STATE OF NEW YORK

6129--A

2025-2026 Regular Sessions

IN SENATE

March 5, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to structures built within an erosion hazard area or a tidal wetland adjacent area

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

Section 1. Subdivision 4 of section 34-0107 of the environmental conservation law, as added by chapter 841 of the laws of 1981, is amended to read as follows:

4. Nothing in this section shall be construed to prohibit any local government from adopting and enforcing any ordinances or local laws, or exercising any other lawful powers within any area governed by erosion hazard area regulations adopted pursuant to this section; provided, however, that to the extent of any inconsistency between a county, city, town or village ordinance or local law and erosion hazard area regulations adopted pursuant to this section, the latter shall apply. **Provided, however, that with respect to residential properties located seaward of Nicolosi Drive in Richmond County that front on the shoreline of the Raritan Bay, including, without limitation, Block 6475, Lots 169, 175, 190 200, 205, 210, 215,220, 225, 230,and 235, as shown on the tax map of the city of New York, where the local permitting authority has issued a permit for construction of structures within the erosion hazard area or tidal wetland adjacent area and such structures have been built on or before the effective date of the chapter of the laws of two thousand twenty-six that amended this subdivision, such local permits shall be deemed to be sufficient to satisfy any requirements for an erosion**

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

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hazard area permit, tidal wetlands permit, or variance under this article or article twenty-five of this chapter with respect to tidal wetland permits and implementing regulations, and all such structures may remain.

§ 2. This act shall take effect immediately.