S T A T E O F N E W Y O R K

10350

I N A S S E M B L Y

May 23, 2016

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to vested rights relating to land development

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new article 7-B to read as follows:

ARTICLE 7-B

VESTED RIGHTS RELATING TO LAND DEVELOPMENT

SECTION 150. VESTED RIGHTS RELATING TO LAND DEVELOPMENT.

151. APPLICATION OF ARTICLE.

S 150. VESTED RIGHTS RELATING TO LAND DEVELOPMENT. WHERE A LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ISSUES A NEGATIVE DECLARATION OR A FINDINGS STATEMENT WITH RESPECT TO A SUBDIVISION OR OTHER DEVELOPMENT PLAN APPROVAL IN CONNECTION WITH A SPECIFIC PARCEL OF LAND, SUCH SPECIFIC PARCEL OF LAND SHALL BE SUBJECT TO THE MUNICIPAL ZONING, PLANNING, ENVIRONMENTAL AND ALL OTHER APPLICABLE VILLAGE, TOWN OR CITY ORDINANCES, REGULATIONS AND OTHER ENACTMENTS REGULATING THE DEVELOPMENT OF LAND WHICH ARE APPLICABLE AT THE TIME OF THE ISSUANCE OF SUCH NEGATIVE DECLARATION OR FINDINGS STATEMENT; PROVIDED FURTHER THAT THE OWNER OF SUCH SPECIFIC PARCEL OF LAND TRANSMITS A NOTICE OF VESTED RIGHTS TO SUCH MUNICIPALITY WHEREIN SUCH OWNER DECLARES VESTED RIGHTS ARE APPLICABLE TO SUCH SPECIFIC PARCEL ALONG WITH PAYMENT BY A CERTIFIED CHECK TO THE MUNICIPALITY IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS FOR REVIEW OF SUCH DECLARATION. THE MUNICIPALITY MAY OBJECT TO SUCH DECLARATION OF VESTED RIGHTS WITHIN THIRTY DAYS BASED ON NEWLY DISCOVERED INFORMATION OR CHANGES IN CIRCUMSTANCES SPECIFICALLY RELATED TO THE PROPOSED PROJECT WHICH WILL ESTABLISH THAT THE PROJECT IS LIKELY TO HARM OR ENDANGER THE PUBLIC, SAFETY OR GENERAL WELFARE OR BIOLOGICAL HABITAT AND SUCH HARM OR ENDANGERMENT WILL NOT BE PREVENTED BY EXISTING LAWS, CODES, ORDINANCES, RULES OR REGULATIONS. IN THE EVENT THE MUNICIPALITY DOES NOT OBJECT SUCH SPECIFIC PARCEL OF LAND SHALL HAVE VESTED

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15541-01-6

RIGHTS FOR THIRTY-SIX MONTHS RUNNING FROM THE DATE OF SERVICE OF THE DECLARATION OF VESTED RIGHTS UPON THE MUNICIPALITY.

S 151. APPLICATION OF ARTICLE. THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO CITIES WITH A POPULATION GREATER THAN ONE MILLION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.