

STATE OF NEW YORK
SUPREME COURT COUNTY OF BROOME

CHENANGO VALLEY CENTRAL SCHOOL DISTRICT,

Petitioner,

- against -

TOWN OF FENTON PLANNING BOARD; and
NG ADVANTAGE, LLC,

Respondents.

PAID
06-22-17
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ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER

Index No.: CA 2017001388
RJI No.: 2017-0799

Present: HON. FERRIS D. LEBOUS Justice

Upon reading and filing the Verified Petition dated June 22, 2017, on behalf of Petitioner Chenango Valley Central School District and the associated exhibits appended thereto, as well as the Affirmation of Meave M. Toohar, Esq. dated June 22, 2017; the affidavit of David Gill, Superintendent of Schools, dated June 21, 2017; the affidavit of William Fitzpatrick, P.E., P.T.O.E., dated June 21, 2017; and the accompanying Memorandum of Law,

Let Respondents Town of Fenton Planning Board and NG Advantage, LLC show cause before the Honorable Ferris D. Lebous in chambers/in Court at the Broome County Courthouse, 65 Hawley Street, Binghamton, NY 13901 on the 18th day of July, 2017 at 1:30 o'clock in the ~~fore~~/afternoon of that day or as soon thereafter as counsel can be heard, why an order should not be made and entered herein preliminarily enjoining Respondent NG Advantage, LLC from taking any action or performing any construction pursuant to the May 23, 2017 Site Plan Approval at 65, 69, & 93 West Service Road, Binghamton, New York;

Responding papers, if any shall be filed and served upon this court and the Petitioner on or before the close of business on July 7th, 2017;

Reply papers, if any, shall be filed and served upon this Court and the Respondents on or before the close of business on July 12th, 2017;

and it is hereby

Ordered, that in the meantime and until the hearing of the motion brought on by this order to show cause, and the entry of an order thereon, Respondent NG Advantage, LLC is hereby temporarily restrained from taking any action pursuant to the May 23, 2017 Site Plan Approval at 65, 69, & 93 West Service Road, Binghamton, New York, including, but not limited to site preparation or construction;

Pursuant to CPLR § 2512, Movant Chenango Valley Central School District will not be required to post a bond;

~~Sufficient cause appearing thereof, let service of a copy of this order and the papers upon which it is based be made upon a person of suitable age and responsibility for Respondent Town of Fenton Planning Board, before _____ a.m./ p.m. on _____, 2017, be deemed good and sufficient service thereof; and~~

~~Sufficient cause appearing thereof, let service of a copy of this order and the papers upon which it is based be made upon the Secretary of State for NG Advantage LLC, before _____ a.m./ p.m. on _____, 2017, be deemed good and sufficient service thereof.~~

Signed this 27 day of June 2017 at Fingertown New York.



Hon.

HON. FERRIS D. LEBOUS

Justice, Supreme Court
Broome County

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