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## NASSAU COUNTY SUPREME COURT IN TWO ARTICLE 78 PROCEEDINGS Simoncic, Blumberg and Tricolla of Forchelli obtain favorable decisions

**UNIONDALE, NY** Forchelli, Curto, Deegan, Schwartz, Mi-  
neo & Terrana, LLP partners,



**Judy Simoncic**



**Richard Blumberg**



**Danielle Tricolla**

Judy Simoncic and Richard Blumberg, assisted by associate Danielle Tricolla obtained two favorable decisions in Nassau County supreme court in two separate Article 78 proceed-

ings filed against the village of Muttontown zoning board of appeals and the Village of Muttontown Site and Architectural Review Board (SARB). In the first decision, justice John Galasso overturned the zoning board's improper imposition of a condition on their clients' building permit in connection with construction of an indoor riding arena for their clients 60-acre

horse farm and boarding facility. Galasso also annulled the zoning board's decision finding it was arbitrary and capricious and not supported by the record. In the second decision against the SARB, Galasso converted the village's motion to dismiss their Article 78 proceeding into a motion for summary judgment in favor of their clients, finding that the village had defaulted on its own time period in which to act on their clients application and as a result the application was approved by default.