

## **RESOLUTION 43 of 2022**

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 11<sup>th</sup> day of October, 2022. Upon the calling of the roll by the Town Clerk the following members were:

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

**Absent:** Councilman Chris Juliano

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

### **RESOLUTION APPROVING STIPULATION 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”); and

**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”); and

**WHEREAS**, pursuant to Section 250-88 of the Town Code an action to enforce violations of Chapter 250 (Zoning) cannot be commenced without Town Board approval; and

**WHEREAS**, Cornerstone is seeking a Temporary Restraining Order and Preliminary Injunction to enjoin the Town from enforcing the ZBA Decision; and

**WHEREAS**, Cornerstone and the Town desire 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 proceedings during the abeyance period, a copy of the Stipulation is attached hereto and made a part hereof as Exhibit A; and

**WHEREAS**, the Town Board now desires to approve the Stipulation and authorize, direct and empower Shane J. Egan, Esq. to execute the Stipulation on behalf of the Town and take any further actions necessary to effectuate the terms of the Stipulation.

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

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

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

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 11<sup>th</sup> day of October, 2022.

**TOWN OF CLINTON, NEW YORK**



Town Clerk: \_\_\_\_\_  
Carol-Jean Mackin