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220 Hempstead Ave. Rockville Centre / Google Maps image

Court tosses village moratorium

By: David Winzelberg | October 23, 2017 | 0

A moratorium on new private roads imposed by the Village of Rockville Centre has been nullified by Nassau County Supreme Court.

The six-month moratorium enacted in July by the village's Board of Trustees came in response to a proposed subdivision of a former church property at 220 Hempstead Ave.

James and Brett O'Reilly, who purchased the 1.75-acre site from the St. Mark's Methodist Church in 2014 for \$1.315 million, are seeking to build four single-family homes—one of which the couple will occupy—on the property that had served as St. Mark's parsonage.

While two of the homes would be built on Hempstead Avenue, the other two would be accessed by a new street that the O'Reillys planned to dedicate to the village as a public road.

However, the village deemed the new street would be a private road and after some village residents complained about the subdivision, the village board voted to create a moratorium on new private roads to put the kibosh on the plan.

Supreme Court Justice John Galasso ruled that the language used in the moratorium mirrors the plaintiffs' proposed application to subdivide the property. In his decision rendered earlier this month, Galasso said in light of "sufficient evidence of strong community opposition to plaintiffs' subdivision application," the moratorium is "an invalid measure to halt development."

A spokeswoman for the village, Julie Scully, said via email that "the village believes the decision is incorrect and will be filing an appeal as soon as the village receives the official notification of the court's decision. However, due to litigation, it would be inappropriate to comment any further at this time."

Attorney Christian Browne, a partner at the Sahn Ward Coschignano law firm who represents the O'Reillys, argued that the moratorium should not apply to his clients' application since they designed the new street to be dedicated to the village. He also maintained that the moratorium was an improper use of the village's legal powers, as it was enacted solely in response to community opposition to the development project.

"We are gratified with the decision," Browne said. "We hope the village will now allow the application to move forward, according to the process set forth in the law for the review of an application for subdivision approval."



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