

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

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CA 21-01443

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND NEMOYER, JJ.

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IN THE MATTER OF SAVE MONROE AVE., INC.,  
2900 MONROE AVE., LLC, CLIFFORDS OF  
PITTSFORD, L.P., ELEXCO LAND SERVICES,  
INC., JULIA D. KOPP, MARK BOYLAN, ANNE  
BOYLAN AND STEVEN M. DEPERRIOR,  
PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

TOWN OF BRIGHTON, NEW YORK OFFICE OF  
BUILDING INSPECTOR, RAMSEY BOEHNER, IN HIS  
CAPACITY OF BUILDING INSPECTOR, TOWN OF  
BRIGHTON ZONING BOARD OF APPEALS, DANIELE  
MANAGEMENT, LLC, DANIELE SPC, LLC,  
MUCCA MUCCA, LLC, MARDANTH ENTERPRISES, INC.,  
AND M&F, LLC, RESPONDENTS-RESPONDENTS.  
(APPEAL NO. 9.)

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HODGSON RUSS LLP, BUFFALO (AARON M. SAYKIN OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A. MANCUSO OF COUNSEL),  
FOR RESPONDENTS-RESPONDENTS TOWN OF BRIGHTON, NEW YORK OFFICE OF  
BUILDING INSPECTOR, TOWN OF BRIGHTON ZONING BOARD OF APPEALS, AND  
RAMSEY BOEHNER, IN HIS CAPACITY OF BUILDING INSPECTOR.

WOODS OVIATT GILMAN LLP, ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL),  
FOR RESPONDENTS-RESPONDENTS DANIELE SPC, LLC, MUCCA MUCCA, LLC,  
MARDANTH ENTERPRISES, INC., AND M&F, LLC.

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Appeal from an order of the Supreme Court, Monroe County (J.  
Scott Odorisi, J.), entered September 8, 2021. The order denied the  
motion of petitioners for a preliminary injunction.

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

Same memorandum as in *Matter of Brighton Grassroots, LLC v Town  
of Brighton Planning Bd.* ([appeal No. 1] – AD3d – [Sept. 30, 2022]  
[4th Dept 2022]).

Entered: September 30, 2022

Ann Dillon Flynn  
Clerk of the Court