



## New York City Developer Prevails in Appeals Court

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In a major victory for real estate developers and New York City, a New York State Appellate Court has overturned a decision preventing the completion of a new 55-story condominium building at 200 Amsterdam Avenue.

In the Matter of Committee for Environmentally Sound Development et al., against Amsterdam Avenue Redevelopment Associates LLC, et al., the Appellate Division reversed a lower court ruling that required the developers of 200 Amsterdam Avenue to demolish an unspecified number of floors from the building. The Appellate Court rejected this interpretation of Zoning Resolution (ZR) 12-10 (d), finding that the zoning provision is ambiguous. It held that Amsterdam Avenue Redevelopment Associates LLC was allowed to include partial tax lots in its declared zoning lot.

The Appellate Court also found that since the building is substantially completed, the petitioners, the Committee of Environmentally Sound Development and the Municipal Art Society of New York, failed to exercise continued due diligence to halt the project by not seeking injunctive relief at every stage of this protracted litigation.

“We are very pleased that the Appellate Court has upheld the rights of developers and the government. The developer met all of the requirements in getting the City’s approval. The court’s ruling will give peace of mind to developers who follow the rules and were concerned of having a project derailed due to objections filed after the approval. This is a big win for development in New York,” said Mr. Zetlin, Senior Partner at Zetlin & De Chiara LLP.

Zetlin & De Chiara LLP represented the New York Building Congress in an Amicus Brief filed in the litigation. Michael Zetlin was the lead attorney on the filing with assistance from Max Rayetsky.

Michael Zetlin was quoted in Commercial Real Estate News.

To read the decision, click below.

## ATTORNEYS

Michael S. Zetlin

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