

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

521

CA 22-00538

PRESENT: WHALEN, P.J., PERADOTTO, BANNISTER, MONTOUR, AND GREENWOOD, JJ.

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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-APPELLANTS,

V

ORDER

TOWN OF BRIGHTON, NEW YORK OFFICE OF THE  
BUILDING INSPECTOR, RAMSEY BOEHNER, IN HIS  
CAPACITY AS BUILDING INSPECTOR, TOWN OF  
BRIGHTON ZONING BOARD OF APPEALS, TOWN OF  
BRIGHTON, DANIELE MANAGEMENT, LLC,  
DANIELE SPC, LLC, MUCCA MUCCA, LLC, MARDANTH  
ENTERPRISES, INC., AND M&F, LLC,  
RESPONDENTS-RESPONDENTS.  
(PROCEEDING NO. 1.)

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IN THE MATTER OF BRIGHTON GRASSROOTS, LLC,  
PETITIONER-APPELLANT,

V

TOWN OF BRIGHTON ZONING BOARD OF APPEALS,  
TOWN OF BRIGHTON, NEW YORK OFFICE OF THE  
BUILDING INSPECTOR, TOWN OF BRIGHTON, M&F, LLC,  
DANIELE SPC, LLC, MUCCA MUCCA, LLC, MARDANTH  
ENTERPRISES, INC., DANIELE MANAGEMENT, LLC,  
COLLECTIVELY DOING BUSINESS AS DANIELE FAMILY  
COMPANIES, RESPONDENTS-RESPONDENTS,  
ET AL., RESPONDENTS.  
(PROCEEDING NO. 2.)  
(APPEAL NO. 4.)

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HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR  
PETITIONERS-APPELLANTS IN PROCEEDING NO. 1.

THE ZOGHLIN GROUP, PLLC, ROCHESTER (MINDY L. ZOGHLIN OF COUNSEL), FOR  
PETITIONER-APPELLANT IN PROCEEDING NO. 2.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),  
FOR RESPONDENTS-RESPONDENTS TOWN OF BRIGHTON, NEW YORK OFFICE OF THE  
BUILDING INSPECTOR, RAMSEY BOEHNER, IN HIS CAPACITY AS BUILDING  
INSPECTOR, TOWN OF BRIGHTON ZONING BOARD OF APPEALS, AND TOWN OF  
BRIGHTON.

WOODS OVIATT GILMAN LLP, ROCHESTER (JOHN C. NUTTER OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS DANIELE MANAGEMENT, LLC, DANIELE SPC, LLC, MUCCA  
MUCCA, LLC, MARDANTH ENTERPRISES, INC., AND M&F, LLC.

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Appeals from an order of the Supreme Court, Monroe County (J. Scott  
Odorisi, J.), entered March 5, 2022, in proceedings pursuant to CPLR  
article 78. The order dismissed the petitions.

It is hereby ORDERED that said appeals are unanimously dismissed  
without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988,  
988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63  
AD2d 566, 567 [1st Dept 1978]; see also CPLR 5501 [a] [1]).

Entered: June 9, 2023

Ann Dillon Flynn  
Clerk of the Court