

Bond Case Briefs

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Nickart Realty Corp. v. Southold Town Planning Bd.

Supreme Court, Appellate Division, Second Department, New York - September 18, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 05909

Property owner brought declaratory action against town planning board challenging the imposition of an additional requirement, after the conditional preliminary approval of the subdivision plan, that owner submit proof of compliance with provision limiting transfer of sanitary flow credits or of a variance by county department of health services that was not based on the credit transfer. The Supreme Court found imposition of the additional requirement arbitrary and capricious. Board appealed.

The Supreme Court, Appellate Division, held that board could not impose additional requirement after granting conditional preliminary approval.