
LAND USE - NEW YORK

Capruso v. Village of Kings Point

Court of Appeals of New York - June 12, 2014 - N.E.3d - 2014 N.Y. Slip Op. 04228

Village residents and state brought two related actions against village, mayor, and board of trustees, seeking declaratory and injunctive relief predicated on village's use of alleged dedicated parkland for non-park purposes without legislative approval, in violation of the public trust doctrine.

The Court of Appeals held that:

- The causes of action challenging village's proposed Department of Public Works (DPW) project were not barred by the statute of limitations;
- The "continuing wrong doctrine" applied to toll the running of the statute of limitations with respect to plaintiffs' cause of action seeking to enjoin village's present non-park use of portion of parkland;
- Laches could not bar state's cause of action; and
- Laches has no application when plaintiffs allege a continuing wrong.

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