

STATE OF NEW YORK

6129

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

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 Assem-
bly, do enact as follows:

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

4 4. Nothing in this section shall be construed to prohibit any local
5 government from adopting and enforcing any ordinances or local laws, or
6 exercising any other lawful powers within any area governed by erosion
7 hazard area regulations adopted pursuant to this section; provided,
8 however, that to the extent of any inconsistency between a county, city,
9 town or village ordinance or local law and erosion hazard area regu-
10 lations adopted pursuant to this section, the latter shall apply.
11 Provided, however, that in a city which wholly includes one or more
12 counties, where the local permitting authority has issued a permit for
13 construction of structures within the erosion hazard area or tidal
14 wetland adjacent area and such structures have been built on or before
15 the effective date of the chapter of the laws of two thousand twenty-
16 five that amended this subdivision, such local permits shall be deemed
17 to be sufficient to satisfy any requirements for an erosion hazard area
18 permit, tidal wetlands permit, or variance under this article or article
19 twenty-five of this chapter with respect to tidal wetland permits and
20 implementing regulations, and all such structures may remain.

21 § 2. This act shall take effect immediately.

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

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