S T A T E O F N E W Y O R K

10499

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. HYER-SPENCER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to set back requirements from wetlands and notice requirements to future owners or lessees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 24-0701 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

2. Activities subject to regulation shall include any form of draining, dredging, excavation, removal of soil, mud, sand, shells, gravel or other aggregate from any freshwater wetland, either directly or indirectly; and any form of dumping, filling, or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly; erecting any structures, roads, the driving of pilings, or placing of any other obstructions whether or not changing the ebb and flow of the water; any form of pollution, including but not limited to, installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquid wastes into or so as to drain into a freshwater wetland; and any other activity which substantially impairs any of the several functions served by freshwater wetlands or the benefits derived therefrom which are set forth in section 24-0105 of this article. These activities are subject to regulation whether or not they occur upon the wetland itself, if they impinge upon or otherwise substantially affect the wetlands and are located not more than one hundred feet from the boundary of such wetland. ALL PROPERTIES LOCATED WITHIN ONE HUNDRED FEET OF THE BOUNDARY OF A DESIGNATED WETLAND SHALL MAINTAIN A SET BACK OF TEN FEET FROM SUCH WETLAND. THE TEN FOOT SET BACK SHALL BE REQUIRED TO BE MAINTAINED IN ITS NATURAL STATE. ADDITIONALLY, ANY POTENTIAL NEW HOMEOWNERS OR RENTERS OF PROPERTY LOCATED ONE HUNDRED FEET FROM THE BOUNDARY OF A WETLAND UPON WHICH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PLACES RESTRICTIONS OF ANY SORT MUST BE NOTIFIED IN WRITING OF SUCH RESTRICTIONS BY THE LANDOWNER BEFORE A DEED IS TRANS-

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

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FERRED OR A LEASE IS SIGNED. Provided, that FURTHER, a greater distance from any such wetland may be regulated pursuant to this article by the appropriate local government or by the department, whichever has jurisdiction over such wetland, where necessary to protect and preserve the wetland.

S 2. This act shall take effect immediately.