

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

**1464**

**CA 09-01454**

PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

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IN THE MATTER OF LVI ENVIRONMENTAL  
SERVICES, INC., PETITIONER-APPELLANT,  
AND GRAMERCY GROUP, INC.,  
INTERVENOR-PETITIONER,

V

ORDER

NEW YORK STATE URBAN DEVELOPMENT  
CORPORATION, INDIVIDUALLY AND DOING  
BUSINESS AS EMPIRE STATE DEVELOPMENT  
CORPORATION, AND CAMBRIA CONTRACTING,  
INC., RESPONDENTS-RESPONDENTS.

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ERNSTROM & DRESTE, LLP, ROCHESTER (KEVIN F. PEARTREE OF COUNSEL), FOR  
PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (FRANK K. WALSH OF COUNSEL),  
FOR RESPONDENT-RESPONDENT NEW YORK STATE URBAN DEVELOPMENT  
CORPORATION, INDIVIDUALLY AND DOING BUSINESS AS EMPIRE STATE  
DEVELOPMENT CORPORATION.

GATES & ADAMS, P.C., ROCHESTER (RICHARD T. BELL, JR., OF COUNSEL), FOR  
RESPONDENT-RESPONDENT CAMBRIA CONTRACTING, INC.

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Appeal from a judgment (denominated order) of the Supreme Court,  
Monroe County (William P. Polito, J.), entered July 2, 2009 in a  
proceeding pursuant to CPLR article 78. The judgment, insofar as  
appealed from, dismissed the petition of petitioner LVI Environmental  
Services, Inc.

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

Entered: November 13, 2009

Patricia L. Morgan  
Clerk of the Court