

Bond Case Briefs

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Neeman v. Town of Warwick

Supreme Court, Appellate Division, Second Department, New York - June 3, 2020 - N.Y.S.3d - 2020 WL 2892696 - 2020 N.Y. Slip Op. 03113

Landowners filed article 78 petition against campground and city zoning board of appeals seeking an annulment of board's decision granting campgrounds application for an area variance, and filed further action seeking a declaration that board segmented its environmental review.

The Supreme Court, Orange County, denied landowners' petition, and entered order, in effect, dismissing action. Landowners appealed.

The Supreme Court, Appellate Division, held that:

- Board's determination to grant area variance was arbitrary and capricious and an abuse of discretion, and
- Board's failure to review variance application in the context of campground's overall campsite expansion plan constituted an improper segmented review.