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

S. 5486 A. 8256

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

May 11, 2009

IN SENATE -- Introduced by Sens. AUBERTINE, STACHOWSKI, VALESKY, WINNER, YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. KOON, LIFTON, BACALLES, BURLING -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the town law, the village law and the general city law, in relation to generic environmental impact statements

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

Section 1. Paragraph (d) of subdivision 3 of section 261-b of the town law, as added by chapter 629 of the laws of 1991, is amended to read as follows:

(d) A generic environmental impact statement pursuant to [the provisions of 6 NYCRR 617.15] ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND REGULATIONS ADOPTED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION shall be prepared by the town board for any zoning district in which the granting of incentives or bonuses have a significant effect on the environment before any such district is designated, and such statement shall be supplemented from time to time by the town board if there are material changes in circumstances that may result in significant adverse impacts. Any zoning ordinance or local law enacted pursuant to this section shall provide that any applicant for incentives or bonuses shall pay a proportionate share of the cost of preparing such environmental impact statement, and that such charge shall be added to any site-specific charge made pursuant to the provisions of section 8-0109 of the environmental conservation law.

S 2. Paragraph d of subdivision 3 of section 7-703 of the village law, as added by chapter 629 of the laws of 1991, is amended to read as follows:

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

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d. A generic environmental impact statement pursuant to [the provisions of 6 NYCRR 617.15] ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND REGULATIONS ADOPTED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION shall be prepared by the village board of trustees for any zoning district in which the granting of incentives or bonuses may have significant effect on the environment before any such district is designated, and such statement shall be supplemented from time to time by the village board of trustees if there are material changes in circumstances that may result in significant adverse impacts. Any zoning local law enacted pursuant to this section shall provide that any applicant for incentives or bonuses shall pay a proportionate share of the cost of preparing such environmental impact statement, and that such charge shall be added to any site-specific charge made pursuant to the provisions of section 8-0109 of the environmental conservation law.

S 3. Paragraph (d) of subdivision 3 of section 81-d of the general city law, as added by chapter 247 of the laws of 1992 and such section as renumbered by chapter 208 of the laws of 1993, is amended to read as follows:

(d) A generic environmental impact statement pursuant to [the provisions of 6 NYCRR 617.15] ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND REGULATIONS ADOPTED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION shall be prepared by the legislative body of a city for any zoning district in which the granting of incentives or bonuses have a significant effect on the environment before any such district is designated, and such statement shall be supplemented from time to time by the legislative body of a city if there are material changes in circumstances that may result in significant adverse impacts. Any zoning ordinance, local law, or regulation enacted pursuant to this section shall provide that any applicant for incentives or bonuses shall pay a proportionate share of the cost of preparing such environmental impact statement, and that such charge shall be added to any site-specific charge made pursuant to the provisions of section 8-0109 of the environmental conservation law.

S 4. This act shall take effect immediately.