

<b>Matter of Bodin v Town of Ramapo</b>
2017 NY Slip Op 07722
Decided on November 8, 2017
Appellate Division, Second Department
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Decided on November 8, 2017 SUPREME COURT OF THE STATE OF NEW YORK  
Appellate Division, Second Judicial Department  
JOHN M. LEVENTHAL, J.P.  
LEONARD B. AUSTIN  
JEFFREY A. COHEN  
COLLEEN D. DUFFY, JJ.

2012-08347  
(Index Nos. 1013/11, 3051/11)

**[\*1]In the Matter of Lena Bodin, et al., appellants,**

**v**

**Town of Ramapo, et al., respondents-respondents, et al., respondents.**

Susan H. Shapiro, Nanuet, NY (Daniel Richmond of counsel), for appellants.

Michael L. Klein, Town Attorney, Suffern, NY (Janice Gittelman and Michael Specht of counsel), for respondents-respondents Town of Ramapo and Planning Board of the Town of Ramapo.

Terry Rice, Suffern, NY, for respondent-respondent Scenic Development, LLC.

## DECISION &amp; ORDER

In two proceedings pursuant to CPLR article 78 to review a determination and an amended determination of the Planning Board of the Town of Ramapo dated January 6, 2011, and March 8, 2011, respectively, which granted the application of the respondent Scenic Development, LLC, for preliminary subdivision approval of the subject property, the petitioners appeal from a judgment of the Supreme Court, Rockland County (Walsh II, J.), dated July 11, 2012, which denied the petitions and dismissed the proceedings.

ORDERED that the appeal is dismissed as academic, without costs or disbursements.

This appeal has been rendered academic by the determinations of the respondent Planning Board of the Town of Ramapo dated March 22, 2013, granting the applications of the respondent Scenic Development, LLC, for final subdivision and site plan approval of the subject property. Since the issues raised herein have been addressed on the appeal in *Matter of Bodin v Planning Board of Town of Ramapo* (\_\_\_\_ AD3d \_\_\_\_ [Appellate Division Docket No. 2014-07005; decided herewith]), the exception to the mootness doctrine does not apply (*see City of New York v Maul*, 14 NY3d 499, 507; *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714; *see also Matter of Veronica P. v Radcliff A.*, 24 NY3d 668, 671).

LEVENTHAL, J.P., AUSTIN, COHEN and DUFFY, JJ., concur.

ENTER:

Aprilanne Agostino

Clerk of the Court

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