

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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In the Matter of :

MEDICAL ARTS SANITARIUM, INC. d/b/a :
CORNERSTONE OF RHINEBECK, :

Petitioner, :

For a Judgment pursuant to Article 78 of the CPLR :

-against- :

TOWN OF CLINTON ZONING BOARD OF APPEALS, :
TOWN OF CLINTON, EDWARD WILSON, :
WENDIE ADELMAN, ERIN SAX, and :
KATARINA MAXIANOVA, :

Respondents. :
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Index No. 66048/2022

Assigned Judge:
Hon. Robert J. Prisco

**STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as attorneys for Petitioner MEDICAL ARTS SANITARIUM, INC. d/b/a CORNERSTONE OF RHINEBECK (“Petitioner”), and Respondents TOWN OF CLINTON ZONING BOARD OF APPEALS (“ZBA”) and TOWN OF CLINTON (“Town,” collectively with ZBA, “Municipal Respondents”), as follows:

1. The time for Municipal Respondents to serve an Answer, file any Motion(s), or otherwise respond to the Verified Petition, dated September 30, 2022 (“Petition,” NYSCEF Dkt. No. 1), shall be held in abeyance *sin die* while Petitioner and Municipal Respondents engage in good faith discussions in furtherance of a potential resolution of the Proceeding (“Abeyance Period”).

2. Respondent Town agrees that during the Abeyance Period, it will not take any action in furtherance of enforcing the Town Zoning Code against Cornerstone relative to

Cornerstone's maximum capacity of 99 beds. Cornerstone agrees that within two (2) business days of the execution of this Stipulation and Order by Cornerstone and the Municipal Respondents, Cornerstone shall file same via NYSCEF, and include a cover letter to the Court withdrawing, without prejudice, Cornerstone's pending Motion for temporary and preliminary injunctive relief.

3. The Abeyance Period shall continue until such time as Petitioner, in its sole discretion, files and serves via NYSCEF, a letter demanding that all Respondents then-appearing answer the Petition ("Demand").

4. Upon filing and service of the Demand, Municipal Respondents shall have thirty (30) days to serve and file their respective Answers, file any Motion(s), or otherwise respond to the Petition.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in counterparts and electronic copies of this Stipulation shall be deemed originals; and it is further

ORDERED that this Stipulation and Order shall also be binding upon all Parties appearing in this Proceeding subsequent to the execution of, and filing on NYSCEF by, the Court of this Stipulation and Order.

[Signatures on following page]

Dated: October 12, 2022

STIPULATED AND AGREED:

ZARIN & STEINMETZ, LLP

CAPPILLINO, ROTHSCHILD &
EGAN LLP

By: _____

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Dated: October ____, 2022

SO ORDERED:

Hon. Robert J. Prisco, J.S.C.