

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

613

CA 21-01440

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND NEMOYER, JJ.

IN THE MATTER OF SAVE MONROE AVE., INC.,
2900 MONROE AVE., LLC, CLIFFORDS OF
PITTSFORD, L.P., ELEXCO LAND SERVICES,
INC., JULIA D. KOPP, MARK BOYLAN, ANNE
BOYLAN AND STEVEN M. DEPERRIOR,
PETITIONERS-PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

TOWN OF BRIGHTON, TOWN BOARD OF TOWN OF
BRIGHTON, TOWN OF BRIGHTON PLANNING BOARD,
DANIELE MANAGEMENT, LLC, DANIELE SPC, LLC,
MUCCA MUCCA, LLC, MARDANTH ENTERPRISES, INC.,
M&F, LLC, THE DANIELE FAMILY COMPANIES,
RESPONDENTS-DEFENDANTS-RESPONDENTS,
ET AL., RESPONDENTS-DEFENDANTS.
(APPEAL NO. 6.)

HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR
PETITIONERS-PLAINTIFFS-APPELLANTS.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),
FOR RESPONDENTS-DEFENDANTS-RESPONDENTS TOWN OF BRIGHTON, TOWN BOARD OF
TOWN OF BRIGHTON, AND TOWN OF BRIGHTON PLANNING BOARD.

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

Appeal from an order of the Supreme Court, Monroe County (J.
Scott Odorisi, J.), entered September 27, 2021. The order denied the
motion of petitioners-plaintiffs for a preliminary injunction.

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

Same memorandum as in *Matter of Brighton Grassroots, LLC v Town
of Brighton Planning Bd.* ([appeal No. 1] – AD3d – [Sept. 30, 2022]
[4th Dept 2022]).

Entered: September 30, 2022

Ann Dillon Flynn
Clerk of the Court