

STATE OF NEW YORK

6962

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the Hudson river park act, in relation to prohibiting a heliport within the boundaries of the Hudson river park

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

1 Section 1. Legislative findings. The legislature finds that the
2 planning, development and operation of the Hudson river park as a public
3 park continues to be a matter of state concern. As detailed in the
4 Hudson river park act, chapter 592 of the laws of 1998 as amended, the
5 creation, development, operation and maintenance of the Hudson river
6 park will enhance and protect the natural, cultural and historic aspects
7 of the Hudson river, enhance and afford quality public access to the
8 river, allow for an array of cultural and recreational programs and
9 provide a host of other public benefits. The changes to the 1998 law by
10 this act are intended to further enhance and protect the river and
11 increase public access and enjoyment of the Hudson river park.

12 § 2. Paragraph (g) of section 3 of chapter 592 of the laws of 1998,
13 constituting the Hudson river park act, as amended by chapter 517 of the
14 laws of 2013, is amended to read as follows:

15 (g) "Park/commercial use" means a use that is not a prohibited use and
16 is compatible with park use, and that is:

17 (i) a transportation water dependent use, including commercial mari-
18 time and marine ferry terminals;

19 (ii) an entertainment, retail, restaurant, broadcast, television, or
20 film or media studio facility, commercial recreational use, commercial
21 amusements, performing arts, schools and educational facilities;

22 (iii) limited parking spaces incidental to permitted uses;

23 (iv) solely at piers 59, 60, and 61 and the headhouse (commonly known
24 as "Chelsea Piers") the uses authorized at such piers and headhouse as
25 of the effective date of this act; and

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

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1 (v) [~~a non-tourism/non-recreation heliport for commercial and emergen-~~
2 ~~cy transportation use, and~~
3 ~~(vi)~~] solely at pier 57, business, professional or governmental
4 offices[+].

5 § 3. Paragraph (j) of section 3 of chapter 592 of the laws of 1998,
6 constituting the Hudson river park act, as amended by chapter 517 of the
7 laws of 2013, is amended to read as follows:

8 (j) "Prohibited use" means any of the following uses:

9 (i) residential;

10 (ii) manufacturing, except in furtherance of and incidental to park
11 uses, provided that small scale creation of artisan foods or other craft
12 products shall not be considered manufacturing;

13 (iii) warehousing;

14 (iv) hotel;

15 (v) incompatible governmental uses;

16 (vi) casino and riverboat gambling, and the docking of vessels to be
17 used substantially for gambling or for transportation to such a vessel;

18 (vii) any facility for motorized aircraft, including a heliport
19 [~~except a heliport which is defined as a park/commercial use~~];

20 (viii) commercial office, except office space that is incidental to a
21 permitted use, and further provided that such prohibition shall not
22 apply to pier 57; and

23 (ix) other uses determined by the trust to be incompatible with the
24 purposes of this act.

25 § 4. Paragraph (m) of section 3 of chapter 592 of the laws of 1998,
26 constituting the Hudson river park act, as amended by chapter 517 of the
27 laws of 2013, is amended to read as follows:

28 (m) "Water dependent use" excludes any prohibited use and means:

29 (i) any use that depends on utilization of resources found in the
30 water section;

31 (ii) recreational activities that depend on access to the water
32 section, such as fishing, boating, swimming in such waters, passive
33 enjoyment of the Hudson river and wildlife protection and viewing;

34 (iii) facilities and incidental structures needed to dock and service
35 boats;

36 (iv) scientific and educational activities that by their nature
37 require access to marine reserve waters; and

38 (v) [~~the development, operation and maintenance of a non-tourism/non-~~
39 ~~recreational heliport located between west 29th and west 32nd streets~~
40 ~~provided (A) that there shall be no structures other than the helicopter~~
41 ~~take-off or landing pads built on floating structures, and (B) such~~
42 ~~floating structures shall be no higher than a pier deck at low tide, and~~
43 ~~(vi)~~]

44 mooring or docking of a barge used as part of a cultural, educa-
45 tional, historic or other public programming in the park; provided that
46 no more than two barges may be moored or docked per year and provided
47 further that the duration of any such mooring or docking of a barge
48 shall be limited to six months per year at any location within the boun-
49 daries of the park.

50 § 5. Paragraph (i) of subdivision 9 of section 7 of chapter 592 of the
51 laws of 1998, constituting the Hudson river park act, as amended by
52 chapter 517 of the laws of 2013, is amended to read as follows:

53 (i) Consistent with the general project plan, the area of the park
54 east of the bulkhead line shall be used solely for park use and to
55 permit access to permitted uses; provided that this limitation shall not
56 apply to (i) those areas east of the bulkhead line that are occupied by
57 pier headhouses or other pier-related structures at the base of piers

1 57, 59, 60, and 61; ~~or~~ (ii) [~~a one story heliport terminal building,~~
2 ~~fuel tank structure and five accessory parking spaces used in connection~~
3 ~~with a water dependent non tourism/non recreational heliport to be~~
4 ~~located on a floating structure located between west 29th and west 32nd~~
5 ~~streets provided that the landing and takeoff area located east of the~~
6 ~~bulkhead may continue to operate until the landing and takeoff area west~~
7 ~~of the bulkhead is completed and operational, or (iii)] an interim
8 commercial recreational use along the upland park area between 29th and
9 34th streets, provided that: (A) any such related enclosed structure
10 shall not exceed two stories; (B) any such use and any related enclosed
11 structure shall not exceed a maximum of two hundred feet in length and
12 shall maintain open view corridors to the Hudson river from streets
13 running towards and away from the park and shall not be located within
14 any designated visual corridors consistent with and to the extent
15 required under the city of New York zoning requirements; and (C) such
16 interim upland commercial recreational use shall not be permitted to be
17 located or continue to operate after July 1, [2024] 2028.~~

18 § 6. If any provision of this act, or any application of any provision
19 of this act, is held to be invalid, or to violate or be inconsistent
20 with any federal law or regulation, that shall not affect the validity
21 or effectiveness of any other provision of this act, or of any other
22 application of any provision of this act, which can be given effect
23 without that provision or application; and to that end, the provisions
24 and applications of this act are severable.

25 § 7. This act shall take effect on the ninetieth day after it shall
26 become a law. Effective immediately, the Hudson river park trust and any
27 state or local official of appropriate jurisdiction may make regulations
28 and take other actions reasonably necessary to implement this act on
29 that date.