



Neutral

As of: June 15, 2017 7:33 PM Z

Matter of Obsession Bar & Grill, Inc. v. Zoning Bd. of Appeals of City of Rochester

Supreme Court of New York, Appellate Division, Fourth Department

June 13, 2014, Decided; June 13, 2014, Entered

782 CA 13-02124

Reporter

118 A.D.3d 1366 *; 987 N.Y.S.2d 277 **; 2014 N.Y. App. Div. LEXIS 4312 ***; 2014 NY Slip Op 4389 ****; 2014 WL 2620954

[****1] In the Matter of Obsession Bar and Grill, Inc., et al., Respondents, v Zoning Board of Appeals of City of Rochester et al., Appellants.

Subsequent History: Leave to appeal denied by *Matter of Obsession Bar & Grill, Inc. v. Zoning Bd. of Appeals of City of Rochester*, 120 A.D.3d 1613, 993 N.Y.S.2d 523, 2014 N.Y. App. Div. LEXIS 6385 (N.Y. App. Div. 4th Dep't, 2014)

Leave to appeal denied by *Matter of Obsession Bar & Grill, Inc. v. Zoning Bd. of Appeals of City of Rochester*, 24 N.Y.3d 912, 2014 N.Y. LEXIS 3462, 2 N.Y.S.3d 843, 26 N.E.3d 782 (2014)

Related proceeding at *Obsession Sports Bar & Grill, Inc. v. City of Rochester*, 2017 U.S. Dist. LEXIS 22753 (W.D.N.Y., Feb. 17, 2017)

Core Terms

amended judgment

Counsel: [***1] ROBERT J. BERGIN, CORPORATION COUNSEL, ROCHESTER (SARA L. VALENCIA OF COUNSEL), FOR RESPONDENTS-APPELLANTS.

SANTIAGO BURGER ANNECHINO LLP, ROCHESTER (MICHAEL A. BURGER OF COUNSEL), FOR PETITIONERS-RESPONDENTS.

Judges: PRESENT—SMITH, J.P., FAHEY, PERADOTTO, SCONIERS, AND VALENTINO, JJ.

Opinion

[*1366] [*277] Appeal from an amended [*1367] judgment and order (one paper) of the Supreme Court, Monroe County (John J. Ark, J.), entered February 26, 2013. The amended judgment and order, among other things, determined that the decision of respondent Zoning Board of Appeals of City of Rochester limiting the weekday closing hours of petitioner Obsession Bar and Grill, Inc. is null and void.

It is hereby ordered that the amended judgment and order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court. Present—Smith, J.P., Fahey, Peradotto, Sconiers and Valentino, JJ.