

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

1322

**CA 11-00784**

PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND SCONIERS, JJ.

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IN THE MATTER OF THE APPLICATION OF MICHAEL  
ZIOLKOWSKI AND THOMAS BENNETT,  
PETITIONERS-APPELLANTS,

V

ORDER

TOWN BOARD OF TOWN OF GRAND ISLAND, UPSTATE  
CELLULAR NETWORK, DOING BUSINESS AS VERIZON  
WIRELESS, RUSSELL COLOSI AND PATRICIA COLOSI,  
RESPONDENTS-RESPONDENTS.

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RICHARD J. LIPPES & ASSOCIATES, BUFFALO (GREGG S. MAXWELL OF COUNSEL),  
FOR PETITIONERS-APPELLANTS.

HODGSON RUSS LLP, BUFFALO (DANIEL A. SPITZER OF COUNSEL), FOR  
RESPONDENT-RESPONDENT TOWN BOARD OF TOWN OF GRAND ISLAND.

NIXON PEABODY LLP, BUFFALO (LAURIE S. BLOOM OF COUNSEL), FOR  
RESPONDENT-RESPONDENT UPSTATE CELLULAR NETWORK, DOING BUSINESS AS  
VERIZON WIRELESS.

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Appeal from a judgment of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered January 5, 2011 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition and confirmed the determinations of respondent Town Board of Town of Grand Island.

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: December 23, 2011

Frances E. Cafarell  
Clerk of the Court