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Queens College Special Projects Fund, Inc. v. Newman

Supreme Court, Appellate Division, Second Department, New York - October 25, 2017 - N.Y.S.3d - 2017 WL 4799734 - 2017 N.Y. Slip Op. 07444

Petitioner initiated proceedings to obtain temporary license to enter upon adjoining property owner's premises for purpose of, among other things, conducting preconstruction inspection.

The Supreme Court, Queens County, granted the petition for license. Adjoining owner appealed.

The Supreme Court, Appellate Division, held that evidence supported issuance of the temporary license.

Evidence supported issuance of temporary license to petitioner to enter adjoining owner's property for purpose of, among other things, conducting preconstruction inspection and erecting temporary structures thereon to protect its property and its residents, because petitioner would suffer undue hardship without the license, whereas appellant would experience only temporary and relatively minor inconvenience as result of issuance of license. There was evidence that such access would not interfere with adjoining owner's use of her property, access was limited and was only expected to last 18 to 24 months, temporary structures to be erected along lot line were necessary to protect adjoining owner as required by the New York City Building Code, petitioner's project was in the public's interest, and adjoining property owner would be financially protected as she would be added to petitioner's construction insurance and by petitioner's promise to indemnify her for any loss.