

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

612

CA 21-01431

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND NEMOYER, JJ.

---

IN THE MATTER OF CLOVER/ALLEN'S CREEK  
NEIGHBORHOOD ASSOCIATION LLC, SAVE MONROE  
AVE., INC., 2900 MONROE AVE., LLC,  
CLIFFORDS OF PITTSFORD, L.P., ELEXCO LAND  
SERVICES, INC., JULIA D. KOPP, MARK BOYLAN,  
ANNE BOYLAN AND STEVEN M. DEPERRIOR,  
PETITIONERS-PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

M&F, LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC,  
MARDANTH ENTERPRISES, INC., COLLECTIVELY DOING  
BUSINESS AS DANIELE FAMILY COMPANIES, TOWN OF  
BRIGHTON, TOWN BOARD OF TOWN OF BRIGHTON, NMS  
ALLENS CREEK, INC.,  
RESPONDENTS-DEFENDANTS-RESPONDENTS,  
ET AL., RESPONDENTS-DEFENDANTS.  
(APPEAL NO. 5.)

---

NIXON PEABODY LLP, BUFFALO (LAURIE STYKA BLOOM OF COUNSEL), FOR  
PETITIONER-PLAINTIFF-APPELLANT CLOVER/ALLEN'S CREEK NEIGHBORHOOD  
ASSOCIATION LLC.

HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR  
PETITIONERS-PLAINTIFFS-APPELLANTS SAVE MONROE AVE., INC., 2900 MONROE  
AVE., LLC, CLIFFORDS OF PITTSFORD, L.P., ELEXCO LAND SERVICES, INC.,  
JULIA D. KOPP, MARK BOYLAN, ANNE BOYLAN, AND STEVEN M. DEPERRIOR.

WOODS OVIATT GILMAN LLP, ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL),  
FOR RESPONDENTS-DEFENDANTS-RESPONDENTS M&F, LLC, DANIELE SPC, LLC,  
MUCCA MUCCA LLC, AND MARDANTH ENTERPRISES, INC., COLLECTIVELY DOING  
BUSINESS AS DANIELE FAMILY COMPANIES.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),  
FOR RESPONDENTS-DEFENDANTS-RESPONDENTS TOWN OF BRIGHTON, AND TOWN  
BOARD OF TOWN OF BRIGHTON.

---

Appeals from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered September 9, 2021. The order denied the motions of petitioners-plaintiffs for a preliminary injunction.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Matter of Brighton Grassroots, LLC v Town of Brighton Planning Bd.* ([appeal No. 1] – AD3d – [Sept. 30, 2022] [4th Dept 2022]).

Entered: September 30, 2022

Ann Dillon Flynn  
Clerk of the Court