

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

95

CA 25-00306

PRESENT: LINDLEY, J.P., CURRAN, OGDEN, GREENWOOD, AND HANNAH, JJ.

IN THE MATTER OF AL ASPHALT CORPORATION
AND CHEEKTOWAGA CONCRETE, LLC,
PETITIONERS-PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

TOWN OF HAMBURG, TOWN OF HAMBURG TOWN BOARD,
RANDY HOAK, MEGAN COMERFORD, SHAWN CONNOLLY,
ELIZABETH FARRELL LORENTZ AND KAREN HOAK,
CONSTITUTING TOWN OF HAMBURG TOWN BOARD,
TOWN OF HAMBURG PLANNING BOARD, WILLIAM CLARK,
KAITLIN MCCORMICK, DENNIS CHAPMAN, CYNTHIA
GRONACHAN, DAN SZEWC, MARGAUX VALENTI AND KAITLIN
MCGEE-CHMURA, CONSTITUTING TOWN OF HAMBURG
PLANNING BOARD, RESPONDENTS-DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

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

LAW OFFICE OF RALPH C. LORIGO, WEST SENECA (FRANK J. JACOBSON OF
COUNSEL), FOR PETITIONERS-PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered January 14, 2025, in a proceeding pursuant to CPLR article 78 and declaratory judgment action. The order, among other things, denied respondents-defendants' motion insofar as it sought leave to renew.

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

Same memorandum as in *Matter of AL Asphalt Corp. v Town of Hamburg* ([appeal No. 1] – AD3d – [Mar. 20, 2026] [4th Dept 2026]).

Entered: March 20, 2026

Ann Dillon Flynn
Clerk of the Court