

**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.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Whalen, P.J.; Centra, J.; Nemoyer, J.; Troutman, J.; Winslow, J.
JURISDICTION	New York
DECIDED	October 1, 2021
DOCKET	737 CA 21-00240
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment denominated an order and judgment in a CPLR article 78 proceeding and declaratory judgment action.
PRECEDENTIAL VALUE	Published appellate opinion
PARTIES	Brighton Grassroots, LLC v. Town of Brighton Zoning Board of Appeals, M & F, LLC, Daniele SPC, LLC, Mucca Mucca LLC, Daniele Management, LLC, Mardanth Enterprises, Inc., collectively doing business as the Daniele Family Companies

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QUESTIONS PRESENTED

1. Whether Supreme Court properly denied the motion for a preliminary injunction and granted respondents' cross motions to dismiss the CPLR article 78 petition and declaratory judgment complaint.

HOLDINGS

1. The judgment was affirmed in all respects.

KEY QUOTATIONS

“It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.” ([*1])

FACTUAL BACKGROUND

The opinion identifies Brighton Grassroots, LLC as the petitioner-plaintiff and the Town of Brighton Zoning Board of Appeals and the Daniele Family Companies as respondents-defendants. The underlying proceeding challenged zoning-related conduct through a CPLR article 78 proceeding and declaratory judgment action. The available opinion text does not provide further material factual findings.

PROCEDURAL HISTORY

Supreme Court, Monroe County, denied petitioner-plaintiff's motion for a preliminary injunction and granted respondents-defendants' cross motions to dismiss the petition-complaint. Brighton Grassroots, LLC appealed, and the Appellate Division unanimously affirmed.

DISPOSITION

affirmed