

--oo00oo--

MANUAL 900-1

SECTION 02.3

CANAL RECREATIONWAY COMMISSION

--oo00oo--

BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

## **1. Purpose**

This Procedure describes the processes and responsibility of the New York State Canal Recreationway Commission (CRC) for reviewing proposed transactions of real property under the jurisdiction of the New York State Canal Corporation (Corporation), including leases and abandonments (sales).

## **2. Applicable Law and/or Guidance**

New York State Canal Law §§51, 55, 56, 57, 138-b and 138-c

New York State Finance Law §139-j, §139-k

New York State Public Authorities Law §382

New York State Public Authorities Accountability Act of 2005

New York State Constitution

New York State Canal Recreationway Plan

Canal Real Property Management Policy (25-6-01C)

Executive Instruction entitled Inappropriate Lobbying Influence In Authority/Corporation Procurements

## **3. Introduction**

The Corporation is responsible for the maintenance, operation, construction, reconstruction, improvement, development, financing and promotion of the Canal System and for implementation of the Canal Recreationway Plan (CRP). In accordance with the provisions of the Canal Law, the Corporation has the authority to acquire, hold and dispose of real property under its jurisdiction to advance the purposes of the Corporation and, thus, the interest of the State.

Pursuant to the Canal Law, the CRC shall have the opportunity to review and comment on proposed leases and sales of real property under the jurisdiction of the Corporation for consistency with the CRP. Section 138-b(5)(b) of the Canal Law requires the CRC to establish criteria and procedures for review by the CRC of proposed leases and sales of Canal lands, Canal terminals and Canal terminal lands to ensure consistency with the CRP. This procedure has been developed for the CRC to use in order to comply with the requirements of §138-b(5)(b).

The CRP sets forth goals and guidelines to create a recreationway which is defined as “a linear park to be developed for boating and other recreational use, taking advantage of the Canal’s historic heritage, conserving its beauty and natural character, and utilizing recreationway improvements to enhance the economic development potential of the Canal.” All CRC members should have a copy of the CRP and be familiar with the guidelines and goals contained within it.

#### **4. Procedure**

##### **4.1. General Procedure**

This procedure is to ensure that appropriate or required lease and sale transaction proposals of real property under the jurisdiction of the Corporation are reviewed by the CRC for consistency with the CRP.

##### **4.2. CRC Review of Lease or Sale Transaction Proposals**

4.2.1. The Office of Land Management (OLM) will ensure that appropriate or required lease and sale transaction proposals are subject to CRC review. The following lease and sale transaction proposals **do not** require CRC review:

- Private residential, non-revenue generating (to the lessee) use or minor improvements on parcels not exceeding one acre;
- Utility crossings;
- Farmland (excluding orchards) or conservation of natural areas on parcels not exceeding one acre;
- Municipal government use for non-revenue generating (to the municipality or its agent) public outdoor recreation, excluding amphitheaters, on parcels not exceeding one acre;
- Leases with municipalities for development of the gateway harbors and service ports as specifically identified in the CRP;
- Sale to upland owners of land at canal reservoirs outside the Adirondack Park, with the condition that such sales be consistent with Governor Pataki’s initiatives relating to open space.

CANAL RECREATIONWAY  
COMMISSION

September 2006

900-1-02.3

3

- 4.2.2. If the proposed real property transaction is subject to CRC review, OLM will send a COMMENT LETTER<sup>1</sup> to the municipality and Regional Planning Commission notifying them of the proposed lease or sale. Any comments received will be included in the materials presented to the CRC.
- 4.2.3. OLM will make and forward a copy of the real property transaction materials to the CRC Administrative Assistant with a NOTICE OF COMPLETE APPLICATION<sup>2</sup>. See CRC CHECKLIST<sup>3</sup> for the material that must be included. OLM will retain the original transaction materials.
- 4.2.4. The CRC Administrative Assistant will forward copies of the materials to the CRC members and will document the date the materials are forwarded on the NOTICE OF COMPLETE APPLICATION. For leases, this date will start the CRC 60-day maximum review period mandated by Canal Law. The CRC Administrative Assistant will retain a copy of the materials.
- 4.2.5. The CRC Administrative Assistant will arrange a meeting of the CRC Real Property Committee to review the proposed transaction. OLM and/or Canal Division staff will present the proposed transaction to the CRC Real Property Committee. The Committee will make a recommendation regarding the proposed transaction's consistency with the CRP.
- 4.2.6. OLM will then coordinate the presentation of the proposed transaction to the full CRC. As part of the coordination, OLM will determine who will make the presentation. OLM and/or the Division Canal Engineer will attend the presentation to address CRC questions with respect to the proposed transaction's consistency with the CRP. OLM will provide the CRC with any comments made by local, regional or State agencies with respect to the proposed transaction. The CRC Real Property Committee's recommendation will be provided to the full CRC for their consideration.
- 4.2.7. The CRC will review the proposed transaction. The CRC will, by resolution, document whether the proposed transaction is consistent or inconsistent with the CRP. The CRC Administrative Assistant will maintain originals of all CRC resolutions.

1 Exhibit 1

2 Exhibit 2

3 Exhibit 3

4.2.8. Once a determination of consistency with the CRP has been made by resolution, the CRC will provide comments to the Director of Canals regarding the proposed lease or sale transaction. OLM will progress the transaction according to the appropriate procedure.

**Note:** For sales, unless an extension is agreed to by the Corporation, the CRC will provide comments within 60 days of the date on the Notice of Complete Application.

4.2.9. If the CRC determines that the proposed transaction is not consistent with the CRP, the Director of Canals will reassess the transaction to determine whether or not to proceed.

## **5. Complying with §139-j and §139-k of the State Finance Law (Lobbying Law)**

Any contact (inquiry, etc.) made regarding real property subsequent to the first notice of a competitive process for disposal of such real property (solicitation, RFP, etc.) is subject to the Lobbying Law and must be recorded. See the Executive Instruction entitled INAPPROPRIATE LOBBYING INFLUENCE IN AUTHORITY/CORPORATION PROCUREMENTS.

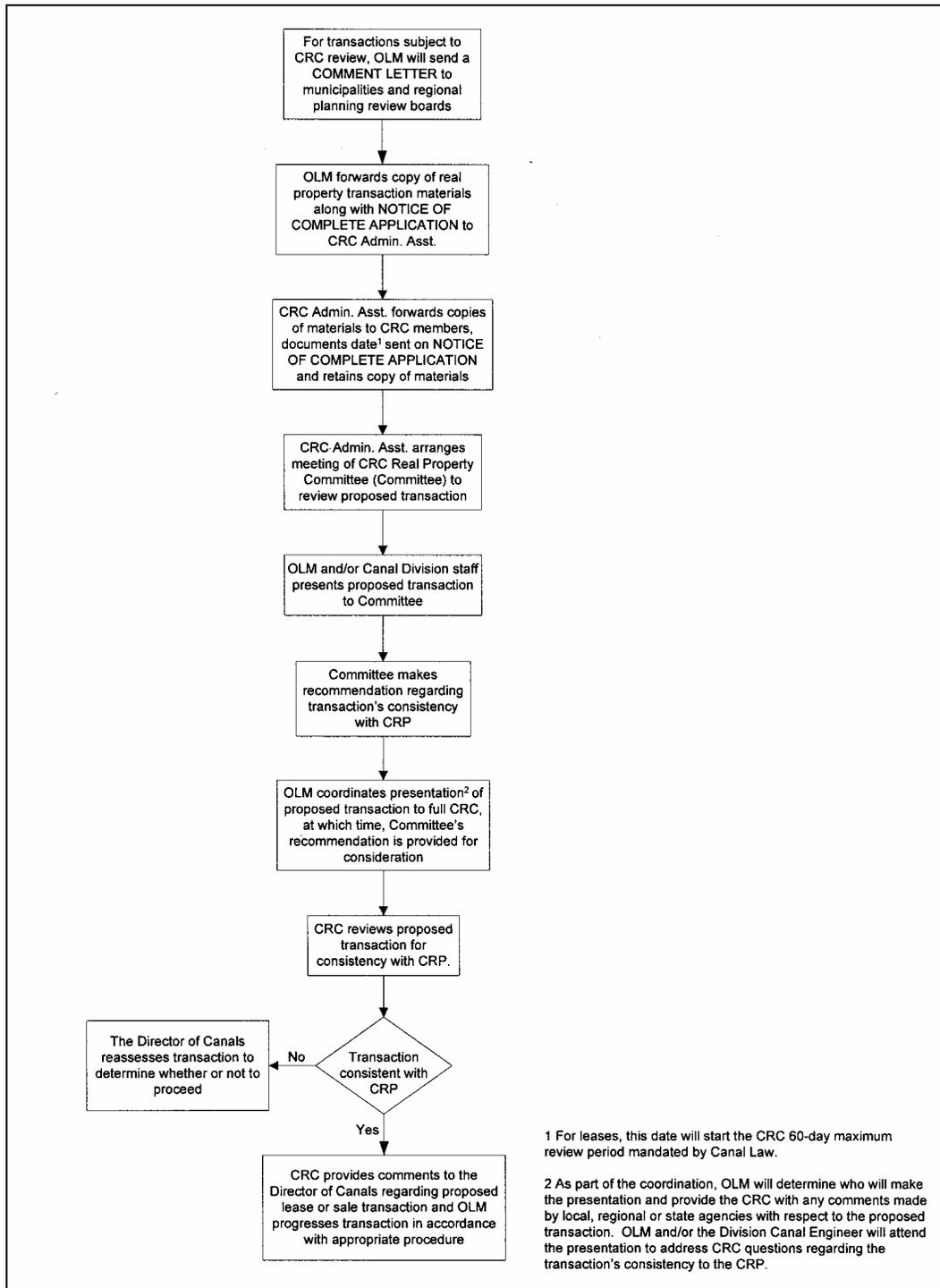
## **6. Responsibilities**

The CRC will review the proposed lease or sale of real property, unless exempt, for consistency with the CRP.

The CRC Administrative Assistant will maintain the CRC files. In addition, the CRC Administrative Assistant will forward materials for proposed transactions to the CRC, and will indicate on the NOTICE OF COMPLETE APPLICATION the date materials are forwarded to the CRC to start the 60-day maximum review period.

OLM will send the proposed real property transaction materials to the CRC Administrative Assistant and will coordinate presentations of proposed real property transactions to the CRC.

7. Process Flowchart



CANAL RECREATIONWAY  
COMMISSION

September 2006

900-1-02.3

6

EXHIBIT 1  
COMMENT LETTER

Page 1 of 2

Sent to the municipality and Regional Planning Commission notifying them of a proposed lease or sale.

< insert date >

< insert name >.

Commissioner of Planning & Program Director  
Herkimer-Oneida Counties Comprehensive Planning Program  
Union Station  
321 Main Street  
Utica, NY 13501

Dear < insert name >:

The Canal Corporation's Syracuse Division Canal Office has received a lease request from the Village of \_\_\_\_\_, \_\_\_\_\_ County, and I am preparing the package for review by the Canal Recreationway Commission.

Statutorily the Commission's review of lease requests focuses on the goals and objectives of the Canal Recreationway Plan, consistency and/or compatibility with the regional canal plan, and compatibility with existing zoning, where applicable. The Commission's procedure states that the regional planning office and the municipality be contacted requesting comments regarding proposed leases. I believe all the information you will need for review is included in the enclosed package.

The requested parcel consists of approximately 0.25 acres. The subject parcel is located directly across County Route 12D from the canal lands previously approved by the Commission to lease in 2001 for the purpose of developing a pedestrian trail traversing the Black River Canal. The Village of \_\_\_\_\_ is requesting a lease for the purpose of developing a Black River Canal Museum, stabilizing and improving the existing historic canal warehouse encroaching on canal lands, a mini-theater, and a country/museum store.

Please indicate on the attached form your concurrence with or objection to the proposed lease request. In order for the Commission to have your input prior to taking action on this request, please return the form to me by < insert date > (via fax). Should you have any questions, please feel free to call me at < insert phone number >.

Sincerely,

Name  
Director  
Office of Land Management

Enclosure  
cc:

COMMENT LETTER  
Page 2 of 2

Name  
Title  
Address  
City, State, Zip

**SUBJECT:** Proposed abandonment request for the  
Town of \_\_\_\_\_, \_\_\_\_\_ County

\*\*\*\*\*

.... **I/we have no objections to the proposed abandonment request.**

.... **I/we object to the proposed abandonment request for the following reasons:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signed** \_\_\_\_\_

**Dated** \_\_\_\_\_

September 2006

900-1-02.3

8

EXHIBIT 2  
NOTICE OF COMPLETE APPLICATION

Sent to the CRC Administrative Assistant with a copy of all the real property transaction materials.



NEW YORK STATE CANAL CORPORATION  
Interoffice Memorandum

TO:

DATE:

FROM:

SUBJECT: Notice of Complete Application

---

This memorandum serves as Notice of Complete Application pursuant to Standard Operating Procedure (SOP), Canal Recreationway Commission (900-1-02.3) approved by the Canal Recreationway Commission at their meeting held on March 23, 2004.

The attached Item has been reviewed by the Office of Land Management and is subject to CRC review.

---

Date the Item was forwarded to the Canal Recreationway Commission: \_\_\_\_\_

The date noted above by the CRC Administrative Assistant will start the 60-day maximum review period mandated by the NYS Canal Law.

Attachment

cc:

September 2006

900-1-02.3

9

EXHIBIT 3  
CRC CHECKLIST

Materials that must be included in a package sent to the CRC for review.

*Content under development*