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Gabrielli v. Town of New Paltz

Supreme Court, Appellate Division, Third Department, New York - April 24, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 02826

Owners of property within town petitioned for Article 78 review and brought action for declaratory judgment, seeking annulment of local law enacted to prevent despoliation and destruction of wetlands, waterbodies, and watercourses. The Supreme Court, Ulster County, entered judgment in favor of owners. Town appealed.

The Supreme Court, Appellate Division held that:

- Town's planning board took requisite hard look before deciding that no environmental impact statement (EIS) was required;
- Board's identification of regulated area was sufficiently specific;
- Law was not unconstitutionally vague;
- Law did not improperly regulate activities exempt from permit requirements of state's Department of Environmental Conservation (DEC);
- Conservation fee established by law did not constitute ultra vires tax;
- Law did not improperly empower board to make quasi-judicial determinations as to when taking occurred; and
- Law was not preempted by Mined Land Reclamation Law or other state law.

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