

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1262

CA 16-00526

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND SCUDDER, JJ.

IN THE MATTER OF J. THOMAS BASSETT AND SILVIA
DE LA GARZA BASSETT, PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

TOWN OF MANLIUS, RESPONDENT-RESPONDENT.

J. THOMAS BASSETT, PETITIONER-APPELLANT PRO SE.

SILVIA DE LA GARZA BASSETT, PETITIONER-APPELLANT PRO SE.

FRATESCHI LAW FIRM, PLLC, SYRACUSE (TIMOTHY A. FRATESCHI OF COUNSEL),
FOR RESPONDENT-RESPONDENT.

Appeal from a judgment (denominated order) of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered January 15, 2016 in a CPLR article 78 proceeding. The judgment denied the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Memorandum: In this CPLR article 78 proceeding challenging a determination made by a hearing officer in a small claims assessment review (SCAR) proceeding (*see* RPTL 736 [2]), we conclude that Supreme Court properly denied the petition. Judicial review of the determination of a hearing officer in a SCAR proceeding is limited to ascertaining whether the determination has a rational basis (*see Matter of Dodge v Krul*, 99 AD3d 1218, 1218; *Matter of Garth v Assessors of Town of Perinton*, 87 AD3d 1306, 1307). Here, the evidence presented at the SCAR hearing, including the evidence of comparable sales and assessments, provided a rational basis for the Hearing Officer's determination that petitioners had failed to meet their burden of demonstrating that respondent's assessment of their property was unequal or excessive (*see Garth*, 87 AD3d at 1307; *Matter of Montgomery v Board of Assessment Review of Town of Union*, 30 AD3d 747, 749).

Entered: December 23, 2016

Frances E. Cafarell
Clerk of the Court