

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

439

CA 22-00953

PRESENT: WHALEN, P.J., LINDLEY, CURRAN, BANNISTER, AND GREENWOOD, JJ.

IN THE MATTER OF SIERRA CLUB, DARLENE
BULLSOVER, SYLVIU DAN, JR., AND DEBORAH
GONDEK, PETITIONERS-APPELLANTS,

V

ORDER

CITY OF NORTH TONAWANDA, CITY OF NORTH
TONAWANDA PLANNING BOARD, FORTISTAR NORTH
TONAWANDA LLC, AND DIGIHOST INTERNATIONAL, INC.,
RESPONDENTS-RESPONDENTS.

LIPPES & LIPPES, BUFFALO (RICHARD J. LIPPES OF COUNSEL), FOR
PETITIONERS-APPELLANTS.

PHILLIPS LYTLE LLP, BUFFALO (WILLIAM V. ROSSI OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS FORTISTAR NORTH TONAWANDA LLC, AND DIGIHOST
INTERNATIONAL, INC.

Appeal from a judgment (denominated order) of the Supreme Court,
Niagara County (Frank A. Sedita, III, J.), entered March 17, 2022 in a
proceeding pursuant to CPLR article 78. The judgment, among other
things, dismissed the amended petition.

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

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court