

FRIDAY, OCTOBER 3, 2006



REPRINTED FROM THE

NEW YORK

# Real Estate Journal

COVERING ALL OF LONG ISLAND, NEW YORK CITY AND UPSTATE NEW YORK

## ARMENTANO OF FARRELL FRITZ REPS. KLAR ORG. IN LITIGATIONS Town of Brookhaven 2003 rezonings voided by supreme court

**BROOKHAVEN, NY** According to Steven Klar, the principal of The Klar Organization, a prominent residential real



**Steven Klar**

estate development company on Long Island, one of his entities, Yaphank Realty Corp., was successful in an Article 78 proceeding challenging the environmental process that was employed by the town to rezone approximately 25 acres of Klar's property in the town in 2003. Justice Ralph Costello ruled that the town had failed to comply with a section of state law that requires the

town to forward the full record of documentation on zoning changes to the County Planning Commission. Because the town failed to do this, the rezoning was declared void by the supreme court. This invalidates the rezonings of over 700 parcels that were done at that time by the town and reinstates the immediately prior zoning.

Klar's specific property is in Coram on Rte. 112. The town rezoned it from D-1, while a multifamily application was pending, to J-4, which prohibits multifamily use and permits an office building for the site.

Klar said that he was quite pleased with the decision because it would give him a chance to make his case before the town board that this site is not suitable for an office building, but rather should be developed on a multifamily basis for 140 townhouses which he was (and is) ready, willing

and able to do at the time. Klar further went on to say that this is a vindication of the property rights of the owners of many properties which the Town cavalierly and illegally rezoned.

Once Klar's application is put on the town board's agenda, the board must act on it within 62 days.

Klar said that he is going to vigorously pursue his multifamily application for the site, particularly since it is now once again a viable option and the town is governed by a new supervisor and board.

The matter was handled by Klar's attorney, John Armentano, of Farrell Fritz, P.C.

The litigation is part of an ongoing battle between Klar and the town concerning the refusal of the town to grant building permits to Klar for the construction of three low-rise buildings at the Waterways at Moriches which had been previously approved.

Tel: 781-878-4540 / Fax: 781-871-1853 / 800-654-4993 / [nerej@rejournal.com](mailto:nerej@rejournal.com) / [www.rejournal.com](http://www.rejournal.com)