

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

D32682

Y/ct

____AD3d____

Submitted - October 6, 2011

DANIEL D. ANGIOLILLO, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2010-08581

DECISION & ORDER

In the Matter of Vincent Anzisi, appellant, v Incorporated
Village of Lindenhurst, et al., respondents.

(Index No. 3557-10)

Rod Kovel, Merrick, N.Y., for appellant.

Glass & Glass, Babylon, N.Y. (Gerard Glass of counsel), for respondents.

In a proceeding pursuant to CPLR article 78 to review a determination of the Planning Board of the Incorporated Village of Lindenhurst, dated January 7, 2010, which, after a hearing, denied the petitioner's application for subdivision approval, the petitioner appeals from a judgment of the Supreme Court, Suffolk County (Molia, J.), dated June 18, 2010, which denied the petition and dismissed the proceeding.

ORDERED that the judgment is affirmed, with costs.

A local planning board has broad discretion in reaching its determination on applications for subdividing property, and judicial review is limited to determining whether the action taken by the board was illegal, arbitrary, or an abuse of discretion (*see Matter of Kearney v Kita*, 62 AD3d 1000; *Matter of Davies Farm, LLC v Planning Bd. of Town of Clarkstown*, 54 AD3d 757, 758; *see generally Matter of Ifrah v Utschig*, 98 NY2d 304, 308). Here, contrary to the petitioner's contention, the determination of the Planning Board of the Incorporated Village of Lindenhurst to deny his application for subdivision approval had a rational basis, was not arbitrary or capricious, and was not illegal (*see Matter of Kearney v Kita*, 62 AD3d at 1001-1002).

ANGIOLILLO, J.P., LEVENTHAL, AUSTIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 25, 2011

MATTER OF ANZISI v INCORPORATED VILLAGE OF LINDENHURST