

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

735

CA 22-00887

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

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

V

ORDER

TOWN OF BRIGHTON ZONING BOARD OF APPEALS, TOWN
OF BRIGHTON OFFICE OF 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. 1.)

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

TOWN OF BRIGHTON OFFICE OF THE BUILDING
INSPECTOR, RAMSEY BOEHNER, IN HIS CAPACITY AS
BUILDING INSPECTOR, TOWN OF BRIGHTON, NEW YORK
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. 2.)

THE ZOGHLIN GROUP, PLLC, ROCHESTER (MINDY L. ZOGHLIN OF COUNSEL), FOR
PETITIONER-APPELLANT BRIGHTON GRASSROOTS, LLC.

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

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

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

Appeals from a judgment (denominated order and judgment) of the
Supreme Court, Monroe County (J. Scott Odorisi, J.), entered May 6,
2022, in proceedings pursuant to CPLR article 78. The judgment denied
in part and dismissed in part the petitions.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on September 7, 2023,

It is hereby ORDERED that said appeals are unanimously dismissed
without costs upon stipulation.