

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

**544**

**CA 17-02132**

PRESENT: SMITH, J.P., CARNI, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

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IN THE MATTER OF PILOT TRAVEL CENTERS, LLC,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

TOWN BOARD OF TOWN OF BATH AND TOWN OF BATH,  
RESPONDENTS-RESPONDENTS.  
(APPEAL NO. 2.)

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HODGSON RUSS LLP, BUFFALO (JOEL J. TERRAGNOLI OF COUNSEL), FOR  
PETITIONER-APPELLANT.

JEFFREY E. SQUIRES, BATH, FOR RESPONDENTS-RESPONDENTS.

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Appeal from a judgment (denominated order) of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered October 2, 2017 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

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

Same memorandum as in *Matter of Pilot Travel Centers, LLC v Town Bd. of Town of Bath* ([appeal No. 1] – AD3d – [July 6, 2018] [4th Dept 2018]).

Entered: July 6, 2018

Mark W. Bennett  
Clerk of the Court