

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 52 SSM 9
In the Matter of Lisa M.
Williams,
Respondent,
v.
Town of Lake Luzerne Zoning Board
of Appeals,
Appellant.

Submitted by Mary Elizabeth Kissane, for appellant.
Submitted by Spencer D. Shapiro, for respondent.

MEMORANDUM:

The order of the Appellate Division should be reversed, with costs, and the judgment of Supreme Court reinstated.

The denial of petitioner's application for an area variance was rational and not arbitrary and capricious or an abuse of discretion. Respondent rationally considered and applied the statutory factors (*see* Town Law § 267-b [3] [b]), and the Appellate Division erroneously substituted its own judgment for that of respondent (*see Matter of Pecoraro v Board of Appeals of Town of Hempstead*, 2 NY3d 608, 613-614 [2004]).

On review of submissions pursuant to section 500.11 of the Rules, order reversed, with costs, and judgment of Supreme Court, Warren County, reinstated, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided February 11, 2026