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Citizens for St. Patrick's v. City of Watervliet City Council

Supreme Court, Appellate Division, Third Department, New York - March 12, 2015 - N.Y.S.3d - 2015 N.Y. Slip Op. 02034

PCP Watervliet, LLC, a subsidiary of defendant Nigro Companies, purchased a parcel of property in the City of Watervliet from the Roman Catholic Diocese of Albany County. The parcel contained a church, school and rectory that were no longer in use and, as part of its plan to demolish the buildings and replace them with a 40,000 square-foot grocery store and two additional retail commercial buildings, Nigro petitioned the City of Watervliet City Council to rezone the parcel from residential to commercial. After a series of public meetings and an environmental review pursuant to the State Environmental Quality Review Act (SEQRA), the City issued a negative declaration and amended its zoning map as requested.

The individual plaintiffs, who reside in the City, and plaintiff Citizens for St. Patrick's, an unincorporated advocacy group opposed to the demolition of the church buildings, commenced an action challenging the negative declaration and rezoning of the property by alleging that the City failed to comply with SEQRA requirements, engaged in illegal spot zoning and violated the Open Meetings Law.

The trial court denied plaintiffs' motion for a preliminary injunction in and thereafter granted motions by the City and Nigro for summary judgment dismissing the action on the ground that none of the plaintiffs had standing. Plaintiffs appealed.

The appeals court affirmed, holding that plaintiffs' challenges to the SEQRA and rezoning determinations were moot because they did not seek any injunctive relief from the appeals court during the pendency of the appeal. The church buildings had been demolished and the grocery store was fully constructed and operational.