

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

871

CA 22-01939

PRESENT: BANNISTER, J.P., OGDEN, GREENWOOD, AND DELCONTE, 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

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.

HODGSON RUSS LLP, BUFFALO (CHARLES W. MALCOMB 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 (JOHN C. NUTTER 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 a judgment (denominated order and judgment) of the
Supreme Court, Monroe County (J. Scott Odorisi, J.), entered November
9, 2022, in a proceeding pursuant to CPLR article 78 and declaratory
judgment action. The judgment dismissed the petition-complaint.

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

Entered: November 17, 2023

Ann Dillon Flynn
Clerk of the Court