

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

D17798
C/prt

_____AD3d_____

Argued - November 29, 2007

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
ROBERT A. LIFSON
EDWARD D. CARNI, JJ.

2006-08032

DECISION & ORDER

In the Matter of Gregory Mazzanobile, et al., respondent,
v Board of Town Trustees Town of Southold, appellant.

(Index No. 14509/05)

Ahmuty, Demers & McManus, Albertson, N.Y. (Greg Curry and Brendan Fitzpatrick of counsel), for appellant.

Esseks, Hefter & Angel, LLP, Riverhead, N.Y. (Stephen R. Angel and Nancy Silverman of counsel), for respondents.

In a proceeding pursuant to CPLR article 78 to review a determination of the Board of Town Trustees Town of Southold dated April 20, 2005, the appeal is from a judgment of the Supreme Court, Suffolk County (Tanenbaum, J.), dated July 6, 2006, which granted the petition.

ORDERED that the judgment is affirmed, with costs.

Under the particular circumstances of this case, the Supreme Court did not err in granting the CPLR article 78 petition.

SKELOS, J.P., SANTUCCI, LIFSON and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 29, 2008

MATTER OF MAZZANOBILO v BOARD OF TOWN TRUSTEES TOWN OF SOUTHOLD