

STATE OF NEW YORK
SUPREME COURT COUNTY OF CORTLAND

VICTOR LAMOUREUX, on behalf of FRIENDS FOR RESPONSIBLE VESTAL ZONING, an unincorporated association,

Petitioner,

- against -

TOWN OF VESTAL TOWN BOARD;
LCD ACQUISITIONS, LLC; and BHL VENTURES, LLC,

Respondents.

**NOTICE OF MOTION
FOR LEAVE TO
REARGUE AND/OR
RENEW AND TO
AMEND AND
SUPPLEMENT THE
PETITION**

Index No.:EF22-260
RJ No.: 2022-0169-M

PLEASE TAKE NOTICE that upon the annexed Affirmation of Meave M. Tooher, dated December 9, 2022; the Affidavit of Madeleine Cotts, dated December 9, 2022; and the Memorandum of Law in Support dated December 9, 2022, Petitioner Victor Lamoureux, on behalf of Friends For Responsible Vestal Zoning, an unincorporated association, will move before the Honorable Mark G. Masler, at the Cortland County Courthouse, 46 Greenbush Street, Cortland, New York on January 18, 2022 at 10:30 A.M. in the forenoon, or as soon thereafter as counsel can be heard, for an Order pursuant to CPLR Rule 2221(d) for leave to reargue Petitioners' Article 78 Petition and that portion of the Court's December 9, 2022 Decision & Order & Judgment dismissing Counts III, V and VII of Petitioner's Article 78 Petition, or in the alternative pursuant to CPLR Rules 2221(e) and 3025(b) for leave to renew consideration of Counts II, III, V and VII of the Article 78 Petition, as well as amend and supplement the Petition, together with any other relief as the Court shall deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT Pursuant to CPLR §2214(b), answering affidavits, if any, are required to be served upon the undersigned at least seven (7) days before the

return date of this motion. Reply papers are to be served one (1) day in advance of the return date of this motion.

Dated: December 12, 2022
Albany, New York



Meave M. Tooher, Esq.
*Counsel for Petitioner Victor Lamoureux, on
behalf of Friends for Responsible Vestal Zoning*
Tooher & Barone, LLP
313 Hamilton Street
Albany, New York 12210
(518) 432-4100
(518) 432-4200 (Facsimile)

To: David S. Berger, Esq. (*via NYSCEF*)
Counsel for Respondent Town of Vestal Town Board

Sarah G. Campbell, Esq. (*via NYSCEF*)
*Counsel for Respondents LCD Acquisitions, LLC and
BHL Ventures LLC*
Hinman Howard & Kattell, LLP