

# State of New York Court of Appeals

Summaries are prepared based on the parties' briefs and are for background purposes only.

To be argued Thursday, November 20, 2025

**Hudson View Park v Town of Fishkill** (234 AD3d 40 [AD2])

Court PASS Docket No. APL-2024-00167

Hudson View Park Company (HVP), a private landowner, sought to develop a mixed-use housing project on its 50-acre property in the Town of Fishkill. The project required rezoning part of the land to allow for multifamily residential use. In 2017, HVP and the Town agreed, by a memorandum of understanding, that the Town Board would perform its review obligations and “shall not terminate its review” of the zoning petition and project in general “until it reaches a final determination on the merits in its legislative judgment regarding the best interests of the Town based upon empirical data and other factual bases.”

After a change in Town leadership in 2020, the Town Board issued a resolution ending its review of the zoning petition. HVP filed suit, alleging breach of contract and breach of the duty of good faith and fair dealing, seeking to recover damages for its expenditures and costs incurred in application and review process. The Town moved to dismiss, arguing the agreement violated the “term limits rule” and constituted illegal “contract zoning.”

Supreme Court dismissed the complaint, holding that the agreement violated the term limits rule because it bound future boards in matters of legislative discretion. The court also held that the agreement constituted illegal “contract zoning,” because it committed the Town to a specific course of action.

The Appellate Division affirmed, finding the agreement violated the term limits rule and the prohibition on contract zoning.

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**Smith v City of New York** (236 AD3d 414 [AD1]).  
Court PASS Docket No. APL-2025-00055

Johnte Smith filed two separate lawsuits against the City of New York, each arising from different arrests by NYPD officers in May 2020. The same attorney represented Smith in both actions. The first action (Action 1) stemmed from a May 5 arrest; the second (Action 2), jointly filed with Sheldon Moore, arose from a May 19 arrest. Both suits alleged false arrest and malicious prosecution.

In May 2022, Smith, represented by counsel, settled Action 2 for \$30,000. As part of that settlement, he signed a general release that included broad language discharging the City from “any and all” tort claims unless specifically excluded. Smith did not list Action 1 in the exclusion section.

Supreme Court denied the City’s motion for summary judgment in Action 1, finding the release applied only to Action 2.

The Appellate Division reversed in a 3–2 decision, holding the general release signed by Smith in connection with the settlement of Action 2 (the May 19, 2020 arrest) was clear and unambiguous. The majority said because the release broadly waived “any and all” tort claims unless specifically excluded, and Smith did not list Action 1 (the May 5, 2020 arrest) in the exclusion section, Action 1 was barred. The majority also noted that there was no basis to consider extrinsic evidence because the release was unambiguous and, even if extrinsic evidence were considered, it would not override the broad language of the release. The majority also observed that the City had no legal or ethical obligation to advise a represented plaintiff on how to complete a clear release.

The dissenting Justices disagreed, holding the parties clearly intended to settle only Action 2, because the release only referenced Action 2 and all communications and documents referenced only Action 2. The dissenting Justices noted that applying the release to Action 1 was unfair and unjust, because the City never disclosed its intent to extinguish Action 1. The dissenting Justices warned that allowing such a practice incentivizes defendants to “surreptitiously dispose” of unrelated claims and undermines fair settlement practices.

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To be argued Thursday, November 20, 2025

**People v Mark Smith** (228 AD3d 1324 [AD4])  
Court PASS Docket No. APL-2024-00181

On a rainy evening in April 2017, a masked man wearing a rain poncho entered a hair salon in Rochester and pointed what appeared to be a gun at salon employees and customers. He forced an employee to open a safe and hand over the cash inside.

In May 2017, police received a tip from Crime Stoppers. The tipster reported that Mark Smith had confessed to robbing a hair salon and that she had purchased a BB gun for him as a birthday gift. She explained that she did not initially contact police but felt compelled to do so after Mr. Smith began pressuring her to help him scout additional salons to rob.

Pursuant to a search warrant, police searched Mr. Smith's apartment and recovered a black air pistol, a black homemade mask, and a white plastic poncho. Smith was indicted for one count of robbery in the first degree under Penal Law § 160.15(4).

Before trial, County Court granted the People's application to introduce evidence that Mr. Smith was planning a second robbery and had asked the tipster to help identify a target. The court found the evidence relevant to establish identity and a common scheme or plan, and to complete the narrative explaining how the tipster came to contact Crime Stoppers. The court also concluded that the probative value of the evidence outweighed any prejudicial effect.

At trial, following the tipster's testimony, the court instructed the jury that the evidence of the planned second robbery could not be considered as proof of Mr. Smith's criminal propensity, but could be considered for limited purposes, including the tipster's motive for contacting police and Smith's modus operandi.

At the close of evidence, the court denied Smith's request to instruct the jury on the statutory affirmative defense under Penal Law § 160.15(4), which applies when the object displayed was not a loaded weapon capable of discharging a shot likely to cause death or serious physical injury. The jury convicted Smith of robbery in the first degree.

The Appellate Division affirmed. The court first held that County Court erred in permitting the tipster to testify about Mr. Smith's alleged plan to commit a second robbery but concluded that the error was harmless. The court also held that County Court properly denied Mr. Smith's request to instruct the jury on the statutory affirmative defense under Penal Law §160.15(4). The court concluded there was no reasonable interpretation of the evidence that the BB gun allegedly displayed was unloaded or inoperable.

# State of New York Court of Appeals

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To be argued Thursday, November 20, 2025

**People v Roderick Collier** (223 AD3d 539 [AD1])

Court PASS Docket No. APL-2024-00130 *\*\*case materials not available*

In 2009, Roderick Collier, then 22 years old, punched and sexually assaulted a 16-year-old girl. He was charged with multiple offenses, including rape and assault. As part of a negotiated plea agreement, Mr. Collier pleaded guilty to misdemeanor sexual misconduct, was sentenced to one year in jail, and assessed a \$1,000 sex offender fee. He was released from custody in December 2009.

In November 2014, nearly five years later, the Board of Examiners of Sex Offenders initiated proceedings under the Sex Offender Registration Act (SORA), recommending that Mr. Collier be classified as a risk level two sex offender. Mr. Collier moved to dismiss the proceedings, arguing that the delay was “outrageously arbitrary” and violated his due process rights. The trial court denied the motion but, considering Mr. Collier’s law-abiding conduct following his release, adjudicated him a risk level one offender.

The Appellate Division affirmed. The court recounted that the SORA statute says a court must make its determination within 30 days before an offender’s discharge, parole or release, but that a failure to do so “shall not affect the obligation of a sex offender to register or verify” or “prevent a court from making a determination” of a sex offender’s level of notification.

“Notwithstanding this statutory flexibility,” the court explained that an offender’s due process rights are violated when a delay is “so outrageously arbitrary as to constitute gross abuse of government authority.” The court articulated a four-factor test to determine whether a delay in SORA proceedings rises to the level of a due process violation. The factors include: (1) the length of the delay; (2) the reason for the delay; (3) whether the defendant had notice of the SORA registration requirement; and (4) whether the defendant was prejudiced by the delay.

Applying this framework, the court concluded that the delay, although substantial, did not violate Mr. Collier’s due process rights.

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To be argued Thursday, November 20, 2025

**Matter of Seneca Meadows v Town of Seneca Falls** (233 AD3d 1430 [AD4])  
Court PASS Docket No. APL-2025-00116

Seneca Meadows, Inc. (SMI) challenged the Town of Seneca Falls' Local Law No. 3 of 2016, which prohibits solid waste disposal facilities in the Town after December 31, 2025. SMI alleged that the law targeted its landfill for closure and was enacted in violation of the State Environmental Quality Review Act (SEQRA). The Town and intervenors defended the law.

Supreme Court granted SMI's motion for summary judgment on its SEQRA claim, holding that the Town violated SEQRA in adopting the Local Law. As a threshold matter, the court found that SMI had standing to bring the SEQRA challenge as the owner of the property directly affected by the law. Relying on *Matter of Har Enterprises v Town of Brookhaven* (74 NY2d 524), the court held that a property owner targeted by a zoning change has standing under SEQRA even without alleging specific environmental harm.

On the merits, the court concluded that the Town Board failed to comply with SEQRA because it did not take the required "hard look" at the environmental impacts of the Local Law and issued a negative declaration without meaningful discussion or analysis. The court found the Town's SEQRA process to be both procedurally and substantively deficient and annulled the Local Law.

Intervenors appealed. In a 3–2 decision, the Appellate Division reversed and dismissed SMI's petition, holding that SMI lacked standing to challenge the Local Law under SEQRA. The majority reasoned that SMI had alleged only economic harm, not environmental injury, and, under SEQRA, standing requires a showing of environmental harm within the "zone of interests" the statute is intended to protect. Economic injury alone, the court held, is insufficient.

The dissenting justices disagreed, concluding that SMI had standing under *Matter of Har Enterprises*. They said that the majority applied the general SEQRA standing rule and failed to recognize the exception for property owners directly targeted by government action. In their view, SMI, as the owner and operator of the only landfill affected by the Local Law, fell squarely within that exception.