

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 07-02495

PRESENT: HURLBUTT, J.P., MARTOCHE, SMITH, CENTRA, AND PERADOTTO, JJ.

IN THE MATTER OF KENNETH FRIEDHABER,
PETITIONER,
ELIZABETH WAGNER, MARK MOORE, NADJA LASKA,
CYNTHIA A. BLAIR, AND KENNETH J. BLAIR,
PETITIONERS-APPELLANTS,

V

ORDER

TOWN BOARD OF TOWN OF SHELDON, ZONING BOARD
OF APPEALS OF TOWN OF SHELDON AND SHELDON
ENERGY, LLC, RESPONDENTS-RESPONDENTS.

LAW OFFICE OF ARTHUR J. GIACALONE, EAST AURORA (ARTHUR J. GIACALONE OF
COUNSEL), FOR PETITIONERS-APPELLANTS.

HODGSON RUSS LLP, BUFFALO (DANIEL A. SPITZER OF COUNSEL), AND
DIFILIPPO & FLAHERTY, EAST AURORA, FOR RESPONDENTS-RESPONDENTS.

Appeal from a judgment (denominated order and judgment) of the
Supreme Court, Wyoming County (John M. Curran, J.), entered October
24, 2007 in a proceeding pursuant to CPLR article 78. The judgment,
among other things, dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court (*Friedhaber v Town Bd. of Town of Sheldon*, 16 Misc 3d
1140[A], 2007 NY Slip Op 51772[U]).

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court