

# **Bond Case Briefs**

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## **ZONING - NEW YORK**

### **Restuccio v. City of Oswego**

**Supreme Court, Appellate Division, Fourth Department, New York - February 7, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 00829**

Plaintiffs brought declaratory judgment action against city, common council, mayor, and developers, challenging rezoning of property to accommodate construction of a hotel. The Supreme Court, Oswego County, granted summary judgment in defendants' favor, and plaintiffs appealed.

Holdings: The Supreme Court, Appellate Division, held that:

- Rezoning was consistent with city's comprehensive plan, and
- Rezoning was reasonably related to legitimate governmental interest.

Rezoning of property to accommodate construction of a hotel was consistent with city's comprehensive plan. New zoning classification for property more closely conformed to the comprehensive plan than its existing designation and hotel would be an appropriate use in proposed zone, which was designated as "highway commercial."

City's rezoning of property to accommodate construction of a hotel was reasonably related to legitimate governmental purpose of furthering city's planned development.