

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

752

CA 21-01155

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

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SCHACHTLER STONE PRODUCTS, LLC, SCHACHTLER  
FAMILY TRUST, ERIC T. SCHACHTLER, AND PJK  
PROPERTIES, LLC,  
PLAINTIFFS-PETITIONERS-RESPONDENTS,

V

MEMORANDUM AND ORDER

TOWN OF MARSHALL, TOWN BOARD OF TOWN OF  
MARSHALL, ZONING BOARD OF APPEALS OF TOWN OF  
MARSHALL, AND CODE ENFORCEMENT OFFICER DANIEL J.  
FORD, DEFENDANTS-RESPONDENTS-APPELLANTS.  
(APPEAL NO. 3.)

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ROSSI & ROSSI, NEW YORK MILLS (VINCENT J. ROSSI, JR., OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS-APPELLANTS.

BROWN, DUKE & FOGEL, P.C., SYRACUSE (MICHAEL A. FOGEL OF COUNSEL), FOR  
PLAINTIFFS-PETITIONERS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Oneida County  
(Bernadette T. Clark, J.), entered July 20, 2021. The order, among  
other things, denied defendants-respondents' motion for leave to  
reargue and renew their opposition to the amended complaint-petition.

It is hereby ORDERED that said appeal from the order insofar as  
it denied leave to reargue is unanimously dismissed and the order is  
affirmed without costs.

Same memorandum as in *Schachtler Stone Prods., LLC v Town of  
Marshall* ([appeal No. 1] – AD3d – [Oct. 7, 2022] [4th Dept 2022]).

Entered: October 7, 2022

Ann Dillon Flynn  
Clerk of the Court