

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

M87200  
E/cb

REINALDO E. RIVERA, J.P.  
DANIEL D. ANGIOLILLO  
ARIEL E. BELEN  
LEONARD B. AUSTIN, JJ.

---

2008-06763

DECISION & ORDER ON MOTION

In the Matter of Wallkill Cemetery Association,  
Inc., et al., appellants, v Town of Wallkill  
Planning Board, et al., respondents.

(Index No. 06-3907)

---

Motion by the respondent E. Tetz & Sons, Inc., and Concrete Properties, LLC, to dismiss an appeal from a judgment of the Supreme Court, Orange County, dated May 15, 2008, on the ground that the record on appeal is inadequate, or to direct the appellants to file a supplemental record, to enlarge the time to serve and file a brief, and for an award of costs, disbursements, and an attorney's fee.

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

ORDERED that the branch of the motion which is to direct the appellants to file a supplemental record containing the record of proceedings before the Town of Wallkill Planning Board is granted and on or before June 25, 2009, the appellants shall serve and file a supplemental record containing the record of proceedings before the Town of Wallkill Planning Board; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the movants' time to serve and file a brief is enlarged until July 27, 2009, and the movants' brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

May 28, 2009

Page 1.

RIVERA, J.P., ANGIOLILLO, BELEN and AUSTIN, JJ., concur.

ENTER:

James Edward Pelzer  
*James Edward Pelzer*  
Clerk of the Court