

Matter of Shapiro v Town of Ramapo
2017 NY Slip Op 07735
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.

2012-08384
(Index Nos. 1027/11, 3098/11)

[*1] In the Matter of Susan Hito Shapiro, as successor executor of the estate of Sonya Shapiro, et al., appellants,

v

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

Susan H. Shapiro, named herein as Susan Hito Shapiro, Nanuet, NY, appellant pro se and for appellant Benjamin Ostrer.

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 & 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.), entered July 25, 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 Shapiro v Planning Board of Town of Ramapo* (_____ AD3d _____ [Appellate Division Docket No. 2014-07003; 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; *Matter of Aloya v Planning Bd. of Town of Stoney Point*, 93 NY2d 334).

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

ENTER:

Aprilanne Agostino

Clerk of the Court

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