STATE OF NEW YORK

5721

2017-2018 Regular Sessions

IN ASSEMBLY

February 14, 2017

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

AN ACT to amend the environmental conservation law, in relation to permitting the designation of counties or the department to serve as lead agency in relation to municipal annexations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 6 of section 8-0111 of the environmental conservation law, as added by chapter 612 of the laws of 1975, is amended to read as follows:

6. Lead [~~Agency~~] **agency; establishment**. **(a)** When an action is to be carried out or approved by two or more agencies, the determination of whether the action may have a significant effect on the environment shall be made by the lead agency having principal responsibility for carrying out or approving such action and such agency shall prepare, or cause to be prepared by contract or otherwise, the environmental impact statement for the action if such a statement is required by this article. In the event that there is a question as to which is the lead agency, any agency may submit the question to the commissioner and the commissioner shall designate the lead agency, giving due consideration to the capacity of such agency to fulfill adequately the requirements of this article.

(b) (i) Notwithstanding any other provision of this article, in the case of a municipal annexation application made under article 17 of the general municipal law, the commissioner may, in the alternative to designating any agency otherwise eligible to be lead agency, designate a county legislature or board of supervisors in any county where the annexation is proposed to expand or diminish the municipal boundary of, with the advice of the county planning or other county department and the consent of, if there be one, an elected county executive or other elected chief executive officer, to be the lead agency.

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

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(ii) In the alternative to a county legislature or board of supervisors requesting to be lead agency, such county legislature or board of supervisors in a county where a municipal annexation is proposed may request, and the commissioner may designate the department, including but not limited to the regional director of the department where the annexation is proposed to take place within to be lead agency. The commissioner may designate either the county legislature or board of supervisors or the department to be lead agency notwithstanding the fact that no direct approval of the action need be given by such entity where the commissioner finds the proposed annexation may have a substantive environmental impact relating to any or all of the following: traffic, sewer, water, destruction of natural resources, or other implications which may substantially alter a community's character.

§ 2. The commissioner shall be permitted to withdraw any lead agency decision issued by him or her in the one hundred eighty days prior to the effective date of this act and permit a new decision to be made if a request for the same occurs within thirty days of this act becoming law.

§ 3. This act shall take effect immediately.