
Appellate Division Paves Way for Crown Heights Development Project

FEATURED ATTORNEYS



Melanie I. Wiener

Partner



Robert A. Spolzino

Executive Partner



Lisa Colosi Florio

Partner

After 4 years of litigation, Appellate Division reverses lower court decision and holds that clients may commence construction on the Crown Heights Development Project adjacent to the Brooklyn Botanical Gardens.

Case Information

Boyd v. Cumbo, the Department of City Planning, the City of New York, Cornell Realty LLC, et al.

2022 NY Slip Op 06240

Decision Date:

11/9/22

Court:

Second Department, Appellate Division

Attorneys Working on Case:

[Melanie Wiener](#), [Robert Spolzino](#), [Lisa Florio](#)

Practice Area:

Commercial Litigation

Case Description:

Our client Respondent Cornell Realty LLC submitted a land use application seeking to rezone portions of an area of Crown Heights, Brooklyn to develop properties. The NYC Department of City Planning (DCP) determined that the project would not result in potentially adverse environment impacts. Petitioners commenced a CPLR Article 78 proceeding seeking to review the determination on the ground that DCP's underlying environmental review failed to comply with the requirements of certain environmental acts. The lower court granted Petitioners' Article 78 and the Appellate Division reversed and held that the lower court improperly substituted its own judgment for that of the agency in determining that DCP failed to take a hard look at the environmental impacts and overstepped the environmental act review in granting the underlying petition. The petition was dismissed, and the development of the area and construction may commence.