

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D17175  
W/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - November 13, 2007

ROBERT W. SCHMIDT, J.P.  
PETER B. SKELOS  
JOSEPH COVELLO  
RUTH C. BALKIN, JJ.

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2007-01281

DECISION & ORDER

Thomas P. Cashel, appellant, v Francine  
Cashel, respondent.

(Index No. 15578/04)

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Saltzman Chetkof & Rosenberg, LLP, Garden City, N.Y. (Michael Chetkof and Lee  
Rosenberg of counsel; Eve Helitzer on the brief), for appellant.

England & England P.C., Centereach, N.Y. (Donna England of counsel), for  
respondent.

Domenik Veraldi, Jr., Islandia, N.Y., Law Guardian for the child.

In an action for a divorce and ancillary relief, the father appeals from an order of the  
Supreme Court, Suffolk County (Farneti, J.), dated January 18, 2007, which denied his cross motion,  
in effect, to prohibit contact between the parties' child and the mother's boyfriend, Joseph Galante,  
during the mother's visitation.

ORDERED that the order is affirmed, with costs.

The determination of visitation is within the sound discretion of the trial court based  
upon the best interests of the child, and its determination will not be set aside unless it lacks a sound  
and substantial basis in the record (*see Matter of Kachelhofer v Wasiak*, 10 AD3d 366; *Vinciguerra*

*v Vinciguerra*, 294 AD2d 565, 565-566). In the instant case, the Supreme Court's determination has a sound and substantial basis in the record.

SCHMIDT, J.P., SKELOS, COVELLO and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer  
Clerk of the Court