

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

1378

**CA 13-00854**

PRESENT: SCUDDER, P.J., CENTRA, SCONIERS, AND WHALEN, JJ.

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IN THE MATTER OF SUBURBAN PARK DEVELOPMENT  
ASSOCIATION, LLC, PETITIONER-APPELLANT,

V

ORDER

TOWN OF MANLIUS, TOWN OF MANLIUS PLANNING BOARD,  
FREDERICK GILBERT, DONALD CROSSETT, RICHARD  
ROSSETTI, ANN KELLY, TOM BYRNES, SUSAN MOLISKI  
AND JOSEPH LUPIA, JR., RESPONDENTS-RESPONDENTS.

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LONGSTREET & BERRY, LLP, SYRACUSE (MICHAEL LONGSTREET OF COUNSEL), FOR  
PETITIONER-APPELLANT.

HARRIS BEACH PLLC, PITTSFORD (SVETLANA K. IVY OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS.

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Appeal from a judgment (denominated order and judgment) of the  
Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered  
February 5, 2013 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.

Entered: December 27, 2013

Frances E. Cafarell  
Clerk of the Court