

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

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CA 22-00537

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.
(PROCEEDING NO. 1.)

IN THE MATTER OF BRIGHTON GRASSROOTS, LLC,
PETITIONER-APPELLANT,

V

TOWN OF BRIGHTON ZONING BOARD OF APPEALS,
TOWN OF BRIGHTON, NEW YORK OFFICE OF THE
BUILDING INSPECTOR, TOWN OF BRIGHTON, M&F, LLC,
DANIELE SPC, LLC, MUCCA MUCCA, LLC, MARDANTH
ENTERPRISES, INC., DANIELE MANAGEMENT, LLC,
COLLECTIVELY DOING BUSINESS AS DANIELE FAMILY
COMPANIES, RESPONDENTS-RESPONDENTS,
ET AL., RESPONDENTS.
(PROCEEDING NO. 2.)
(APPEAL NO. 3.)

HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR
PETITIONERS-APPELLANTS IN PROCEEDING NO. 1.

THE ZOGHLIN GROUP, PLLC, ROCHESTER (MINDY L. ZOGHLIN OF COUNSEL), FOR
PETITIONER-APPELLANT IN PROCEEDING NO. 2.

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.

Appeals from an amended order of the Supreme Court, Monroe County
(J. Scott Odorisi, J.), entered March 9, 2022, in proceedings pursuant
to CPLR article 78. The amended order dismissed the petitions.

It is hereby ORDERED that said appeals are unanimously dismissed
without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988,
988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63
AD2d 566, 567 [1st Dept 1978]; see also CPLR 5501 [a] [1]).

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court