



Plaintiff was injured in a fall while applying a new advertisement to the face of a billboard that sat atop a building owned by defendant. Plaintiff's activities may have changed the outward appearance of the billboard, but it did not change the billboard's structure, and thus were more akin to cosmetic maintenance or decorative modification than to "altering" for purposes of Labor Law § 240(1) (see Joblon v Solow, 91 NY2d 457, 465 [1998]).

\* \* \* \* \*

On review of submissions pursuant to section 500.4 of the Rules, order reversed, with costs, defendant's motion for summary judgment dismissing the Labor Law § 240(1) cause of action granted and certified question answered in the negative, in a memorandum. Chief Judge Kaye and Judges G.B. Smith, Ciparick, Rosenblatt, Graffeo, Read and R.S. Smith concur.

Decided June 29, 2005