

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

D34238
W/prt

_____AD3d_____

Argued - January 30, 2012

DANIEL D. ANGIOLILLO, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2010-11973

DECISION & ORDER

In the Matter of Lucas, et al., appellants, v Village of
Mamaroneck, et al., respondents.

(Index No. 15507/09)

Nora Lucas, Mamaroneck, N.Y., Anthony Weiner, Mamaroneck, N.Y., Martha McCarthy-Falk, Mamaroneck, N.Y., Jeffrey Falk, Mamaroneck, N.Y., and Stuart Tiekert, Mamaroneck, N.Y., appellants pro se (one brief filed).

Silverberg Zalantis LLP, Tarrytown, N.Y. (Katherine Zalantis and Steven M. Silverberg of counsel), for respondents Village of Mamaroneck, Board of Appeals of Village of Mamaroneck, Clark Neuringer, George Mgrditchian, Robin Kramer, Gregory Sullivan, and Barry Weprin.

Frederick J. Salanitro, Bronx, N.Y., and Shamberg Marwell Davis & Hollis, P.C., Mount Kisco, N.Y. (Robert F. Davis of counsel), for respondents Benmar Properties, LLC, Benedict A. Salanitro, Franca Salanitro, and Marc Castaldi (one brief filed).

In a proceeding pursuant to CPLR article 78, inter alia, to review a determination of the Board of Appeals of the Village of Mamaroneck dated June 4, 2009, which, among other things, classified the issuance of a building permit for the construction of a single-family dwelling on a proposed subdivided parcel of real property designated as 609 Brook Street as a Type II action under the State Environmental Quality Review Act (ECL art 8), and declined to classify the development project proposed for the parcel as a Type I action under the State Environmental Quality Review Act, the petitioners appeal from a judgment of the Supreme Court, Westchester County (Cohen, J.), dated October 22, 2010, which denied the petition and, in effect, dismissed the proceeding.

March 27, 2012

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MATTER OF LUCAS v VILLAGE OF MAMARONECK

ORDERED that the appeal is dismissed, as academic, without costs or disbursements, in light of our determination of the appeal from the order and judgment (one paper) entered October 6, 2009, in *Lucas v Board of Appeals of Vil. of Mamaroneck* (_____AD3d_____, Appellate Division Docket No. 2009-10722 [decided herewith]).

ANGIOLILLO, J.P., LEVENTHAL, AUSTIN and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court