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ZONING - NEW YORK

Citrin v. Board of Zoning and Appeals of Town of North Hempstead

Supreme Court, Appellate Division, Second Department, New York - October 19, 2016 - N.Y.S.3d - 2016 WL 6089178 - 2016 N.Y. Slip Op. 06827

Owners of split-zone lot brought article 78 proceeding to review determination of town zoning board which imposed a five-year durational limit on special permit granted to them.

The Supreme Court, Nassau County, denied the petition, and owners appealed.

The Supreme Court, Appellate Division, held that zoning board did not have authority to impose durational limit on a special use permit.

It was improper for zoning board to impose five-year durational limit on special use permit granted to owners of property on a split-zone lot to continue to use parking lot in residence district, where zoning ordinance did not explicitly provide the Board with authority to impose durational limits on special use permits.