

Subdivision Law

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St. John's Law Review
Volume 59 Issue 4 Volume 59, Summer 1985, Number 4 Article 2 June
Constitutional Home Rule in New York: "The Ghost of Home Rule"
James D. Cole

<http://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=2143&context=lawreview>

NYMIR

New York Municipal Insurance Reciprocal

Online University
Subdivision Approval
<https://www.nymir.org/>

BEFORE YOU START

The single most important and first step in preparing a subdivision will be to review the zoning and subdivision regs and to study the definitions in each. It is the definitions that will direct the procedure you must follow and can provide you the opportunity to avoid time consuming and possibly costly mistakes and misunderstandings. Each municipality is very different and being able to provide guidance to your client and identify the path early in the process will make you the hero to your client.

Subdivision of land - regulated at the local level.

1920s -Municipalities statutorily authorized to review and control the subdivision of land.

(Cities, L.1926, c. 690; villages L.1926 c. 719; towns L.1927, c. 175.)

Early 1990's - Joint Legislative Commission on Rural Resources was authorized by Legislature authorized to develop recommendations for recodifying the State laws dealing with zoning and planning

1992 Town Law and Village Law *underwent* significant revisions L.1992, c. 727

1995 City law revised L.1995, c. 423

The purpose of subdivision control is “to provide for future growth and development, afford adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.” *(Town Law §278(1), Village Law §7-738(1), General City Law §37(1))*

Zoning vs. Subdivision are both exercises of a municipality's “police power”

The fundamental right of a government to make all necessary laws. In the United States, state police power comes from the Tenth Amendment to the Constitution, which gives states the rights and powers "not delegated to the United States." States are thus granted the power to establish and enforce laws protecting the welfare, safety, and health of the public.

Nolo's Plain-English Law Dictionary

Home Rule

Source of Home Rule Powers

Article IX of the Constitution, adopted in 1963, (essentially first enumerated in Article XII, Section 2, of the Constitution of 1924) established a Bill of Rights for Local Governments (Section 1) and provision for a unique Statute of Local Governments, under which home rule powers may be given quasi-constitutional protection against change (Section 2(b)(1)).

Constitutional home rule power is granted to all counties outside New York City, and all cities, towns and villages (Section 3(d)(1)).

Prior to 1963 no towns and only some villages had constitutional home rule power.

Bill of Rights includes among other things

- rights to have a legislative body elected by the people
- power to adopt local laws
- power of eminent domain
- and the power to apportion costs of governmental services or functions upon portions of local areas as authorized by the Legislature. (I.e special districts water, sewer etc)

Article IX, Section 2, is the controlling section relative to the allocation of power between the State Legislature and local governments.

Essentially 2 sides to this provision of the Constitution.

Limitation on State Power.

First- limits the power of the Legislature to act in relation to local governments and specifically prohibits the State from acting with respect to the "property, affairs or government" of any local government except by general law (or by special law) but does not restrict the State's power with respect to (1) the public school system or retirement systems pertaining thereto, (2) the courts, and (3) matters other than the property, affairs or government of a local government.

Source of Home Rule Powers

Second- creates a set of affirmative grants of home rule power including the power to adopt or amend local laws relating to its "property, affairs or government" which are not inconsistent with the provisions of the Constitution or of any general law.

Zoning and subdivision control are entirely separate and distinct; they work together, BUT you can have one or the other

Zoning identifies **what land may be used for** by establishing different districts or zones and the allowable use, i.e. residential, commercial, industrial and density and/or intensity of the use. *(See Attached zoning schedule Att. 1)*

Subdivision is concerned with **how lots are established** and when development does occur, that it will have adequate services and facilities.

A subdivision plat indicates the division of one tract into a number of smaller lots to be made available for separate ownership interests.

Before the planning board can conduct subdivision plat review, the municipality must define the term “subdivision” to establish the number of lots, blocks or sites for which subdivision review will be required. *(See definitions Att. 2)*

State Subdivision Enabling Statutes do not define the term Subdivision except in the context of the phrase:

...the division of any parcel of land into a number of lots, blocks or sites as specified in a law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer or ownership, or development.

If the division of land fits the municipal definition of subdivision, the board has the power to review.

Real Property Law §334 prohibits the sale of subdivided lots to the public until a map of the subdivision has been filed at the county clerk’s office. Where a planning board has been authorized to approve subdivisions, the filing of a subdivision map at the county clerk’s office is prohibited unless the approval of the board has been noted on the map. *(Town Law §279, General City Law §34, and Village Law §7-732)*

Lot line adjustment

The definition of subdivision may include a lot line adjustment. There is no express statutory requirement that defines a lot line adjustment as a subdivision. A lot line adjustment or alteration, where a boundary line is adjusted or moved creates 2 lots with new dimensions (though not any new lots).

If a lot line adjustment is defined as a subdivision it will be subject to subdivision review and local subdivision regulations.

Some municipalities provide that a lot line adjustment does not constitute a subdivision and allow administrative review and approval.

A lot line adjustment authorizes a new boundary line, but it is necessary to effectuate the adjustment by means of a deed between the parties.

A re-subdivision is generally treated as a new project and proposal.

Subdivisions plats. What is a plat?

A subdivision “plat” is a map or drawing, prepared in accordance with local regulations, showing the divisions of the tract of land and the layout of a proposed subdivision including roads and lots at approximate distances and bearings, key plan, topography and drainage, and all proposed facilities at a suitable scale and in such detail as local regulation may require and containing any information required by the planning board.

Plat review may vary in complexity with regard to the size, location and potential environmental impact of the proposed subdivision.

What is old is new again

When the country was first settled, there were hamlets that included homes, churches, stores, later gas stations etc. *(See Hamlet Sanborn Map and Aerial photo Att. 3)*

Then came along what I call Rt. 17 syndrome.

Many communities adopted zoning and subdivision regs that mimicked the NJ suburban model, of all like uses together, i.e. Rt. 17 and then when the outlying areas of their communities were being developed according to the regulations in place, they did not like the results. Many boards then started to tell developer “what they wanted”, many of which requests were not in their requirements. When you are representing a party, you need to follow the regs but **not necessarily** follow the “requests.”

Of course where the board has discretionary powers, such as special use permit, it can get somewhat messy.

SEQRA

State Environmental Quality Review Act (SEQRA) requires government agencies (State and local) to consider the environmental impacts of any decisions that may impact the environment (*Environmental Conservation Law Article 8*).

The review of subdivision plats by local planning boards is an action triggering the application of SEQRA.

The Town, City and Village Law subdivision statutes (*Town Law §276, General City Law §32, and Village Law §7-728*) integrates SEQRA procedures into the subdivision plat review process.

The SEQRA regulations (*6 NYCRR Part 617*) contain most of the details about the environmental review process.

The SEQRA regulations classify and action as

- Type I actions (actions that require preparation of an Environmental Impact Statement (EIS))
- Type II actions (those that require no further SEQRA review), or
- Unlisted” actions (the vast majority of actions that do not appear on either a Type I or a Type II list.)

Lead Agencies vs. Involved Agencies

Lead Agency

The Lead Agency coordinates the SEQRA process. A single environmental review is conducted where one or more agencies are involved.

The lead agency makes the SEQRA determination of significance during the review process, decides whether the project is a Type I or Unlisted action and whether the preparation of an Environmental Impact Statement is required.

Involved Agency

An involved agency makes a discretionary decision regarding some aspect of the action. The planning board is will be an involved agency in its review of a subdivision and participate in the SEQR process. Where the planning board is the only agency required to make a decision in connection with a proposed subdivision, it is the lead agency

Environmental Assessment Form (EAF)

The EAF is a SEQRA document developed to assist the lead agency in identifying and assessing information needed to determine significance.

The EAF should describe the proposed action, location, purpose and potential environmental impacts. Part 1 is completed by or for the applicants, Parts 2 and 3 represent the review of the issues by the lead agency that completes these parts.

Significance of an Action

Using the information from the EAF, the lead agency makes a determination of significance using SEQRA criteria. Determination of significance for Type I and Unlisted actions is the most critical (and one of the most litigated) steps in the SEQRA process.

The Lead agency must decide whether or not a proposed Type I or Unlisted action is likely to have a significant adverse impact upon the environment.

In Type I and Unlisted actions the review will result in one of the following:

- a positive declaration,
- a negative declaration, or a
- conditioned negative declaration.

Positive Declaration: If the proposed subdivision “may include the potential for at least one significant adverse environmental impact” an EIS must be prepared.

Negative Declaration: If the lead agency determines “either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant” it may issue a Negative Declaration, in which case an EIS need not be prepared.

Issuance of a Negative Declaration ends the SEQRA process.

Conditioned Negative Declaration: If the lead agency determines that an Unlisted action, may result in one or more significant adverse environmental impacts but also identifies mitigation measures that, if implemented, will modify the proposed action so that no significant adverse environmental impacts will result, it issues a Conditioned Negative Declaration. The Conditioned Negative Declaration must be published and the public must be given at least a thirty day period to comment. Once issued, a Conditioned Negative Declaration, like a Negative Declaration, ends the SEQRA process.

The Complete Subdivision Plat

The State Subdivision Enabling Statutes provide that, in order for a subdivision plat application to move forward, the application must first be deemed to be “complete.”

The determination of completeness is important, as the time periods for subdivision plat approval do not begin to run until the plat is “complete.” A subdivision plat application is

considered complete when, after all submission requirements are met, the lead agency has filed, pursuant to SEQRA, either:

- A negative declaration (or a conditioned negative declaration), or
- A notice of completion of the draft environmental impact statement (DEIS)

Once the preliminary plat is deemed complete, the statutory time periods run
County Referral

General Municipal Law (GML) §239-n

Allows county legislative bodies to require that county or regional planning agencies review subdivisions before a local planning board decision is made.

If the county or regional planning agency has been authorized to review subdivisions, the local planning board must refer subdivisions to the county or region for its review. (however the county or regional planning agency may enter into an agreement that some plats are of a purely local concern and not subject to referral)

Plats that are subject to county review, if so authorized, are those that apply to real property located within 500 feet of any of the following:

- A municipal boundary
- The boundary of an existing or proposed county or State park or recreation area
- The right-of-way of an existing or proposed county or State parkway, thruway, expressway, road or highway
- The existing or proposed right-of-way of a stream or drainage channel owned by the county or for which the county has established channel lines
- The existing or proposed boundary of any county or State owned land on which a public building or institution is situated
- The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law

County Action

The county has 30 days after receipt to make recommendations, if it fails to do so, the local board may take final action, unless the recommendation is made 2 or more days before action on the final plat.

If the county planning agency has reviewed a plat under General Municipal Law §239-n and has recommended either modification or disapproval of the plat, the local planning board may not act

contrary to that recommendation except by a majority-plus-one (a supermajority) vote of its total membership.

If the county has recommended approval, or has determined there is no significant county-wide impact, the local planning board needs only a simple majority vote.

The 62 day statutory period within which the local planning board must issue a decision on a final plat begins to run when the local board has received the county planning agency recommendation or 30 days after have expired with no recommendation from the county.

The planning board then must file its report with the county within 30 days of the final planning board action or if the action required a supermajority it must give its reasons for doing its actions.

The Process

The Planning Board will generally one of two procedures in the review of a subdivision

One Step review involves reviewing a final map in conjunction with SEQR Review. This may make it somewhat less onerous, but does not mean one meeting or even two, depending on the concerns of the Planning Board.

A two step process will include preliminary plat and final plat review. Where there is a two step process the SEQR review must be performed in the preliminary phase.

The procedures for planning boards are set forth in the State Subdivision Enabling Statutes.

Subdivisions are generally classified as major or minor with review procedures and criteria as set forth in the local regulation.

Minor subdivisions are often reviewed under the one step review process involving only final plat review and approval.

Larger subdivisions, classified as major subdivisions will generally be reviewed using the two step process of review and approval of both preliminary and final plat.

Step 1 Sketch Plans/Concept Plans

While not necessarily required, many municipalities start with or encourage a preliminary or pre-submission conference to discuss the proposed subdivision and the requirements necessary for subdivision review.

The sketch plan review does not constitute any formal submission and SEQRA does not usually apply. It benefits both parties by identifying the issues, considerations and possible hurdles that exist or may arise.

The applicant will provide an overview and as much data as they have and their goals for the project. A sketch plan showing proposed lot and road development will generally be required. The planning board or planning official can then advise on the next steps require outline a plan to get to the subdivision approval.

Where “One Step” (Final) Subdivision Plat Review applies:

- No preliminary plat precedes the final plat.
- Review begins with the submission of a complete application for final plat approval.
- Specific types of information as shown on a submission checklist should be included along with the plat identified as the final plat submission requirements

Final Plat Review

Subdivision review time periods begin to run when the planning board has received a “complete” final plat application. When a final plat is “complete” is defined by statute (*Town Law §276(6), Village Law§7-72(6), General City Law §32(6)*):

(c) ... a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.

If the municipality is in a county that conducts review pursuant to GML §239-n, the final plat will be considered complete only after the planning board receives the county recommendation or 30 days has expired with no response.

Public Hearing

The first important time frame is the time for holding a public hearing on the final plat. A public hearing is required to be held by the planning board for each subdivision application. Usually, the hearing must be opened and closed in 120 days.

When the Planning Board Is the Lead Agency

Planning Board must hold a public hearing within 62 days of a negative declaration

The public hearing must comply with posting and notice requirements of the Open Meetings Law and must be closed within 120 days after it is opened.

When the Planning Board is an Involved Agency but NOT the Lead Agency

If the planning board is not the lead agency under the SEQRA regulations, the State Subdivision Enabling Statutes provide that if the planning board can obtain the agreement of the lead agency, the public hearing on the final plat and DEIS should be held jointly.

Notice of a joint hearing must be advertised in a newspaper of general circulation within the municipality at least 14 days before the hearing date. Or if no joint hearing is held, the planning board must hold the hearing on the final plat within 62 days after the receipt of a complete final plat.

Notice of this hearing must be published in a newspaper of general circulation in the municipality at least five days in advance, must comply with the posting and notice requirements of the Open Meetings Law, and closed within 120 days after it is opened.

Time for Decision

The planning board must render a decision on the final plat within 62 days of the close of the public hearing where a negative declaration has been issued for the final plat

“Two Step” (Preliminary & Final) Subdivision Plat Review

Where a two step review is held, the first step is application for preliminary plat approval followed by application for final plat approval.

Preliminary Plat Review

A preliminary plat is defined in the State Subdivision Enabling Statutes

(Town Law §276(4), Village Law§7-72(4), General City Law §32(4)) as:

(b) “a drawing prepared in a manner prescribed by local regulations showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulations may require.”

Preliminary Plat Review time period

subdivision review time periods begin to run when the planning board has received a complete preliminary plat application. When a preliminary plat is complete is defined by statute (*Town Law §276(5), Village Law§7-72(5), General City Law §32(5)*):

(c) ...A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

When the planning board receives the preliminary plat and all necessary information and a negative declaration is issued under SEQR, the preliminary plat is considered complete and the planning board must conduct a public hearing within 62 days.

Public Hearing

The first important time frame is the time for holding a public hearing on the final plat. A public hearing is required to be held by the planning board for each subdivision application. Usually, the hearing must be opened and closed in 120 days.

When the Planning Board Is the Lead Agency

Planning Board must hold a public hearing within 62 days of a negative declaration

The public hearing must comply with posting and notice requirements of the Open Meetings Law and must be closed within 120 days after it is opened.

When the Planning Board is an Involved Agency but NOT the Lead Agency

If the planning board is not the lead agency, when the lead agency issues a negative declaration, the preliminary plat is considered complete and the planning board must conduct a public hearing within 62 days of receipt.

When the lead agency requires an DEIS the preliminary plat is complete when notice that the DEIS has been filed. If the planning board can obtain the agreement of the lead agency, the public hearing on the preliminary plat and DEIS should be held jointly.

Notice of a joint hearing must be advertised in a newspaper of general circulation within the municipality at least 14 days before the hearing date. Or if no joint hearing is held, the planning board must hold the hearing on the final plat within 62 days after the receipt of a complete preliminary plat.

Notice of this hearing must be published in a newspaper of general circulation in the municipality at least five days in advance, must comply with the posting and notice requirements of the Open Meetings Law, and closed within 120 days after it is opened if an EIS was not required.

If an EIS WAS required the planning board must wait until the FEIS has been filed before acting on the preliminary plat

Factors for Decision Making

The State Subdivision Enabling Statutes provide that a planning board “shall approve, with or without modification, or disapprove” preliminary plats. (Town Law §276(5), Village Law§7-72(5), General City Law §32(5).

Planning board members should review Part III of this publication, which discusses in detail the factors a planning board considers when reviewing a preliminary or final plat.

Most municipalities have adopted local subdivision regulations that supplement the State Statutory standards and establish procedural and substantive standards.

The environmental review conducted as part of the SEQRA process should address environmental area protection, storm water management and plotting patterns to avoid sensitive areas or watercourses.

Decision Preliminary Plat

The preliminary plat decision is very likely the most important step taken by the planning board in the subdivision process. The planning board should be satisfied with design detail of the subdivisions as once the preliminary plat is approved, most elements cannot be revisited if the final plan complies with the approval.

Both the Appellate and Court of Appeals have held that the preliminary plat provides the basis for implementation of the design determinations and that absent new information, subsequent modification or rejection can cause the decision to be invalidated (using the arbitrary and capricious standard- Article 78)

Within a strict statutory time frame, the planning board must consider all design elements of the preliminary plat. The Failure by the planning board to meet the strict statutory time frames can sometimes result in “default approval” of the plat.

Preliminary Plat Time for Decision

If an EIS is not required, decision on the preliminary plat must be made within 62 days after the close of the public hearing. (*Town Law §276(5), Village Law§7-72(5), General City Law §32(5)*).

If an EIS is required, decision on the preliminary plat may not be made until a FEIS has been filed. (*Town Law §276(5), Village Law§7-72(5), General City Law §32(5)*).

If the planning board is the lead agency, findings on the FEIS and make its decision on the preliminary plat must be made within 30 days of the filing of the FEIS.

If the planning board is not the lead agency but rather an involved agency, findings by the

The planning board must make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on the preliminary plat or within 30 days of the adoption of SEQRA findings by the lead agency, whichever period is longer.. (*Town Law §276(5), Village Law§7-72(5), General City Law §32(5)*).

The decision on a preliminary subdivision plat is subject to judicial review. The 30-day statute of limitations for challenging preliminary subdivision plat approval is triggered when the preliminary plat is filed, rather than after filing of the approved final plat. (*Town Law §282*)

Voting on the Preliminary Plat

The planning board may approve, approve with modification, or disapprove the preliminary plat. An affirmative vote of a majority of all members of the planning board is necessary in order to take action on the preliminary subdivision plat (including vacancies and absences) (*Town Law § 271(17), General Construction Law §41*).

Where an action is the subject of a referral to the county or regional planning agency, the voting provisions of GML §239-m apply.

Findings

Compliance with SEQRA is required before any decision on the preliminary plat.

Where an FEIS is prepared, SEQRA findings must be made at the time of or prior to the decision on the preliminary plat.

If/When the planning board approves a preliminary plat, the planning board clerk certifies that the preliminary plat has been approved and notifies the applicant. The planning board clerk must file and mail the decision (*Town Law §276(5)(f)*; *Village Law §7-728(5)(f)*; *Gen. City Law §32(5)(f)*).

A copy of the planning board's decision must also be filed with the municipal clerk within five business days of the decision. (*Town Law §276(5)(g)*; *Village Law §7-728(5)(g)*; *Gen. City Law §32(5)(g)*).

If modifications are required before the final plat is submitted, the planning board "shall state in writing any modifications it deems necessary for submission of the plat in final form" (*Town Law §276(5)(d)(iv)*; *Village Law §7-728(5)(d)(iv)*, *Gen. City Law §32(5)(d)(iv)*).

The planning board must also state the grounds on the record (*Town Law §276(5)(d)*; *Village Law §7-728(5)(d)*; *Gen. City Law §32(5)(d)*).

If the preliminary plat is not approved, the planning board grounds disapproval must be stated on the record.

Final Plat

On the final plat the details are added. The plat must be submitted within 6 month of the preliminary plat approval. Failure to meet this requirement can result in the Planning board revocation of the preliminary plat approval. (*Town Law §276(5)(h)*; *Village Law §7-728(5)(h)*; *Gen. City Law §32(5)(h)*).

Time

By the time the preliminary plat has been approved, the subdivision process is almost complete. The information that is typically added between the preliminary and final plat step includes a detailed survey of the site and the engineering detail for the design of the roads and other required infrastructure. The applicant must submit the final plat to the planning board.

Definition of final plat

"a drawing prepared in a manner prescribed by local regulation that shows a proposed subdivision, containing in such additional detail as shall be provided by local regulation all

information required to be shown on a preliminary plat and the modifications, if any, required by the planning board at the time of the approval of the preliminary plat is such preliminary plat has been so approved.” (Town Law §276(4)(d); Village Law §7-728(4)(d); Gen. City Law §32(4)(d)).

In a county that has review pursuant to General Municipal Law 239-n (County or Regional Referral), the final plat will be considered the planning board receives the County Board’s recommendation or 30 days after there has been no response from the County planning.

Final Plat Approval

After determining that the final plat is in substantial agreement with the preliminary plat, the planning board must make a decision (by resolution) within 62 days. *(Town Law §276(6)(b); Village Law §7-728(6)(b); Gen. City Law §32(6)(b)).*

The planning board cannot disapprove a final plat that is in conformance with an approved preliminary plat.

Under the State Subdivision Enabling Statutes, the planning board may:

- Approve the final plat approval
- Conditionally approve the final plat (with or without modification) or
- Disapprove the final plat.

(Town Law §276(6)(d); Village Law §7-728(6)(d); Gen. City Law §32(6)(d)).

Within 5 days of final approval the planning board must file the resolution with the municipal clerk. *(Town Law §276(9); Village Law §7-728(9); Gen. City Law §32(9))*

Conditional approval

Planning boards have broad authority to impose reasonable conditions in the course of approving a subdivision. The planning board can impose one or more conditions that must be satisfied to obtain final plat approval as long as there is a reasonable relationship between the problem and the property. *(Town Law §276(4)(e) and (f), Village Law §7-728(4)(e) and (f); Gen. City Law §32(4)(e). and (f)).*

Conditional approval is valid for 180 days absent extensions that the planning board can grant consisting of 2 90 day periods. If the conditions have not been satisfied within the allowed period, the conditional approval expires.

If the conditional approval expires, the applicant must submit a new application for preliminary review and start the process over. *(Town Law §276(7); Village Law §7-728(7); Gen. City Law §32(7)).*

Judicial Review/Article 78

Within 30 days of the filing of the reviewing board's decision with the municipal clerk, an aggrieved party may apply to the Supreme Court to review the complained of decision under CPLR §78. The Court will review the record and determine if the board decision is supported by the evidence. As discussed in a 2005 Decision in *Halperin v. City of New Rochelle* the Supreme Court , Appellate Division, Second Department (809 N.Y.S.2d 98)

"When reviewing the determinations of a Zoning Board, courts consider 'substantial evidence' only to determine whether the record contains sufficient evidence to support the rationality of the Board's determination" (Matter of [Sasso v. Osgood, supra at 384 n 2](#)).

Thus, the determination of a municipal land use agency must be confirmed if it "was rational and not arbitrary and capricious" (Matter of [Sasso v. Osgood, supra at 384](#)). A determination will be deemed rational if it has some objective factual basis, as opposed to resting entirely on subjective considerations such as general community opposition. A reviewing court, however, does not consider whether the determination is supported by "substantial evidence," within the meaning of CPLR 7803 (4). In this case, since no substantial evidence question is presented, the Supreme Court should have retained jurisdiction of the matter and reviewed the Zoning Board's determination under the "arbitrary and capricious" standard."

It is important to note that the Appellate Division will not "decide" the case, but only decide if the decision of the board was rationally based.

Filing of plat

Approved subdivision map must be filed at the County Clerks' office within 62 days. However, a municipality may shorten that time in the regulations. Be sure to review the regs!

Any additional Questions?