

McKINNEY'S 2008 SESSION LAW NEWS OF NEW YORK
231st LEGISLATURE

Additions are indicated by **Text**; deletions by
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CHAPTER 596
A. 11773
CITY OF NEW YORK DEPARTMENT OF SANITATION WATER-DEPENDENT MARINE TRANSFER
STATION

Approved and effective September 25, 2008

AN ACT to permit the city of New York to operate a city of New York department of sanitation water-dependent marine transfer station to process recyclable materials generated in the county of New York on the Gansevoort peninsula

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

§ 1. Notwithstanding subdivision 8 and paragraph d of subdivision 9 of section 7 of chapter 592 of the laws of 1998, the state of New York Office of Parks, Recreation and Historic Preservation shall be authorized to permit the city of New York to construct and operate a city of New York department of sanitation water-dependent marine transfer station to process recyclable materials generated in the county of New York on the Gansevoort peninsula more particularly described in section three of this act.

§ 2. The authorization provided in section one of this act shall take effect only upon the condition that the city of New York shall have entered into a memorandum of understanding (MOU) with the governor, the mayor of the city of New York, the temporary president of the senate and the speaker of the assembly to identify (1) the sum of money that the city and state of New York shall dedicate for the purpose of implementing eligible projects to acquire and/or improve park lands located in the Hudson river park or eligible for inclusion in the Hudson River park under subdivision (e) section 3 of chapter 592 of the laws of 1998 and (2) a list of such eligible projects. Such sum of money shall supplement and not supplant funds appropriated or budgeted for Hudson river park purposes. Such funds shall be spent during the time period described in the MOU. Further, the authorization contained in section one of this act shall be subject to the requirement that the state of New York Office of Parks, Recreation and Historic Preservation and the city of New York, as co-lead agencies, shall complete a supplemental environmental impact statement on the construction and operation of a city of New York department of sanitation water-dependent marine transfer station to process recyclable materials generated in the county of New York on the Gansevoort peninsula on the lands described in section three of this act.

§ 3. The land authorized to be discontinued as park land for the construction of and operation of a city of New York department of sanitation water-dependent marine transfer station to process recyclable materials generated in the county of New York is located in the borough of Manhattan on a portion of land described as Lot 1 of Block 651 on the city map and includes the land within ten feet of and beneath the two story steel structure that

stands to the west of the bulkhead line and between Gansevoort Street and Bloomfield Street, the land under a segment of an access ramp/road that is attached to the two story steel structure that stands to the west of the bulkhead line and between Gansevoort Street and Bloomfield Street, and the land under a to be developed vehicle ramp/access road that will be approximately twenty-five (25) feet wide, beginning at the west side of Route 9A, rise to approximately 20 feet above grade and then generally run as an elevated roadway along the northern, then run south along the western edge of the site and then turn due west into the recyclables marine transfer station. The amount of land to be discontinued as park land is approximately 1.36 acres.

§ 4. The authorization provided in section one of this act is conditioned on the city of New York maintaining public access to the pedestrian and bicycle pathways adjacent to the land described in section three of this act at all times during and after construction and operation of the city of New York department of sanitation water-dependent marine transfer station.

§ 5. Any lands permitted to be used by the city of New York pursuant to section one of this act shall be used exclusively for the purpose of constructing and operating a city of New York department of sanitation water-dependent marine transfer station to process recyclable materials generated in the county of New York and upon termination of such use of the lands so transferred such lands shall revert to the State of New York for park use as defined in chapter 592 of the laws of 1998 enacting the Hudson River Park Act.

§ 6. If the land described in section three of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of park land authorized by the provisions of this act shall not occur until the city of New York has complied with the federal requirements pertaining to the conversion of park lands, including satisfying the secretary of the interior that the discontinuance will include conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being discontinued.

§ 7. Nothing in this act shall be interpreted to modify or preempt any obligations the city of New York may have pursuant to any settlement agreements entered into regarding the Gansevoort peninsula at Gansevoort Street.

§ 8. This act shall take effect immediately.

NY LEGIS 596 (2008)

END OF DOCUMENT