



Town of Windsor

Town Supervisor – Tim Harting

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The Honorable Joseph Angelino
NYS Assemblyman
1 Kattelville Rd, Suite 1
Binghamton, NY 13901

Dear Assemblymember Angelino:

I write on behalf of the Town of Windsor to oppose the REVIVE Act (A10632/S9423).

This bill strips towns of their authority to make local land use decisions and replaces that authority with a rigid, state-imposed framework that treats every community as if it were the same. Town officials are elected to make planning and zoning decisions based on the unique needs, infrastructure, development patterns, and character of their communities. This legislation would push those local judgments aside.

Vacant and underused properties can and should be part of addressing New York State's housing situation, but it cannot become an excuse to override local government and silence community input. This bill does exactly that. It substitutes state mandates for local planning, imposes arbitrary development standards, and sharply limits the ability of towns to evaluate whether a project is appropriate for a particular site.

Zoning is not an obstacle to be swept away. It is one of the primary tools local governments use to protect public health and safety, coordinate growth, manage traffic and infrastructure demands, preserve neighborhood stability, and ensure that development occurs in a thoughtful and orderly way. The REVIVE Act treats local zoning as a nuisance, rather than recognizing it as a core function of municipal government.

If the State wishes to promote housing development, it should do so by partnering with local governments, not by preempting them. Solutions to New York's housing challenges should respect the diversity of our communities and the constitutional role of local governments in making land use decisions. Towns are not barriers to progress. They are the level of government closest to the people most directly affected by these decisions.

Sincerely,

Tim Harting
Town Supervisor
Town of Windsor



Summary of the REVIVE Act for Town Officials

The REVIVE Act, A10632/S9423, would add a new Article 17 to the Real Property Law and is intended to remove zoning barriers to converting underused retail centers, office parks, and parking lots into housing. However, it does this by overriding local zoning and making certain projects permitted as of right. As a strong proponent of Home Rule, the New York Association of Towns opposes this measure.

When a project qualifies

Residential and mixed-use developments would be deemed eligible projects and “permitted by right” on legal parcels that meet all of the following criteria:

- The parcel is at least 15,000 square feet.
- The parcel is in a commercial zone or is designated for commercial, office, retail, or parking uses.
- The site has had a vacancy rate of at least 50 percent for a continuous period of at least one year immediately preceding the development application.
- The parcel is serviced by municipal water and sewer.
- If the parcel is outside a city of one million or more, it may not be included in an active PILOT agreement, unless the agreement is modified so the parcel is no longer included.

Density requirements

- For an eligible project site within an urban area, municipalities may not limit density to less than 20 dwelling units per acre.
 - “Urban area” means a Census-defined densely developed area with at least 2,000 housing units or 5,000 people
- For an eligible project site outside an urban area, municipalities may not limit density to less than 15 dwelling units per acre.
- The maximum density is set at the greater of:

- the greatest density allowed on or after January 1, 2026 for a residential or mixed-use development located within one mile of the proposed development within the municipality; or
- the bill's applicable minimum density.

Parking restrictions

The bill would prohibit municipalities from adopting or enforcing any ordinance, order, zoning restriction, or other regulation that requires more than one parking space per dwelling unit for an eligible project.

Review procedure for projects in urban areas

For eligible project sites located in an urban area (again, defined by the U.S. Census Bureau), the bill imposes a mandatory review structure:

- The municipality must review and approve applications within:
 - 60 days for projects with fewer than 150 units; and
 - 90 days for projects with 150 units or more.
- If the municipality does not meet those deadlines, the eligible project is automatically deemed approved.
- The municipality must provide public access to a standardized process for ministerial review, including clearly defined timelines and submission requirements.
 - “Ministerial review” means a non-discretionary approval process based on objective planning standards, without public hearings or subjective local review.
- If the municipality rejects the application, it must provide a letter identifying the specific eligibility standards and/or zoning requirements with which the proposal does not comply.
- A municipality may conduct non-binding design review hearings, but those hearings may not extend the statutory review timeline.