

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

M89750
J/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-08305, 2009-03897

DECISION & ORDER ON MOTION

In the Matter of George Henderson, et al.,
appellants-respondents, v Zoning Board of
Appeals, et al., respondents, Richard Ottinger,
et al., respondents-appellants.
(Appeal No. 1)

In the Matter of George Henderson, et al.,
appellants, et al., petitioners, v Zoning Board of
Appeals, et al., respondents.
(Appeal No. 2)

(Index No. 07-12351)

On the court's own motion, it is

ORDERED that its decision and order on motion dated June 18, 2009, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by George Henderson, Irene Henderson, Suzanne J. McCory, Leonard Weiss, and Elanor Weiss to stay the issuance of a permanent certificate of occupancy, pending hearing and determination of appeals and a cross appeal from a *judgment* of the Supreme Court, Westchester County, entered August 15, 2008, and an appeal from a judgment of the same court entered March 17, 2009, for leave to file a “joint brief,” and for leave to file an oversized brief.

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

July 21, 2009

MATTER OF HENDERSON v ZONING BOARD OF APPEALS

Page 1.

ORDERED that the branch of the motion which is for leave to file a "joint brief" is granted; and it is further,

ORDERED that the branch of the motion which is for leave to file an oversized brief is denied without prejudice to making an application to the Clerk of the court pursuant to 22 NYCRR 670.10.3(e); and it is further,

ORDERED that on the court's own motion, the movants' time to perfect the appeal from the judgment entered August 15, 2008 (Appellate Division Docket No. 2008-08305), is enlarged until September 18, 2009, and the joint record or appendix on the appeals 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.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court