

Bond Case Briefs

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Sierra Club v. Village of Painted Post

Court of Appeals of New York - November 19, 2015 - N.E.3d - 2015 WL 7288109 - 2015 N.Y. Slip Op. 08452

Village resident and other petitioners brought article 78 proceeding, raising State Environmental Quality Review Act (SEQRA) challenge to village resolutions authorizing sale and export of excess water from the municipal water supply and permitting construction of a water transloading facility.

The Supreme Court, Steuben County, denied village's motion to dismiss for lack of standing, and it appealed. The Supreme Court, Appellate Division, reversed, and leave to appeal was granted.

The Court of Appeals held that resident had standing to bring SEQRA challenge.

Village resident who alleged that train noise caused by increased train traffic kept him awake at night had standing to bring State Environmental Quality Review Act (SEQRA) challenge to village resolutions authorizing sale and export of excess water from the municipal water supply and permitting construction of transloading facility. Although other village residents who lived along the tracks also suffered noise impacts, petitioner was not alleging an indirect, collateral effect from increased train noise that would be experienced by public at large, but rather a particularized harm that could also be inflicted upon others in community who lived near the tracks.