

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

522

CA 22-00552

PRESENT: WHALEN, P.J., PERADOTTO, BANNISTER, MONTOUR, AND GREENWOOD, JJ.

IN THE MATTER OF BRIGHTON GRASSROOTS, LLC,
PETITIONER-APPELLANT,

V

ORDER

TOWN OF BRIGHTON ZONING BOARD OF APPEALS,
TOWN OF BRIGHTON OFFICE OF BUILDING INSPECTOR,
TOWN OF BRIGHTON, M&F, LLC, DANIELE SPC, LLC,
MUCCA MUCCA LLC, MARDANTH ENTERPRISES, INC.,
DANIELE MANAGEMENT, LLC, COLLECTIVELY DOING
BUSINESS AS DANIELE FAMILY COMPANIES,
RESPONDENTS-RESPONDENTS,
ET AL., RESPONDENTS.
(APPEAL NO. 5.)

THE ZOGHLIN GROUP, PLLC, ROCHESTER (MINDY L. ZOGHLIN OF COUNSEL), FOR
PETITIONER-APPELLANT.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS TOWN OF BRIGHTON ZONING BOARD OF APPEALS,
TOWN OF BRIGHTON OFFICE OF BUILDING INSPECTOR, AND TOWN OF BRIGHTON.

WOODS OVIATT GILMAN LLP, ROCHESTER (JOHN C. NUTTER OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS M&F, LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC,
MARDANTH ENTERPRISES, INC., AND DANIELE MANAGEMENT, LLC, COLLECTIVELY
DOING BUSINESS AS DANIELE FAMILY COMPANIES.

Appeal from a judgment (denominated order and judgment) of the
Supreme Court, Monroe County (J. Scott Odorisi, J.), entered March 24,
2022, in a proceeding pursuant to CPLR article 78. The judgment
dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs (*see Matter of Save Monroe Ave., Inc.
v Town of Brighton* [appeal No. 1], – AD3d – [June 9, 2023] [4th Dept
2023]).

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court