

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

**737**

**CA 21-00240**

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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BRIGHTON GRASSROOTS, LLC,  
PETITIONER-PLAINTIFF-APPELLANT,

V

ORDER

TOWN OF BRIGHTON ZONING BOARD OF APPEALS, M&F,  
LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC, DANIELE  
MANAGEMENT, LLC, AND MARDANTH ENTERPRISES, INC.,  
COLLECTIVELY DOING BUSINESS AS THE DANIELE FAMILY  
COMPANIES, RESPONDENTS-DEFENDANTS-RESPONDENTS.

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THE ZOGHLIN GROUP, PLLC, ROCHESTER (JACOB H. ZOGHLIN OF COUNSEL), FOR  
PETITIONER-PLAINTIFF-APPELLANT.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),  
FOR RESPONDENT-DEFENDANT-RESPONDENT TOWN OF BRIGHTON ZONING BOARD OF  
APPEALS.

WOODS OVIATT GILMAN LLP, ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL),  
FOR RESPONDENTS-DEFENDANTS-RESPONDENTS M&F, LLC, DANIELE SPC, LLC,  
MUCCA MUCCA LLC, DANIELE MANAGEMENT, LLC, AND MARDANTH ENTERPRISES,  
INC., COLLECTIVELY DOING BUSINESS AS THE DANIELE FAMILY COMPANIES.

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Appeal from a judgment (denominated order and judgment) of the  
Supreme Court, Monroe County (J. Scott Odorisi, J.), entered February  
8, 2021 in a proceeding pursuant to CPLR article 78 and declaratory  
judgment action. The judgment denied the motion of petitioner-  
plaintiff for a preliminary injunction, and granted the cross motions  
of respondents-defendants to dismiss the petition-complaint.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs.

Entered: October 1, 2021

Ann Dillon Flynn  
Clerk of the Court