

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

In the Matter of

RUPCO, INC.,

Petitioner,

**NOTICE OF
VERIFIED PETITION**

For a Judgment Pursuant to CPLR Article 78

-against-

CITY OF KINGSTON PLANNING BOARD,

Respondent.

Index No.: 18-3260
RJI No.:
Date filed:

FILED
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SEP 17 2018
NINA POSTUPACK
ULSTER COUNTY CLERK

PLEASE TAKE NOTICE, that upon the annexed Verified Petition, and upon all of the exhibits attached thereto, Petitioner ("Petitioner") will petition the New York State Supreme Court at the Ulster County Courthouse, 285 Wall Street, Kingston, New York 12401, on October 16, 2018, at 9:30 a.m., or as soon thereafter as counsel may be heard, for a Judgment pursuant to Article 78 of the New York Civil Practice Law and Rules ("CPLR") annulling the denial by Respondent City of Kingston Planning Board (the "Planning Board") of a special use permit and site plan application for the construction of a residential multi-family affordable housing project, and directing that the Planning Board grant said permit and application; and

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 7804(c), an Answer, supporting affidavits and evidence, if any, shall be served upon the attorneys for the Petitioner at least five (5) days before the return date set forth above; and

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ULSTER SUPREME/COUNTY COURTS

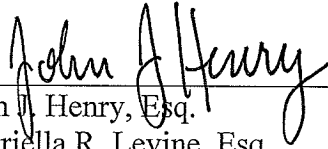
PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 7804(e), the Planning Board is required to file with the clerk of the court and serve upon the counsel for Petitioner a certified record of all proceedings under consideration, together with the entire official file kept by the Planning Board in this matter, including, without limitation, all full size, to-scale drawings and project plans submitted by the Applicants.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 506(b) and 7804(b), venue is proper in Ulster County since the determination complained of was made in Ulster County.

Dated: September 17, 2018
Albany, New York

WHITEMAN OSTERMAN & HANNA LLP

By:



John J. Henry, Esq.

Gabriella R. Levine, Esq.
One Commerce Plaza
Albany, New York 12260
(518) 487-7600
Attorneys for Petitioner

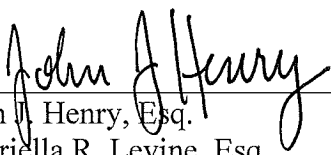
Michael A. Moriello, Esq.
RISELEY AND MORIELLO, PLLC
111 Green Street
PO Box 4465
Kingston, New York 12402
(845) 338-6603
Co-Counsel for Petitioner

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Michael A. Moriello, Esq.
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PO Box 4465
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