

**Insights**

## **PARTNERS AUTHOR ARTICLE ON 'PEYTON' AS IT APPLIES TO NY ZONING DISPUTES**

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New York Partners Philip Karmel, James Colgate and Judith Gallent authored an article published in the February edition of the *New York Real Estate Law Reporter* concerning open space and zoning disputes. Specifically, they considered the New York Court of Appeals' recent decision in *Peyton v. BSA* which held, in the context of a zoning lot containing several residential buildings, that the Zoning Resolution of the City of New York does not require an area to be accessible to all residents of the zoning lot for the area to qualify as open space. "The decision is important to the assemblage of multiple tax lots in a single zoning lot because, as the Appellate Division acknowledged, it is rarely practicable for the residents of one building to have access to the front yards, rear yards, or rooftop open space on the tax lots of unrelated building owners within the same zoning lot," they wrote. "The Court of Appeals' deference to DOB and BSA in *Peyton* is welcome news to land owners and developers considering the risks of constructing a new building in New York City." The firm successfully represented the property owner before the Court of Appeals in the *Peyton* case.

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