

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

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CA 24-01568

PRESENT: LINDLEY, J.P., MONTOUR, GREENWOOD, NOWAK, AND KEANE, JJ.

IN THE MATTER OF HAUNTED FOREST, LLC,
AND TRACY A. QUINN,
PETITIONERS-PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

TOWN OF WILSON AND TOWN OF WILSON ZONING BOARD,
RESPONDENTS-DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

PHILLIPS LYTTLE LLP, BUFFALO (CRAIG R. BUCKI OF COUNSEL), FOR
RESPONDENTS-DEFENDANTS-APPELLANTS.

LIPPES MATHIAS LLP, CLARENCE (JUSTIN J. ANDREOZZI OF COUNSEL), FOR
PETITIONERS-PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County (Frank A. Sedita, III, J.), entered September 26, 2024, in a hybrid CPLR article 78 proceeding and action. The order denied the motion of respondents-defendants seeking, inter alia, leave to renew and leave to amend their answer.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by granting the motion insofar as it sought leave to amend the answer to add the fifteenth objection in point of law for failure to timely serve a notice of claim and dismissing the fourth and tenth causes of action, and as modified the order is affirmed without costs.

Same memorandum as in *Matter of Haunted Forest, LLC v Town of Wilson* ([appeal No. 1] – AD3d – [July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court