

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

1236

CA 10-01235

PRESENT: SMITH, J.P., LINDLEY, SCONIERS, PINE, AND GORSKI, JJ.

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IN THE MATTER OF DEBORAH MELLON, BRIAN SYKES,  
MARY SYKES, MICHAEL WOODWARD, AND SUSAN  
WOODWARD, PETITIONERS-APPELLANTS,

V

ORDER

CITY OF NIAGARA FALLS, VINCE SPADORCIA, LINDA  
SEEFELDT, ERNEST KITCHEN, ANTHONY SCRICO,  
JOSEPH SCHIRO, ANTONIO RESTAINO, AND ZACHARY  
CASALES, CONSTITUTING THE ZONING BOARD OF  
APPEALS OF CITY OF NIAGARA FALLS, BASIL C.  
STAHLMAN, JR., AND BASIL C. STAHLMAN, III,  
RESPONDENTS-RESPONDENTS.

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SEAMAN, JONES, HOGAN & BROOKS, LLP, LOCKPORT (ABRAHAM J. PLATT OF  
COUNSEL), FOR PETITIONERS-APPELLANTS.

CRAIG H. JOHNSON, CORPORATION COUNSEL, NIAGARA FALLS (THOMAS M.  
O'DONNELL OF COUNSEL), FOR RESPONDENTS-RESPONDENTS CITY OF NIAGARA  
FALLS, VINCE SPADORCIA, LINDA SEEFELDT, ERNEST KITCHEN, ANTHONY  
SCRICO, JOSEPH SCHIRO, ANTONIO RESTAINO, AND ZACHARY CASALES,  
CONSTITUTING THE ZONING BOARD OF APPEALS OF CITY OF NIAGARA FALLS.

MALONEY & MALONEY, NIAGARA FALLS (MICHAEL V. MALONEY OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS BASIL C. STAHLMAN, JR. AND BASIL C. STAHLMAN,  
III.

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Appeal from a judgment (denominated order and judgment) of the  
Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered  
March 19, 2010 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.

Entered: November 12, 2010

Patricia L. Morgan  
Clerk of the Court