

Albany Times Union

Fracking ruling buoys casino foes

Local zoning laws may be way to turn away proposed gambling sites, opponents say

By [Rick Karlin](#)

Published 10:09 pm, Friday, May 3, 2013

Albany- Opponents of hydrofracking rejoiced earlier this week when a mid-level appeals court ruled individual towns can ban the gas drilling technique within their borders.

They also viewed as a victory for home rule.

Now opponents of casino expansion are wondering if the ruling could be an ace in the hole for residents worried about a gaming center landing in their town.

Both shale gas drilling and casinos are controversial in upstate communities.

Gov. [Andrew Cuomo](#) hasn't decided to allow fracking , but he's pushing for a constitutional referendum that would allow for the development of up to seven non-Indian casinos in the state.

Casino expansion still needs approval of the Legislature and then the public. But gaming opponents, in light of Thursday's fracking decision, say they may look to local zoning laws as a way to fight casinos, at least in towns where there's already resistance.

"I firmly believe a locality should have the right to say no to a casino," said [Stephen Shafer](#) of the Coalition Against Gambling in New York.

So far, casino opposition has been muted. That's because, even if the state approves the change, any opening is years away.

"Up until now, no one has been proactive and said, 'We don't want it' up front," said [Les Bernal](#) of Stop Predatory Gambling, which opposes government-sanctioned betting, including casinos as well as lotteries.

It's common for municipalities to use zoning ordinances to exile businesses such as strip joints or adult bookstores.

But rejecting a massive resort casino development could be more legally complex and politically challenging.

If lawmakers approve a constitutional change allowing casinos in the legislative session, it could go before voters as soon as this fall. But it may be pushed back to 2014 — that way it would be separated from the New York City mayoral race.

Residents of some locations, especially tourist-rich zones, will clamor for a casino. More than 200 turned out for a casino forum this week in Lake George.

Under the governor's proposal, there would be three upstate casinos in the first round of permits.

Cuomo has acknowledged there will likely be some form of local involvement if the casino plan moves forward.

With the state proposing where the first round of casinos would go, Cuomo said localities that are competing for a venue could get extra points if there was a local endorsement.

rkarkin@timesunion.com • 518-454-5758 • @RickKarlinTU

Read more: <http://www.timesunion.com/local/article/Fracking-ruling-buoys-casino-foes-4487642.php#ixzz2SNK7p400>