

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

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CA 22-00381

PRESENT: WHALEN, P.J., PERADOTTO, CURRAN, OGDEN, AND GREENWOOD, JJ.

IN THE MATTER OF MARTIN DOWNEY, KIMBERLY DOWNEY,
GARY HOWARTH, BERNADETTE HOWARTH, PAUL GORMAN,
LESLIE GORMAN, GEORGE SIRADAS, DAVID FRIEDER,
BEVERLY DIPALMA, JIM DIPALMA, BRIAN MCKENNA,
LINDA MCKENNA, LOU SZYMANSKI, JEANETTE TACKETT,
KEN TACKETT, MARK DREISS, JENNIFER STACHNIC,
SUSAN FOX, WALTER DONALDSON, DAVID MILLER, MERLE
SCHRECKENGOST, MARK COOPER, PHIL GRALNIK, NANCY
GRALNIK, SHARON DOLL, PAT OGDEN, MARY MARTIN,
TIM MARTIN, DEEDEE SOLMAN, JAY SOLMAN AND OLGA
MELKOZEROVA, PETITIONERS-APPELLANTS,

V

ORDER

CITY OF NORTH TONAWANDA, THE PLANNING BOARD OF THE
CITY OF NORTH TONAWANDA, AND MCW CONSTRUCTION, INC.,
RESPONDENTS-RESPONDENTS.

LIPPES & LIPPES, BUFFALO (RICHARD J. LIPPES OF COUNSEL), FOR
PETITIONERS-APPELLANTS.

MICHAEL G. PUTZAK, NORTH TONAWANDA, FOR RESPONDENT-RESPONDENT MCW
CONSTRUCTION, INC.

Appeal from a judgment (denominated order) of the Supreme Court,
Niagara County (Frank A. Sedita, III, J.), entered February 1, 2022,
in a proceeding pursuant to CPLR article 78. The judgment, inter
alia, dismissed the third amended petition.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs for reasons stated at Supreme
Court.

Entered: June 30, 2023

Ann Dillon Flynn
Clerk of the Court