§ 34-0105. Local regulation of coastal erosion hazard areas.

1. Within six months after the date on which a final identification of an erosion hazard area is filed with the clerk of a city, town or village pursuant to subdivision three of section 34-0104 of this article, such city, town or village shall submit to the commissioner an erosion hazard area ordinance or local law applicable to that portion of such area located within its jurisdiction. Then the commissioner shall review and certify such regulations as being consistent with the purposes of this article and in accordance with minimum standards promulgated under section 34-0108 of this article. All such ordinances or local laws shall include a map or other identification of the erosion hazard area subject to regulation, and zoning regulations, subdivision regulations, site plan approval regulations or any other applications of the police power, as such regulations may be authorized by the municipal home rule law or other state enabling legislation, for the reasonable and prudent use of erosion hazard areas in accordance with minimum standards promulgated by the commissioner pursuant to section 34-0108 of this article. Nothing in this article shall be construed to increase the powers of any city, town or village; provided, however, that to carry out the purpose of this article, any regulations adopted in compliance with the provisions of this subdivision may be made applicable to only that portion of such city, town or village which is located within the erosion hazard area. The commissioner shall provide whatever technical assistance he may deem necessary for preparation of an ordinance or local law pursuant to this section.

2. Such erosion hazard area ordinance or local law shall be subject to public notification and review and, be submitted to the commissioner for approval as to its consistency with the minimum standards promulgated pursuant to section 34-0108 of this article; the commissioner shall act to approve or disapprove such ordinance or local law within thirty working days of its receipt. If the commissioner disapproves the ordinance or local law, he shall notify the city, town or village in writing of the reasons for such disapproval, or modification necessary for approval. The commissioner shall issue findings as part of his decision.

3. In the case of the commissioners disapproval of a local law or ordinance under subdivision two of this section, the commissioner, at his discretion, may extend the six month period for the adoption of an erosion hazard area local law or ordinance for a reasonable time period not to exceed an additional six months, during which time, the local government may adopt and re-submit a new or modified local law or ordinance to the commissioner for approval as provided in subdivision two of this section. During such extension period, provisions of section 34-0106 of this article shall not apply.

4. Prior to the adoption of any amendment to an approved erosion hazard area ordinance or local law, the local government shall notify the commissioner, who shall within fifteen days after receipt of such notification advise the local government whether such amendment conforms to the minimum standards promulgated pursuant to section 34-0108 of this article. Any amendment to such ordinance or local law that relates to such minimum standards shall be subject to approval by the commissioner as provided in subdivision two of this section.

5. The commissioner shall revoke his approval of an erosion hazard area ordinance or local law if he determines, after notice and hearing relative thereto, that the affected city, town or village has failed to administer or enforce such ordinance or local law to adequately carry out the purposes and policies of this article. In the event of such revocation, the provisions of subdivision seven of section 34-0106 of this article or the provisions of subdivision three of section 34-0107 of this article shall apply.

6. Where an application is made for any permit, variance or other form of approval required pursuant to any local law or ordinance enacted or adopted and approved by the commissioner pursuant to this section, for any activity or development within a designated erosion hazard area, the city, town or village to which such application is made shall ascertain what, if any, other permit, variance or hearing procedures or applications are required with regard to such activity or by any governing body of the state or any of its subdivisions pursuant to any

federal, state or local law or ordinance. Such city, town or village, at the request of the applicant, shall consolidate and coordinate said application, permit, variance and hearing procedures, as required by each such governing authority, into a single, comprehensive hearing and review procedure with regard to such activity or development. However, nothing contained in this section shall be deemed to limit or restrict the state, its subdivisions or any other governing authorities, which are properly a party to such consolidated review proceeding, from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law.