

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

507

**CA 13-01513**

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

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GRAMERCY PARK LLC, PLAINTIFF-APPELLANT,

V

ORDER

TOWN OF AMHERST, DEFENDANT-RESPONDENT.

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HARRIS BEACH PLLC, BUFFALO (RICHARD T. SULLIVAN OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

DEMARIE & SCHOENBORN, P.C., BUFFALO (JOSEPH DEMARIE OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Erie County  
(Frederick J. Marshall, J.), entered February 22, 2013. The judgment  
dismissed the complaint after a nonjury trial.

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: May 2, 2014

Frances E. Cafarell  
Clerk of the Court