

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

1053

CA 10-00136

PRESENT: MARTOCHE, J.P., CARNI, GREEN, PINE, AND GORSKI, JJ.

IN THE MATTER OF LAIDLAW ENERGY AND
ENVIRONMENTAL, INC., PETITIONER-APPELLANT,

V

ORDER

TOWN OF ELLICOTTVILLE, TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS, JOHN E. KRAMER, IN HIS
CAPACITY AS CHAIR OF TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS, CYNTHIA DAYTON, IN HER
CAPACITY AS CO-CHAIR OF TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS, ALAN ADAMS, JOHN E. CADY,
AND NORMAN WINKLER, IN THEIR RESPECTIVE CAPACITIES
AS MEMBERS OF TOWN OF ELLICOTTVILLE ZONING BOARD
OF APPEALS, RESPONDENTS-RESPONDENTS.

JONATHAN ROBERT NELSON, P.C., NEW YORK CITY (JONATHAN R. NELSON OF
COUNSEL), FOR PETITIONER-APPELLANT.

HODGSON RUSS LLP, BUFFALO (DANIEL A. SPITZER OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS.

Appeal from a judgment (denominated order) of the Supreme Court,
Erie County (Frank A. Sedita, Jr., J.), entered July 23, 2009 in a
proceeding pursuant to CPLR article 78. The judgment denied the
petition seeking to annul the determination of respondents.

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: October 1, 2010

Patricia L. Morgan
Clerk of the Court