

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

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CA 22-00529

PRESENT: WHALEN, P.J., PERADOTTO, BANNISTER, MONTOUR, AND GREENWOOD, JJ.

IN THE MATTER OF SAVE MONROE AVE., INC.,
2900 MONROE AVE., LLC, CLIFFORDS OF
PITTSFORD, L.P., ELEXCO LAND SERVICES, INC.,
JULIA D. KOPP, MARK BOYLAN, ANNE BOYLAN AND
STEVEN M. DEPERRIOR, PETITIONERS-APPELLANTS,

V

ORDER

TOWN OF BRIGHTON, NEW YORK OFFICE OF THE
BUILDING INSPECTOR, RAMSEY BOEHNER, IN HIS
CAPACITY AS BUILDING INSPECTOR, TOWN OF
BRIGHTON ZONING BOARD OF APPEALS, TOWN OF
BRIGHTON, DANIELE MANAGEMENT, LLC,
DANIELE SPC, LLC, MUCCA MUCCA, LLC, MARDANTH
ENTERPRISES, INC., AND M&F, LLC,
RESPONDENTS-RESPONDENTS.
(APPEAL NO. 2.)

HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR
PETITIONERS-APPELLANTS.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS TOWN OF BRIGHTON, NEW YORK OFFICE OF THE
BUILDING INSPECTOR, RAMSEY BOEHNER, IN HIS CAPACITY AS BUILDING
INSPECTOR, TOWN OF BRIGHTON ZONING BOARD OF APPEALS, AND TOWN OF
BRIGHTON.

WOODS OVIATT GILMAN LLP, ROCHESTER (JOHN C. NUTTER OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS DANIELE MANAGEMENT, LLC, DANIELE SPC, LLC, MUCCA
MUCCA, LLC, MARDANTH ENTERPRISES, INC., AND M&F, LLC.

Appeal from a judgment (denominated order and judgment) of the
Supreme Court, Monroe County (J. Scott Odorisi, J.), entered March 24,
2022, 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 (*see Matter of Save Monroe Ave., Inc.
v Town of Brighton* [appeal No. 1], – AD3d – [June 9, 2023] [4th Dept
2023]).

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court