

# **Bond Case Briefs**

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## **ZONING - NEW YORK**

### **Saratoga Springs Preservation Foundation v. Boff**

**Supreme Court, Appellate Division, Third Department, New York - October 24, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 06924**

Historic preservation organization brought article 78 proceeding challenging decision of city's design review commission to permit demolition of historic building. The Supreme Court denied the application, and organization appealed.

The Supreme Court, Appellate Division held that:

- Commission's determination that owner's demolition application satisfied city code's requirement that such application include postdemolition development plans was not arbitrary or capricious;
- Commission did not impermissibly segment its State Environmental Quality Review Act (SEQRA) review;
- Commission's determination that structure was unsafe and could not be preserved was not arbitrary or capricious; and
- Commission member was not disqualified from reviewing owner's application because of alleged conflict of interest.