



295 A.D.2d 440
Supreme Court, Appellate Division, Second
Department, New York.

In the Matter of W.C. LINCOLN CORP.,
Petitioner,
v.
VILLAGE OF MONROE, Respondent.

June 10, 2002.

Synopsis

Proceeding was brought to review a determination of a village which condemned certain property. The Supreme Court, Appellate Division held that condemnor was not permitted to publish notice in a weekly newspaper where there was a daily newspaper within the locality.

Determination rejected.

West Headnotes (2)

[1] **Eminent Domain** Service

Condemnor was not permitted to publish notice in a weekly newspaper where there was a daily newspaper within the locality. McKinney's EDPL § 202(A, B).

1 Cases that cite this headnote

[2] **Eminent Domain** Service

Failure to adhere to the publication requirement rendered the condemnation proceeding jurisdictionally defective. McKinney's EDPL § 202(A).

1 Cases that cite this headnote

Attorneys and Law Firms

*177 Donald Tirschwell, New City, NY, for petitioner.

SANDRA J. FEUERSTEIN, J.P., GLORIA GOLDSTEIN, LEO F. MCGINITY and STEPHEN G. CRANE, JJ.

Opinion

Proceeding pursuant to EDPL 207 to review a determination of the **Village of Monroe**, dated March 20, 2001, made after a public hearing, which condemned certain property.

ADJUDGED that the petition is granted, on the law, with costs, and the determination is rejected.

^[1] ^[2] The respondent condemnor published notice of the public hearing in two consecutive issues of a weekly newspaper. A condemnor is permitted to publish notice in a weekly newspaper only if there is no daily newspaper within the locality (*see* EDPL 202[A], [B]; *see also* *Town of Carmel *178 v. Blanks*, 269 A.D.2d 455, 456, 703 N.Y.S.2d 209). The respondent does not contest the petitioner's assertion that there was a **daily newspaper** in the locality. Therefore, the respondent was required to publish notice of the public hearing "in at least five successive issues" of the daily newspaper in the locality (EDPL 202[A]). The failure to adhere to the publication requirements of EDPL 202(A) renders the condemnation proceeding jurisdictionally defective and warrants granting the petition (*see* *Town of Carmel v. Blanks*, *supra*; *Matter of New Life Fellowship v. City of Cortland*, 175 A.D.2d 343, 572 N.Y.S.2d 421).

In view of this failure, it is unnecessary for the court to address the petitioner's remaining contentions.

All Citations

295 A.D.2d 440, 743 N.Y.S.2d 177, 2002 N.Y. Slip Op. 04760

18 A.D.3d 566
Supreme Court, Appellate Division, Second
Department, New York.

In the Matter of W.C. LINCOLN CORP.,
petitioner,
v.
VILLAGE OF MONROE, et al., respondents.


May 9, 2005.

Attorneys and Law Firms

Donald Tirschwell, New City, N.Y., for petitioner.


J. Bennett Farrell, Monroe, N.Y., for respondent.

Opinion

*666 Proceeding pursuant to  EDPL 207 to review a determination of the respondents dated September 2, 2003, made after a public hearing, authorizing the

condemnation of certain real property.

ADJUDGED that the petition is granted, on the law, with costs, and the determination is rejected.

The respondents' determination authorizing the condemnation of certain real property owned by the petitioner failed to set forth the required finding as to "**the general effect of the proposed project on the environment and residents of the locality**" ( EDPL 204[B][3]). Thus, we reject the determination.

COZIER, J.P., RITTER, SPOLZINO and SKELOS, JJ.,
concur.

All Citations

18 A.D.3d 566, 794 N.Y.S.2d 665 (Mem), 2005 N.Y. Slip
Op. 03868

Burns, Juliana

From: Simon Jacobs <ptnyrealty@gmail.com>
Sent: Thursday, July 13, 2023 4:49 PM
To: Alyse Terhune; Jim Cocks
Subject: Permit request.

Alyse and Jim.

Good afternoon,

I was advised by the planing department office (a few minutes ago) that as of today (deadline), there is no permit,

Kindly explain with what authority this is being withheld from being issued.

No reason given and now it's clear that this is not prohibited by temporary modification of chapter 80,

There is a full and paid application, and no respond.

I request the demolition permit asap, and clearly demonstrating against this un-lawful withholding.

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Sincerely

S. Jacobs