

# LITIGATION CHALLENGING APPROVALS OF A HOTEL DEVELOPMENT

**Client Type:** Privately held

Hodgson Russ represented an intervenor supporting a ZBA's interpretation, in a matter requiring an understanding of the interplay of amendments to a municipal zoning ordinance over the last 50 years. The ZBA rendered an interpretation that certain height limitations (imposed as conditions to a prior rezoning) were no longer applicable, but did not issue formal written findings. Hodgson Russ argued, successfully, that the ZBA's decision was a matter of "pure legal interpretation" and that no written findings were required. Supreme Court, Erie County conducted a de novo review and upheld the ZBA's determination. The Fourth Department affirmed.

**Attorneys**

Charles Malcomb

Daniel Spitzer

**Practices & Industries**

Land Use & Economic Development

Municipal

