

In Support of Assembly Bill A.10633 - Amending State Environmental Conservation Law to Allow Local Governments to Enact or Enforce Certain Laws and Ordinances

WHEREAS, the slickwater hydrofracturing process used for accessing and utilizing Marcellus shale gas reserves requires/includes use of heavy trucks to transport water, chemicals, and other materials to extraction and processing sites, thereby posing potential damage to local roads that are not designed for heavy-duty truck usage, and

WHEREAS, not all locations are equally appropriate for industrial development, and

WHEREAS, New York State reserves to itself the regulation of oil, gas, and solution mining activities, and

WHEREAS, in New York State land-use authority, such as adoption of zoning ordinances, is in the hands of towns, cities, and villages, and

WHEREAS, clarifying the relationship between these two regulatory authorities, with respect to gas drilling and extraction, is in the best interests of all residents and communities in New York State, and

WHEREAS, on April 13, 2010, A.10633, which clarifies the role of municipalities in governing oil, gas, and solution mining development within their local jurisdictions, was introduced by Member of Assembly Barbara Lifton, (and as of April 14 had 17 co-sponsors), and

WHEREAS, A10633 makes clear that local governments can enact and enforce certain laws and ordinances that regulate the location, construction, and use of buildings and land within municipalities, as delegated to local governments by Article IX of the New York State Constitution,

now therefore be it RESOLVED, That the Caroline Town Board, endorses and supports A. 10633, urges Senator Seward to sponsor similar legislation in the New York State Senate, and urges New York State Association of Towns to champion passage of this important legislation.