

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

31 Alanson Lane, LLC, and Matthew Vastola, on behalf of themselves and Others Similarly Situated v. Town of Southampton, the Town Board of Southampton, comprised of: Jay Schneiderman – Supervisor, and Councilpersons John Bouvier, Rick Martel, Cyndi McNamara, and Tommy John Schiavoni, each in their official capacities, Trustees of the Freeholders and Commonalty of the Town of Southampton, comprised of: Scott M. Horowitz, William Pell IV, Edward J. Warner, Jr., Ann Welker, and William Parash, each in their official capacities

31 Alanson Lane · No. 23-cv-8938 (NJC) (LGD) · Decided February 15, 2026

SUMMARY

The United States District Court for the Eastern District of New York denied the defendants’ motion to dismiss under Rule 12(b)(1) based on Burford abstention. The court held that the complaint plausibly alleged federal and state constitutional takings and due process claims concerning Southampton Trustees’ permitting authority and a \$35,280 dimensional fee imposed for marina refurbishment. The court dismissed the federal due process claim based on the fee’s allegedly excessive amount and the state common-law claims, while allowing other claims, including a Municipal Home Rule Law claim, to proceed.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Nusrat J. Choudhury
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 15, 2026
DOCKET	23-cv-8938 (NJC) (LGD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought federal constitutional, New York constitutional, statutory, and common-law claims concerning a municipal permitting

	requirement and dimensional fee for marina refurbishment. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), asserting Burford abstention and failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the court determines whether it possesses statutory or constitutional authority to adjudicate the action; factual allegations are generally accepted as true, although jurisdictional facts may be resolved by reference to extrinsic evidence when disputed. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences for plaintiffs, and asks whether the complaint states a facially plausible claim. Burford abstention is reviewed under a fact-dependent, pragmatic inquiry considering the specificity of the state regulatory scheme, the need for discretionary construction of state statutes, and whether the subject matter is traditionally one of state concern.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

[takings clause](#)
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QUESTIONS PRESENTED

1. Whether Burford abstention required dismissal or nonadjudication of plaintiffs' claims under Rule 12(b)(1).
2. Whether the complaint plausibly alleged a Fifth Amendment takings claim, applicable through the Fourteenth Amendment, based on the dimensional fee imposed as a condition of a marina permit.
3. Whether the complaint plausibly alleged Fourteenth Amendment due process violations based on defendants' alleged lack of regulatory jurisdiction over the marina.
4. Whether the federal substantive due process claim challenging the alleged excessiveness of the dimensional fee was duplicative of the takings claim.
5. Whether the New York constitutional, Municipal Home Rule Law, and common-law claims survived the Rule 12(b)(6) motion.

HOLDINGS

1. Burford abstention did not apply because the case did not involve a detailed or complex state regulatory scheme, did not require a debatable discretionary construction of a state statute, and principally involved federal constitutional claims.

2. The complaint plausibly alleged a takings claim because the \$35,280 dimensional fee was imposed as a condition of a land-use permit and was alleged to lack an essential nexus and rough proportionality to the effects of the proposed marina refurbishment.
3. The complaint plausibly alleged Fourteenth Amendment due process claims based on defendants' alleged lack of regulatory jurisdiction over the marina.
4. The federal substantive due process claim challenging the alleged excessiveness of the dimensional fee was dismissed because the Fifth Amendment Takings Clause provided the explicit constitutional source of protection for the alleged injury.
5. The New York constitutional claims alleging regulatory taking, due process violations, and an unauthorized municipal tax survived dismissal, as did the Municipal Home Rule Law Section 10 claim because defendants did not address it.
6. The malicious prosecution, abuse of process, unjust enrichment, and money-had-and-received claims were dismissed.

KEY QUOTATIONS

“Burford abstention is a narrow exception to a federal court’s unflagging obligation under Article III of the U.S. Constitution to adjudicate cases and controversies.” (Discussion Part I)

“For a monetary exaction to satisfy the nexus and proportionality requirements, it must (1) have an “essential nexus” to a legitimate public interest and (2) be roughly proportional to the need created by the proposed development for which the permit is sought.” (Discussion Part II.A)

“Accordingly, Plaintiffs’ substantive due process claim targeting the excessiveness of the dimensional fee is dismissed because “substantive due process cannot ‘do the work of the Takings Clause.’”” (Discussion Part II.B.2)

FACTUAL BACKGROUND

31 Alanson Lane, LLC owned a marina in Hampton Bays, New York, and Matthew Vastola managed it. In 2021 and 2022, Vastola began refurbishing existing marina decks, catwalks, hard docks, and floating docks, but a Town officer ordered construction stopped and issued a ticket alleging that the work required approval from the Southampton Trustees. The Trustees approved a permit in March 2023 conditioned on payment of a \$35,280 dimensional fee calculated under a fixed schedule, and the plaintiff LLC paid the fee and received the permit in April 2023. Plaintiffs alleged that the Trustees lacked regulatory jurisdiction over a marina excavated from privately held upland and that the fee was an unconstitutional, arbitrary, and disproportionate monetary exaction.

PROCEDURAL HISTORY

Plaintiffs filed the action on December 5, 2023, after obtaining a Trustees permit and paying a \$35,280 dimensional fee. Defendants moved to dismiss on May 10, 2024. The court denied dismissal under Rule 12(b)(1) and Burford abstention. It denied dismissal of the federal takings claim, federal due process claims based on lack of regulatory jurisdiction, specified New York constitutional claims, and the Municipal Home Rule Law claim. It granted dismissal of the federal substantive due process claim based on the alleged excessiveness of the fee and

the New York common-law claims, while directing the parties to meet and confer regarding possible amendment.

DISPOSITION

other

CASES CITED

- Green v. Department of Education of the City of New York, 16 F.4th 1070, 1075 (2d Cir. 2021)
- Daly v. Citigroup Inc., 939 F.3d 415, 426 (2d Cir. 2019)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Burford v. Sun Oil Co., 319 U.S. 315 (1943)
- New Orleans Public Service, Inc. v. Council of New Orleans, 491 U.S. 350, 361 (1989)
- Colorado River Water Conservation District v. United States, 424 U.S. 800, 813 (1976)
- Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013)
- Nollan v. California Coastal Commission, 483 U.S. 825 (1987)
- Dolan v. City of Tigard, 512 U.S. 374 (1994)
- Sheetz v. County of El Dorado, 601 U.S. 267, 276 (2024)
- Conn v. Gabbert, 526 U.S. 286, 293 (1999)
- Hu v. City of New York, Hu v. City of New York, 927 F.3d 81 (2d Cir. 2019)
- Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection, 560 U.S. 702, 721 (2010) (plurality opinion)
- Mills v. County of Monroe, 451 N.E.2d 456, 458 (N.Y. 1983)
- Corsello v. Verizon New York, Inc., 967 N.E.2d 1177, 1185 (N.Y. 2012)
- Rynasko v. New York University, 63 F.4th 186, 201 (2d Cir. 2023)
- NetJets Aviation, Inc. v. LHC Communications, LLC, 537 F.3d 168, 175 (2d Cir. 2008)
- Brookhaven Baymen's Ass'n, Inc. v. Town of Southampton, 163 N.Y.S.3d 77 (2022)
- In re City of Buffalo, 99 N.E. 850, 852 (N.Y. 1912)
- City of New York v. Realty Associates, 176 N.E. 171, 172 (N.Y. 1931)
- Fairchild v. Kraemer, 204 N.Y.S.2d 823, 825 (1960)
- Trustees of Freeholders & Commonalty of Town of Southampton v. Heilner, 375 N.Y.S.2d 761, 769 (Sup. Ct. 1975)
- Adlife Marketing & Communications Co. v. Best Yet Market, Inc., 2018 WL 4568801, at *1 (E.D.N.Y. Sept. 24, 2018)
- Forman v. Davis, 371 U.S. 178, 182 (1962)

