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## Lawsuit against Jerusalem Zoning Board dismissed

**The Chronicle-Express**

Posted Jan 13, 2009 @ 02:18 PM

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Penn Yan, N.Y. — PENN YAN — A Penn Yan couple's lawsuit against the Town of Jerusalem's Zoning Board of Appeals was dismissed on Thursday, Jan. 8, according to a statement released by the town's attorney.

In a lawsuit filed in October 2008, petitioners R. Parker Reynolds and Brenda Reynolds claimed the board illegally denied them a variance to allow recreational vehicles or campers in their mobile home park, located on Route 54A.

However, at last Thursday's hearing in Yates County Supreme Court, attorney Steven Getman, representing the town, argued that the board had followed state and local law in denying the variance.

Getman noted that the Town Zoning Code treated campgrounds and campers differently than mobile homes and that state law set minimum requirements for mobile home parks that prevented the town from granting a variance. He also cited court cases that held a zoning board's decision should not be disturbed "unless it was arbitrary, illegal or capricious."

Finally, Getman told the court, the petitioners had not presented the board with any valid evidence of financial hardship that would justify a variance under state law. Therefore, Getman argued, the lawsuit should be dismissed.

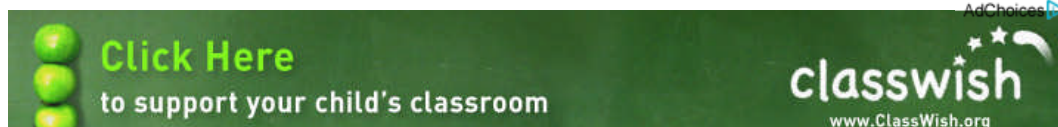
Appearing for the petitioners, attorney Derek Brocklebank told the court that the zoning board should have made more findings on the record before denying the variance. He also argued that the distinctions between mobile homes and recreational vehicles or campers were inadequate to justify rejecting the Parkers' application.

After hearing from both attorneys, acting State Supreme Court Justice Dennis Bender tossed the lawsuit.

Bender ruled that the Reynolds had failed to justify overturning the zoning board's decision. Therefore, he held, their petition should be dismissed on the merits. The petitioners have 30 days to appeal the decision to the Appellate Division in Rochester.

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