

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