

RESOLUTION 22 of 2023

At a meeting of the Town of Clinton Town Board duly held at the Town Hall, Centre Road in the Town of Clinton on the 21st day of March, 2023. Upon the calling of the roll by the Town Clerk the following members were:

Present: Supervisor Michael Whitton
Councilwoman Katherine Mustello
Councilman Dean Michael
Councilman Eliot Werner
Councilman Chris Juliano

Absent: None

The following resolution was offered for adoption by Supervisor Whitton which resolution was seconded by Councilman Michael

RESOLUTION APPROVING SO ORDERED STIPULATION OF SETTLEMENT WITH MEDICAL ARTS SANITARIUM, INC. D/B/A CORNERSTONE OF RHINEBECK (INDEX. NO. 66048/2022).

WHEREAS, Medical Arts Sanitarium, Inc. d/b/a Cornerstone of Rhinebeck (“Cornerstone”) commenced a special proceeding by petition in Westchester County Supreme Court (the “Court”) bearing Index. No. 66048/2022 (the “Article 78 Proceeding”) against the Town of Clinton and the Town of Clinton Zoning Board of Appeals (collectively, the “Town”);

WHEREAS, Cornerstone commenced the Article 78 Proceeding seeking to vacate, annul and reverse a Zoning Board of Appeals (the “ZBA”) decision dated August 31, 2022 which determined that Cornerstone is in violation of certain provisions of Chapter 250 (Zoning) the Town Code (the “ZBA Decision”);

WHEREAS, by Resolution 43 of 2022 adopted at the October 11, 2022 Town Board meeting the Town Board authorized the attorney for the Town to enter into a stipulation which would hold in abeyance the Town’s time to respond to Cornerstone in the Article 78 Proceeding and stay the commencement of any enforcement of the ZBA Decision during the abeyance period;

WHEREAS, on February 14, 2023 the Town Board, after months of consideration and two public hearings, adopted Local Law No. 1 of 2023 which amended Chapter 250 of the Town Code (Zoning) in regard to the regulation of alternate care facilities;

WHEREAS, Local Law No. 1. of 2023 permits a nonconforming alternative care facility to apply to the Planning Board for Site Plan and Special Use Permit approval to expand its resident population to an amount not exceeding fifty percent (50%) of the capacity that existed when the alternate care facility became nonconforming; and

WHEREAS, Cornerstone and the Town now desire to entire into a So Ordered Stipulation of Settlement which would result in the discontinuance of the Article 78 Proceeding on the terms and conditions set for in the So Ordered Stipulation of Settlement which is annexed hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes, directs and empowers the attorney for the Town of Clinton Shane J. Egan, Esq. to execute the So Ordered Stipulation of Settlement and take any actions necessary to effectuate the terms of the So Ordered Stipulation of Settlement.

The vote having been taken upon such resolution the result was as follows:

Supervisor Michael Whitton	VOTING	<u>AYE</u>
Councilman Eliot Werner	VOTING	<u>AYE</u>
Councilman Katherine Mustello	VOTING	<u>AYE</u>
Councilman Dean Michael	VOTING	<u>AYE</u>
Councilwoman Christopher Juliano	VOTING	AYE

There being a majority of the Town Board voting to approve the resolution, the resolution was declared by the Town Supervisor to have been adopted.

IN WITNESS WHEREOF, I affix the seal of the Town of Clinton as the Clerk thereof, this 21st day of March, 2023.

TOWN OF CLINTON, NEW YORK



Carol-Jean Mackin,
Town Clerk