision five of this section the plan submitted by the city of New York pursuant to this section and any amendments thereto shall not be deemed a generic environmental impact statement or regional plan.

4-b. 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 requirements and procedures heretofore or hereafter adopted, including, but not limited to, any such provisions relating to the zoning and use of land.

5. A regional plan prepared consistent with the procedures of section 8-0109 of this chapter relating to the preparation and contents of an environmental impact statement shall be considered a generic environmental impact statement. Actions proposed in conformance with the conditions and thresholds established in such regional plan will require no further compliance with article eight of this chapter.

6. Notwithstanding any other provision of law, any state agency may provide in implementing a ranking system for allocating funds for infrastructure, land acquisition or park assistance projects a

preference not to exceed the equivalent of an advantage of five percent for such projects which are identified in a regional plan approved pursuant to this section.

* 7. For each such participating community there shall be indemnity from the state in the event of legal actions brought against the community or its agents that may result from the community's acquisition of land consistent with its regional plan or the adoption or implementation of any land use control including, but not limited to, a zoning law or ordinance. Such indemnity shall not apply to the counties of New York and Bronx for such legal actions brought as a result of New York City's adoption of a regional plan or amendments thereto pursuant to subdivision four-a of this section. Such indemnity shall apply to the extent that any such claim exceeds the insurance coverage obtained by the council pursuant to subdivision twenty-three of section 44-0107 of this article; provided, however, such indemnity shall not apply to any such claim that results from intentional wrongdoing, recklessness, gross negligence or an unlawful discriminatory practice as provided in subdivisions two, two-a, three-b, four, paragraphs (a) and (b) of subdivision five and subdivisions six, seven, fourteen and eighteen of section two hundred ninety-six of the executive law and 42 U.S.C. § § 1981, 1983 by such community or its agents. In any claim against a participating community of unlawful discriminatory practice, the attorney general shall not represent the defendant or defendants; provided, however, that if the plaintiff is not the prevailing party, the defendant or defendants shall be reimbursed by the state for all reasonable attorneys' fees and litigation expenses incurred in the defense of the action.

* NB Repealed December 31, 2027

8. Pursuant to a chapter of the laws of New York to be enacted, authority shall be granted for a community to utilize other innovative zoning techniques in carrying out the compact.

9. In addition to any other funds available from the state, participating communities and nonprofit entities designated by such communities shall be eligible for capital, program and planning matching grants from the council and the conservancy including, but not limited

to grants for municipal historic preservation projects to acquire, restore or rehabilitate property listed on the state or national registers of historic places or for educational programs related to such historic places, municipal park projects for the acquisition, development or improvement of recreational facilities or the acquisition of land for open space conservation and management of renewable natural resources and natural resource protection including the preservation of endangered species and their natural communities, waterfront revitalization projects to acquire land for public access to the Hudson river or to protect river resources or to clear waterfront sites for public or private water dependent uses or to develop, improve or rehabilitate water dependent or waterfront facilities including wharfs and piers, consistent with a local waterfront revitalization program, urban cultural park projects for planning, program, acquisition or development consistent with the purposes of article thirty-five of the parks, recreation and historic preservation law, tourism marketing projects, development and commercial revitalization and community development programs and projects, natural resources inventories, agriculture preservation projects and public and private infrastructure improvement related to the development of the greenway trail, from money appropriated from the Hudson river valley greenway fund. The state share of the cost of such projects shall not exceed fifty percent of the total project cost. Such grants shall be made by the council and the conservancy consistent with their respective responsibilities as provided in this article. The council and conservancy shall enter into contracts with participating communities and in consultation with appropriate state agencies for the purpose of administering these grants.

10. The council and conservancy shall create a committee comprised of three members from each who shall establish a procedure by which other grants not delineated herein, which are consistent with the greenway criteria, shall be made.

11. Notwithstanding any other provision of law, participating communities shall be eligible to take part in and receive grants and loans from the urban development corporation's urban and community

development program and regional economic development program.

12. The council may, after holding a public hearing in the appropriate district, withdraw its approval of a regional plan where it finds that there has been a significant failure to implement such plan by a majority of the participating counties, cities, towns and villages within the district. When approval has been withdrawn from a regional plan, the communities therein may not have the benefits of participating communities pursuant to subdivisions five through nine of this section. The council shall report such withdrawal of approval to the governor and the legislature stating the reasons for such action consistent with subdivisions one through six of this section.

13. The council may promulgate rules and regulations providing for maintaining and updating the compact.