

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

759

CA 20-01007

PRESENT: SMITH, J.P., PERADOTTO, CURRAN, BANNISTER, AND DEJOSEPH, JJ.

IN THE MATTER OF ANTHONY J. COSTELLO & SON
(SPENCER) DEVELOPMENT, LLC, ANTHONY J.
COSTELLO & SON (LONDON) DEVELOPMENT, LLC,
AND ANTHONY J. COSTELLO & SON (SAMANTHA)
DEVELOPMENT, LLC, PETITIONERS-APPELLANTS,

V

ORDER

COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY,
MONROE COUNTY INDUSTRIAL DEVELOPMENT CORPORATION,
CITY OF ROCHESTER, AND COUNTY OF MONROE,
RESPONDENTS-RESPONDENTS.

ADAMS LECLAIR LLP, ROCHESTER (ANTHONY J. ADAMS, JR., OF COUNSEL), FOR
PETITIONERS-APPELLANTS.

HARRIS BEACH PLLC, PITTSFORD (PHILIP G. SPELLANE OF COUNSEL), FOR
RESPONDENT-RESPONDENT COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY.

TIMOTHY R. CURTIN, CORPORATION COUNSEL, ROCHESTER (PATRICK N. BEATH OF
COUNSEL), FOR RESPONDENT-RESPONDENT CITY OF ROCHESTER.

Appeal from a judgment (denominated order) of the Supreme Court,
Monroe County (Ann Marie Taddeo, J.), entered June 30, 2020 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: October 1, 2021

Ann Dillon Flynn
Clerk of the Court