

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

1464

CA 09-01454

PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

IN THE MATTER OF LVI ENVIRONMENTAL
SERVICES, INC., PETITIONER-APPELLANT,
AND GRAMERCY GROUP, INC.,
INTERVENOR-PETITIONER,

V

ORDER

NEW YORK STATE URBAN DEVELOPMENT
CORPORATION, INDIVIDUALLY AND DOING
BUSINESS AS EMPIRE STATE DEVELOPMENT
CORPORATION, AND CAMBRIA CONTRACTING,
INC., RESPONDENTS-RESPONDENTS.

ERNSTROM & DRESTE, LLP, ROCHESTER (KEVIN F. PEARTREE OF COUNSEL), FOR
PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (FRANK K. WALSH OF COUNSEL),
FOR RESPONDENT-RESPONDENT NEW YORK STATE URBAN DEVELOPMENT
CORPORATION, INDIVIDUALLY AND DOING BUSINESS AS EMPIRE STATE
DEVELOPMENT CORPORATION.

GATES & ADAMS, P.C., ROCHESTER (RICHARD T. BELL, JR., OF COUNSEL), FOR
RESPONDENT-RESPONDENT CAMBRIA CONTRACTING, INC.

Appeal from a judgment (denominated order) of the Supreme Court,
Monroe County (William P. Polito, J.), entered July 2, 2009 in a
proceeding pursuant to CPLR article 78. The judgment, insofar as
appealed from, dismissed the petition of petitioner LVI Environmental
Services, Inc.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court