



NEW YORK STATE SENATOR

Tony Avella

## Senator Avella Praises State's Highest Court Affirming Local Hydrofracking Ban

TONY AVELLA June 30, 2014

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# EWS

## n Senator Tony Avella Senate District

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### LEASE:

*New York State Court of Appeals ruled 5-2, affirming the rights of two towns to use local zoning ordinances to ban fracking for natural gas*

(Queens, NY) Today, Senator Tony Avella praised the New York State Court of Appeals 5-2 ruling which affirmed the rights of two towns, located upstate New

York, to use local zoning ordinances to ban fracking from natural gas, despite land owners signing leases with natural gas companies for the land use.

The case, which was originally brought by Norse Energies, and later merged with a similar case brought by Cooperstown Holstein Corporation, claimed that the local municipalities exceeded their legal authority when they implemented a ban on hydrofracking in towns where both natural gas companies have already leased land.

The State lower courts originally ruled to affirm the towns' ability to dictate land use, which has now been upheld by the Court of Appeals.

In its ruling, the Court of Appeals indicated that the State's oil and gas law does not, in any way, suggest that local municipalities cannot use zoning procedures to regulate land uses within their own borders.

"The entire State of New York can hail this decision as a win," stated Senator Tony Avella. "I commend the State's highest court for making what can be viewed as historic and precedent setting decision to uphold the rights of local municipalities over the greed of natural gas companies. The negative effects of hydrofracking have been recorded across the entire country and it should be our right to be able to stop these companies that are only concerned with

turning a profit, no matter the toll it takes on the general public. As Governor Cuomo continues to mull whether or not to permit hydrofracking in New York State, a process which I continue to vehemently oppose, this monumental ruling gives voice back to local communities, who deserve to be heard in the national debate over fracking.”

Senator Avella has led the fight against banning hydrofracking in New York State after introducing the ban legislation shortly after taking office. He has since introduced numerous other legislation aimed at preventing fracking waste and regulating working conditions at fracking fields. He continues to stay at the forefront of hydrofracking opposition along with numerous environmental groups.

Heather Leibowitz, Director of Environment New York stated, "The success of the Dryden case is an important victory for the anti-fracking movement.

Fracking has taken a toll on the environment and threatened public health in communities across the country. This case solidifies that communities in New York have a right to prevent this kind of damage in their municipalities.

However, with more than a hundred towns in New York already having enacted local bans or moratoriums on gas drilling, it seems clear that now is the time for Gov. Cuomo and state legislators to pass a statewide ban that puts people's health and safety first.”

Read the decision here:

<http://www.nycourts.gov/ctapps/Decisions/2014/Jun14/130-1310pn14-Decision.pdf>