

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

1091

**CA 10-00354**

PRESENT: FAHEY, J.P., LINDLEY, GREEN, AND GORSKI, JJ.

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IN THE MATTER OF ALFRED F. MARRIOTT,  
PETITIONER-APPELLANT,

V

ORDER

TOWN AND VILLAGE OF LOWVILLE ZONING BOARD OF  
APPEALS AND SCOTT B. MILLER, INDIVIDUALLY AND  
DOING BUSINESS AS MILLER'S SMALL ENGINE,  
RESPONDENTS-RESPONDENTS.

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CONBOY, MCKAY, BACHMAN & KENDALL, LLP, WATERTOWN (STEPHEN W. GEBO OF  
COUNSEL), FOR PETITIONER-APPELLANT.

HRABCHAK, GEBO & LANGONE, P.C., WATERTOWN (MARK G. GEBO OF COUNSEL),  
FOR RESPONDENT-RESPONDENT TOWN AND VILLAGE OF LOWVILLE ZONING BOARD OF  
APPEALS.

SLYE & BURROWS, WATERTOWN (ROBERT J. SLYE OF COUNSEL), FOR  
RESPONDENT-RESPONDENT SCOTT B. MILLER, INDIVIDUALLY AND DOING BUSINESS  
AS MILLER'S SMALL ENGINE.

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Appeal from a judgment (denominated judgment and order) of the  
Supreme Court, Lewis County (Joseph D. McGuire, J.), entered July 10,  
2009 in a proceeding pursuant to CPLR article 78. The judgment  
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.

Entered: October 1, 2010

Patricia L. Morgan  
Clerk of the Court