



NEWS RELEASE

Hudson River Valley Greenway

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Greenway Indemnity Gets First Use

Office of the Attorney General to Represent Milan in Appeal

(Milan, NY) The Town of Milan is the first Greenway Compact Community to be represented by the Office of the Attorney General under the Greenway Indemnity provision. The Milan Town Board passed a resolution Monday instructing the Supervisor to submit a letter to the Office of the Attorney General requesting representation.

The Dutchess County town of Milan's recent comprehensive plan and zoning ordinance updates were declared null and void in a March 27th decision by State Supreme Court Justice James V. Brands. In April, the Milan Town Board adopted a resolution invoking the provisions of the Hudson River Valley Greenway legislation that provides indemnity for Greenway Compact communities for legal actions brought against them relating to adoption or implementation of local land use controls. The Greenway submitted the Town of Milan's request and the Office of the Attorney General has determined that it would be appropriate to represent Milan in the appeal.

The provision outlined in § 44-0119.7 of the Environmental Conservation Law states, "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."

This indemnity provision, which originally included a sunset clause, has been extended several times. In 2007, Senator Steve M. Saland and Assemblyman Marcus J. Molinaro sponsored legislation extending the provision.

"When I negotiated the Greenway legislation with the Assembly and the Governor's office, I viewed the indemnification provision as a critical component and an essential assurance to those municipalities that would consider joining the Greenway Compact, and have continued to sponsor its renewal," said Senator Steve Saland (R,I,C Poughkeepsie). "It is a safeguard that is working as intended."

Assemblyman Marcus J. Molinaro (R,I,C Red Hook) said, "Communities across the Hudson River Valley joined the Greenway because they believe in creating their own community's identity while developing a regional blueprint for balanced land use. The indemnification clause, which I was proud to co-sponsor in 2007, of the original Greenway legislation, was included to ensure protections for communities willing to engage in this historic regional planning effort."

The Greenway Compact is a program that helps to reinforce regional concerns in the local planning process and is a central objective of the 1991 Greenway Act. The Greenway Compact is a voluntary regional planning vision developed in partnership with counties, local communities and the Greenway. Approved in March 2000, Dutchess County's *Greenway Connections* was the Hudson River Valley's first Greenway Compact plan. To date, 30 of the 31 communities in Dutchess County have adopted Dutchess County's Greenway Compact plan.

To become a participating Greenway Compact Community, a community must pass a local law to incorporate an approved Greenway Compact Plan into their local zoning and subdivision regulations. Dutchess, Westchester and Putnam Counties have approved Greenway Compact plans. Ulster County is in the early stages of developing a Compact Plan.

Currently, there are a total of 56 participating Greenway Compact Communities within the three counties with approved Greenway Compact Plans. Communities within counties that have no approved Greenway Compact plan or have not adopted such a plan can still be considered a “Greenway Community.” To date, 250 communities of the 293 eligible have become “Greenway Communities.” To become “Greenway Community” municipalities pass a resolution supporting the Greenway Criteria and the voluntary process by which the Compact will be achieved.

“A number of benefits were provided in the legislation as an incentive for communities to participate in the Greenway Compact,” said Greenway Acting Executive Director Mark Castiglione. “Through this benefit, the local planning process is further strengthened for the 56 communities that have made a commitment to the regional vision of the Greenway Compact. Supporting regional planning is a central goal of the Hudson River Valley Greenway program, and indemnity is one incentive to support the regional planning goals of the Greenway Compact.”

The Hudson River Valley Greenway is a State program within the Executive Department, established by the Greenway Act of 1991. It was designed to create a process for voluntary regional cooperation among the 293 communities in 13 counties in the Hudson River Valley. 85% of eligible communities are “Greenway Communities.” The Greenway encourages Hudson River Valley communities to develop projects and initiatives related to the criteria of natural and cultural resource protection, regional and local planning, economic development, public access to the Hudson River (as well as other regional and local resources), and heritage and environmental education. It provides technical assistance and small grants for planning, capital projects, and water trail and land-based trails that reinforce the Greenway Criteria. The participation of municipalities in Greenway programs and projects is voluntary.