

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M72081  
E/sl

REINALDO E. RIVERA, J.P.  
FRED T. SANTUCCI  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

---

2008-02211

DECISION & ORDER ON MOTION

In the Matter of Mary Zupa, respondent,  
v Zoning Board of Appeals of Town of  
Southold, et al., appellants.

(Index No. 31345-07)

---

Motion by the Zoning Board of Appeals of the Town of Southold on appeals from an order of the Supreme Court, Suffolk County, dated January 22, 2008, inter alia, for leave to reargue that branch of the motion of Mary S. Zupa which was to vacate any automatic stay that was in effect pursuant to CPLR 5519(a), which was determined by decision and order on motion dated April 15, 2008.


Upon the papers filed in support of the motion and the papers filed in opposition and in relation thereto, it is

ORDERED that the motion for leave to reargue is granted and, upon reargument, so much of the decision and order on motion of this court dated April 15, 2008, as denied as unnecessary that branch of the prior motion of Mary S. Zupa which was to vacate any automatic stay that was in effect pursuant to CPLR 5519(a), on the ground that no automatic stay was in effect, is recalled and vacated, and that branch of the motion is denied; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., SANTUCCI, ENG and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 20, 2008

MATTER OF ZUPA v ZONING BOARD OF APPEALS OF TOWN OF SOUTHOLD