

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

686

OP 20-01406

PRESENT: WHALEN, P.J., SMITH, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

IN THE MATTER OF TOWN OF FARMERSVILLE,
PETITIONER,

V

MEMORANDUM AND ORDER

NEW YORK STATE BOARD ON ELECTRIC GENERATION
SITING AND THE ENVIRONMENT, ALLE-CATT WIND
ENERGY, LLC, STATE OF NEW YORK, JOHN DOE
CORPORATIONS AND JOHN DOES, RESPONDENTS.
(PROCEEDING NO. 2.)

THE ZOGHLIN GROUP, PLLC, ROCHESTER (BENJAMIN E. WISNIEWSKI OF
COUNSEL), FOR PETITIONER.

ROBERT A. ROSENTHAL, GENERAL COUNSEL, ALBANY (JOHN C. GRAHAM OF
COUNSEL), FOR RESPONDENT NEW YORK STATE BOARD ON ELECTRIC GENERATION
SITING AND THE ENVIRONMENT.

THE DAX LAW FIRM, P.C., ALBANY (JOHN W. DAX OF COUNSEL), FOR
RESPONDENT ALLE-CATT WIND ENERGY, LLC.

Proceeding pursuant to Public Service Law § 170 (1) (initiated in
the Appellate Division of the Supreme Court in the Fourth Judicial
Department) to annul a determination granting a Certificate of
Environmental Compatibility and Public Need, and for other relief.

It is hereby ORDERED that the determination is unanimously
confirmed without costs and the petition is dismissed.

Same memorandum as in *Matter of Coalition of Concerned Citizens v
New York State Bd. on Elec. Generation Siting & Eenvt.* ([proceeding No.
1] - AD3d - [Nov. 12, 2021] [4th Dept 2021]).

Entered: November 12, 2021

Ann Dillon Flynn
Clerk of the Court