

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

**554**

**CA 19-01053**

PRESENT: SMITH, J.P., TROUTMAN, WINSLOW, BANNISTER, AND DEJOSEPH, JJ.

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IN THE MATTER OF HORVATH COMMUNICATIONS, INC.,  
HORVATH TOWERS V, LLC, AND ATLANTIC MOBILE  
SYSTEMS OF ALLENTOWN, INC., DOING BUSINESS AS  
VERIZON WIRELESS, PETITIONERS-RESPONDENTS,

V

ORDER

TOWN OF LOCKPORT ZONING BOARD OF APPEALS, TOWN  
OF LOCKPORT PLANNING BOARD, AND BRIEN BELSON,  
AS TOWN OF LOCKPORT SENIOR BUILDING INSPECTOR,  
RESPONDENTS.

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DAVID MAROTTA AND GLEN MILLER, INTERVENORS-  
APPELLANTS.

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LIPPES & LIPPES, BUFFALO (RICHARD J. LIPPES OF COUNSEL), FOR  
INTERVENORS-APPELLANTS.

THE MURRAY LAW FIRM PLLC, CLIFTON PARK (JACQUELINE PHILLIPS MURRAY OF  
COUNSEL), FOR PETITIONERS-RESPONDENTS.

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Appeal from a judgment (denominated order) of the Supreme Court,  
Niagara County (Daniel Furlong, J.), entered October 31, 2018 in a  
proceeding pursuant to CPLR article 78. The judgment granted the  
petition in part.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: June 12, 2020

Mark W. Bennett  
Clerk of the Court