



SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FOURTH JUDICIAL DEPARTMENT

DECISION FILED

MAY 9, 2018

HON. GERALD J. WHALEN, PRESIDING JUSTICE

HON. NANCY E. SMITH

HON. JOHN V. CENTRA

HON. ERIN M. PERADOTTO

HON. EDWARD D. CARNI

HON. STEPHEN K. LINDLEY

HON. BRIAN F. DEJOSEPH

HON. PATRICK H. NEMOYER

HON. JOHN M. CURRAN

HON. SHIRLEY TROUTMAN

HON. JOANNE M. WINSLOW, ASSOCIATE JUSTICES

MARK W. BENNETT, CLERK

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

705

CA 17-02196

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, DEJOSEPH, AND TROUTMAN, JJ.

IN THE MATTER OF TOWN OF LERAY,
PETITIONER-PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

VILLAGE OF EVANS MILLS AND VILLAGE OF
EVANS MILLS PLANNING BOARD,
RESPONDENTS-DEFENDANTS-RESPONDENTS-APPELLANTS.

HRABCHAK & GEBO, P.C., WATERTOWN (MARK G. GEBO OF COUNSEL), FOR
PETITIONER-PLAINTIFF-APPELLANT-RESPONDENT.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (BRODY D. SMITH OF COUNSEL),
FOR RESPONDENTS-DEFENDANTS-RESPONDENTS-APPELLANTS.

Appeal and cross appeal from a decision of the Supreme Court, Jefferson County (James P. McClusky, J.), entered March 3, 2017 in a CPLR article 78 proceeding and declaratory judgment action. The decision found that the zoning laws of respondents-defendants do not apply to petitioner-plaintiff's construction of a barn but do apply to the construction of a new entrance from Willow Street.

It is hereby ORDERED that said appeal and cross appeal are unanimously dismissed without costs (*see Kuhn v Kuhn*, 129 AD2d 967, 967 [4th Dept 1987]).

Entered: May 9, 2018

Mark W. Bennett
Clerk of the Court