

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D17064
C/cb

_____AD3d_____

Argued - October 22, 2007

STEPHEN G. CRANE, J.P.
GLORIA GOLDSTEIN
ANITA R. FLORIO
MARK C. DILLON, JJ.

2006-08222

DECISION, ORDER & JUDGMENT

In the Matter of Town of New Castle, petitioner, v
New York State Board of Real Property Services,
et al., respondents.

Wormser, Kiely, Galef & Jacobs LLP, White Plains, N.Y. (Clinton B. Smith and Karen Wagner of counsel), for petitioner.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Lewis A. Polishook of counsel), for respondent New York State Board of Real Property Services.

Hacker & Murphy, LLP, Latham, N.Y. (Patrick L. Seely, Jr., of counsel), for respondent Town of Ossining.

Proceeding pursuant to CPLR article 78 and RPTL 1218 to review a determination of the New York State Board of Real Property Services dated July 27, 2006, which denied, after a hearing, the application of the Town of New Castle to establish a segment special equalization rate of 19.79 or, in the alternative, 19.68, for the 2006/2007 school year for that portion of the Ossining Union Free School District which is located in the Town of New Castle.

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, with one bill of costs.

Contrary to the petitioner's contention, the determination of the respondent New York State Board of Real Property Services which denied, after a hearing, its application to establish a segment special equalization rate of 19.79 or, in the alternative, 19.68, for the 2006/2007 school year

November 27, 2007

Page 1.

MATTER OF TOWN OF NEW CASTLE v NEW YORK STATE BOARD OF REAL
PROPERTY SERVICES

for that portion of the Ossining Union Free School District which is located in the Town of New Castle, is supported by substantial evidence (*see* RPTL 1218; CPLR 7803[4]; *Matter of Town of Rye v New York State Bd. of Real Prop. Servs.*, 5 AD3d 783, 785; *Matter of Town Bd. of Town of Cortlandt v New York State Board of Real Prop. Servs.*, 282 AD2d 467; *Matter of Town of Greenburgh v New York State Bd. of Equalization & Assessment*, 226 AD2d 546, 546-547, 548).

CRANE, J.P., GOLDSTEIN, FLORIO and DILLON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court