

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

1064

CA 12-02241

PRESENT: SCUDDER, P.J., SMITH, FAHEY, SCONIERS, AND VALENTINO, JJ.

---

IN THE MATTER OF LEGACY AT FAIRWAYS  
TOWNHOMES, LLC, US HOMES CO., INC. AND  
MARK IV CONSTRUCTION, INC.,  
PETITIONERS-RESPONDENTS,

V

MEMORANDUM AND ORDER

PLANNING BOARD OF TOWN OF VICTOR,  
RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

---

THE WOLFORD LAW FIRM LLP, ROCHESTER (MICHAEL R. WOLFORD OF COUNSEL),  
FOR RESPONDENT-APPELLANT.

ADAMS BELL ADAMS, P.C., ROCHESTER (ANTHONY J. ADAMS, JR., OF COUNSEL),  
FOR PETITIONERS-RESPONDENTS.

---

Appeal from a judgment (denominated decision, judgment and order) of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered October 24, 2012 in a CPLR article 78 proceeding. The judgment, *inter alia*, granted the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously reversed on the law without costs and the petition is dismissed.

Same Memorandum as in *Matter of Legacy at Fairways, LLC v Planning Bd. of Town of Victor* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Dec. 27, 2013]).

Entered: December 27, 2013

Frances E. Cafarell  
Clerk of the Court