



ALERT



THE BRIDGE FROM BIG FIRM EXPERIENCE TO SMALL FIRM PERSONAL ATTENTION

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COURT RULES EMINENT DOMAIN NOT USED PROPERLY

In the case 49 WB, LLC v. Village of Haverstraw the Appellate Division found the Village failed to demonstrate a public purpose to justify condemnation. The Village proposed to condemn the property at issue for acquisition by a local not-for-profit, HOGAR. In finding that the acquisition of the property had a public purpose the Village had determined that (1) HOGAR would provide a community outreach health center, (2) provide an office for HOGAR and (3) the site would be suitable to construct 16 units of affordable housing. The Court found: (1) the Village failed to demonstrate that HOGAR was more likely to provide a community outreach health center than the current owner; (2) HOGAR already leased space in the building and the owner had offered a long term lease; and (3) the condemnation, through a complex analysis discussed on our Blog, actually results in fewer affordable housing units for the Village.

For a discussion of various topics relating to zoning and municipal law please see our Blog at www.newyorkzoningandmunicipallawblog.com.

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Silverberg Zalantis LLP
Law Offices
3 Barker Avenue, Suite 180
White Plains, New York 10601
Tel. (914) 682-0707
Fax. (914) 682-0708
www.szlawfirm.net