

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 27, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Cynthia S. Kern, Justices.

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In the Matter of

Council of Chelsea Block Associations,  
William Borock, President, et al.,  
Petitioners-Appellants,

-against-

M-6855  
Index No. 156153/19

Polly Trottenberg, as Commissioner of  
the City of New York, Department of  
Transportation,  
Respondent-Respondent.

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An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 7, 2019, which, inter alia, denied petitioners' application pursuant to CPLR Article 78 to enjoin respondent from proceeding with the Transit and Truck Priority Pilot and Bike Lanes Program and vacated a temporary restraining order granted on or about June 28, 2019,

And petitioners-appellants having moved for an order staying respondent from implementing the Transit and Truck Priority Pilot and Bike Lanes Program and reinstating the temporary restraining order granted on June 28, 2019, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated August 9, 2019, is hereby vacated.

All concur except Kapnick, J. and Webber, J., who dissent as follows.

Kapnick J. and Webber, J. (dissenting)

We respectfully dissent and would continue the interim stay granted by a Justice of this Court, dated August 9, 2019, pending the hearing and determination of the appeal.

ENTERED:

  
CLERK