

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

**1094**

**CA 18-01880**

PRESENT: SMITH, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ.

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IN THE MATTER OF BROTHERS OF MERCY MONTABOUR  
APARTMENT COMPLEX, INC., PETITIONER-APPELLANT,

V

ORDER

TOWN OF CLARENCE, ASSESSOR OF THE TOWN OF  
CLARENCE, AND CLARENCE BOARD OF ASSESSMENT  
REVIEW, RESPONDENTS-RESPONDENTS.

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CLARENCE CENTRAL SCHOOL DISTRICT AND COUNTY  
OF ERIE, INTERVENORS-RESPONDENTS.

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THE COPPOLA FIRM, AMHERST (LISA A. COPPOLA OF COUNSEL), FOR  
PETITIONER-APPELLANT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MICHAEL J. WILLETT OF  
COUNSEL), FOR RESPONDENTS-RESPONDENTS.

LIPPES MATHIAS WEXLER FRIEDMAN LLP, BUFFALO (MARGARET A. HURLEY OF  
COUNSEL), FOR INTERVENOR-RESPONDENT COUNTY OF ERIE.

HODGSON RUSS LLP, BUFFALO (MICHAEL B. RISMAN OF COUNSEL), FOR  
INTERVENOR-RESPONDENT CLARENCE CENTRAL SCHOOL DISTRICT.

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Appeal from a judgment (denominated order and judgment) of the  
Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered August  
16, 2018 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 for reasons stated in the decision  
at Supreme Court.

Entered: November 8, 2019

Mark W. Bennett  
Clerk of the Court