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Lifton Introduces Gas Drilling Legislation

Assemblywoman Barbara Lifton (D/WF-Tompkins/Cortland) has introduced legislation that clarifies the role of municipalities in governing oil, gas, and solution mining development within their jurisdiction.

The bill allows for municipalities to enact or enforce local laws of general applicability if the local laws do not directly regulate the oil, gas, and solution mining industries regulated by state statute. Zoning authority is given to local governments by Article IX of the State Constitution.

“I’ve heard a lot from local governments on the understandable confusion surrounding the state regulatory program for oil and gas development, and how it could affect local zoning law. NY Court of Appeals case law, in *Frew Gravel Run Products, Inc v. Town of Carroll*, has made it clear that state regulations do not override local zoning ordinances which may dictate where oil and gas extraction is a permissible use. My bill codifies this court ruling and makes it clear that this authority remains with municipal zoning boards confronted with the possibility of expanded Marcellus Shale gas drilling,” says Lifton.