



VESTED RIGHT FOR LAND DEVELOPMENT

S.3852-a (Flanagan, et al.)

A.6023-a (Bradley, et al.)

Summary

This bill states that City, Town or Village zoning, planning and environmental regulations, in place at the time of filing of a completed application for the development of land, will remain applicable to such application for no less than six years after the filing, so long as the applicant is proceeding with the proposed development with due diligence. An exception to this requirement would apply when there are changes in federal or state law, or where the local municipality can show by clear and convincing evidence that due to newly discovered information or changed circumstances that it is likely that harm to the public or the environment may occur and that such harm will not be prevented by existing laws, regulations or ordinances.

Explanation

This bill will increase the likelihood that sprawling development will continue unchecked as the ability of municipalities to address such growth, and consider the cumulative impacts of proposed developments, would be thwarted by the vesting of development rights at the time the application is filed. The environmental, economic and social impacts of sprawling development are measured in increased water and air pollution, loss of habitat, increased costs to municipalities for water and sewer infrastructure, increased road building and maintenance and increased enrollments in public schools. The ability for municipalities to consider the cumulative impacts of proposed developments is vital to preserving open space, quality of life, and community character, and would be virtually impossible under the provisions of this bill.

Furthermore, the bill's provision that municipalities can rebut the presumption that the applicant has vested rights to develop the land only upon a showing of clear and convincing evidence in a detailed written finding would be a difficult if not impossible burden for many municipalities to meet. Many local governments don't have the necessary technical or financial resources to allow them to establish such a record.

Environmental Advocates of New York strongly opposes this bill.

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