

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

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CA 08-01639

PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, CARNI, AND GREEN, JJ.

IN THE MATTER OF CUSTOM TOPSOIL, INC. AND 1070
SENECA STREET, INC.,
PETITIONERS/PLAINTIFFS-RESPONDENTS,

V

ORDER

CITY OF BUFFALO AND RICHARD M. TOBE,
COMMISSIONER, CITY OF BUFFALO DEPARTMENT OF
ECONOMIC DEVELOPMENT, PERMIT AND INSPECTION
SERVICES, RESPONDENTS/DEFENDANTS-APPELLANTS.
(APPEAL NO. 3.)

ALISA A. LUKASIEWICZ, CORPORATION COUNSEL, BUFFALO (BRENDAN R. MEHAFFY
OF COUNSEL), FOR RESPONDENTS/DEFENDANTS-APPELLANTS.

HARTER, SECREST & EMERY LLP, BUFFALO (CRAIG A. SLATER OF COUNSEL), FOR
PETITIONERS/PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 12, 2008 in a proceeding pursuant to CPLR article 78. The order, among other things, granted the motion of petitioners/plaintiffs for leave to renew.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs (*see Ciesinski v Town of Aurora*, 202 AD2d 984).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court