

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

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CA 16-00672

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ.

IN THE MATTER OF COUNTY OF HERKIMER,
PETITIONER-PLAINTIFF-RESPONDENT,

V

ORDER

VILLAGE OF HERKIMER,
RESPONDENT-DEFENDANT-APPELLANT.

LONGSTREET & BERRY, LLP, FAYETTEVILLE (MICHAEL LONGSTREET OF COUNSEL),
FOR RESPONDENT-DEFENDANT-APPELLANT.

THE WEST FIRM, PLLC, ALBANY (THOMAS S. WEST OF COUNSEL), FOR
PETITIONER-PLAINTIFF-RESPONDENT.

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Herkimer County (Erin P. Gall, J.) entered February 2, 2016 in a CPLR article 78 proceeding and declaratory judgment action. The judgment declared that petitioner-plaintiff County of Herkimer is immune from the zoning restrictions of respondent-defendant Village of Herkimer in this matter.

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: February 3, 2017

Frances E. Cafarell
Clerk of the Court