

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT**

**Brighton Grassroots, LLC v. Town of Brighton Zoning Bd. of
Appeals**

2021 NY Slip Op 05214 (App. Div. 2021) · No. 737 CA 21-00240 · Decided October 1, 2021

SUMMARY

The Appellate Division, Fourth Department, affirmed a judgment in a CPLR article 78 proceeding and declaratory judgment action involving the Town of Brighton Zoning Board of Appeals and related respondents. The judgment denied the petitioner-plaintiff's motion for a preliminary injunction and granted respondents-defendants' cross motions to dismiss the petition-complaint.

OPINION

Brighton Grassroots, LLC v. Town of Brighton Zoning Bd. of Appeals 2021 NY Slip Op 05214
PER CURIAM.

Brighton Grassroots, LLC v Town of Brighton Zoning Bd. of Appeals (2021 NY Slip Op 05214)
Brighton Grassroots, LLC v Town of Brighton Zoning Bd. of Appeals 2021 NY Slip Op 05214
Decided on October 1, 2021 Appellate Division, Fourth Department Published by New York State
Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject
to revision before publication in the Official Reports. Decided on October 1, 2021

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Fourth Judicial Department PRESENT: WHALEN, P.J., CENTRA,
NEMOYER, TROUTMAN, AND WINSLOW, JJ. 737 CA 21-00240

[*1]BRIGHTON GRASSROOTS, LLC, PETITIONER-PLAINTIFF-APPELLANT,
vTOWN OF BRIGHTON ZONING BOARD OF APPEALS, M & F, LLC, DANIELE SPC,
LLC, MUCCA MUCCA LLC, DANIELE MANAGEMENT, LLC, AND MARDANTH
ENTERPRISES, INC., COLLECTIVELY DOING BUSINESS AS THE DANIELE FAMILY
COMPANIES, RESPONDENTS-DEFENDANTS-RESPONDENTS. THE ZOGHLIN GROUP,
PLLC, ROCHESTER (JACOB H. ZOGHLIN OF COUNSEL), FOR PETITIONER-PLAINTIFF-
APPELLANT. WEAVER MANCUSO BRIGHTMAN PLLC, ROCHESTER (JOHN A.
MANCUSO OF COUNSEL), FOR RESPONDENT-DEFENDANT-RESPONDENT TOWN OF
BRIGHTON ZONING BOARD OF APPEALS. WOODS OVIATT GILMAN LLP,
ROCHESTER (WARREN B. ROSENBAUM OF COUNSEL), FOR RESPONDENTS-
DEFENDANTS-RESPONDENTS M & F, LLC, DANIELE SPC, LLC, MUCCA MUCCA
LLC, DANIELE MANAGEMENT, LLC, AND MARDANTH ENTERPRISES, INC.,
COLLECTIVELY DOING BUSINESS AS THE DANIELE FAMILY COMPANIES. Appeal from

a judgment (denominated order and judgment) of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered February 8, 2021 in a proceeding pursuant to CPLR article 78 and declaratory judgment action. The judgment denied the motion of petitioner-plaintiff for a preliminary injunction, and granted the cross motions of respondents-defendants to dismiss the petition-complaint. It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs. Entered: October 1, 2021 Ann Dillon Flynn Clerk of the Court

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