

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

925

**CA 24-01234**

PRESENT: LINDLEY, J.P., BANNISTER, GREENWOOD, NOWAK, AND HANNAH, JJ.

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IN THE MATTER OF FRIENDS OF ST. THOMAS  
THE APOSTLE, ET AL., PETITIONERS-APPELLANTS,

V

ORDER

TOWN OF IRONDEQUOIT ZONING BOARD OF APPEALS,  
43 NORTH REAL ESTATE, LLC, ST. KATERI TEKAKWITHA  
PARISH, DIOCESE OF ROCHESTER, ST. THOMAS THE  
APOSTLE ROMAN CATHOLIC CHURCH OF IRONDEQUOIT,  
ST. THOMAS CHURCH OF IRONDEQUOIT,  
RESPONDENTS-RESPONDENTS,  
ET AL., RESPONDENTS.

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UNDERBERG & KESSLER LLP, ROCHESTER (JACOB H. ZOGHLIN OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

NIXON PEABODY LLP, VICTOR (ERIC M. FERRANTE OF COUNSEL), HARRIS BEACH  
MURTHA CULLINA PLLC, PITTSFORD, AND DAVIDSON FINK LLP, FOR  
RESPONDENTS-RESPONDENTS.

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Appeal from a judgment (denominated order and judgment) of the  
Supreme Court, Monroe County (Sam L. Valleriani, J.), entered July 2,  
2024, in a proceeding pursuant to CPLR article 78. The judgment,  
among other things, dismissed the petition.

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: December 23, 2025

Ann Dillon Flynn  
Clerk of the Court