

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

M89334
E/sl

ROBERT A. SPOLZINO, J.P.
MARK C. DILLON
ANITA R. FLORIO
ARIEL E. BELEN, JJ.

2008-02042

DECISION & ORDER ON MOTION

In the Matter of Serota Brown Court II, LLC,
et al., respondents, v Town of Hempstead,
et al., appellants; Town Board of the Town of
Hempstead, et al., nonparties.

(Index No. 1540/07)


Separate motions by the Town of Hempstead, the Board of Zoning Appeals of the Town of Hempstead, the Department of Buildings of the Town of Hempstead, and the Town Board of the Town of Hempstead for leave to reargue an appeal from a judgment of the Supreme Court, Nassau County, dated December 31, 2007, which was determined by decision and order of this court dated May 5, 2009, or, in the alternative, for leave for the Town Board of the Town of Hempstead to intervene, for leave to appeal to the Court of Appeals from the decision and order of this court, and to stay enforcement of the judgment pending hearing and determination of the appeal to the Court of Appeals. Separate motion by Oceanside Cove Homeowners Association and Alhambra Condominium, inter alia, for leave to reargue the appeal, or, in the alternative, for leave to intervene, and for leave to appeal to the Court of Appeals from the decision and order of this court, and to stay enforcement of the judgment pending hearing and determination of the appeal to the Court of Appeals.

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

ORDERED that the motions are denied, one bill of with \$100 costs.

SPOLZINO, J.P., DILLON, FLORIO and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 13, 2009

MATTER OF SEROTA BROWN COURT II, LLC v TOWN OF HEMPSTEAD