

Introduction

The following is a summary of the main or salient issues of the 52-page complaint/action filed at Dutchess County Supreme Court by Warren Replansky, Esq., lawyer of the petitioners/plaintiffs (hereafter plaintiffs). Also included are the administrative proceedings leading to the Town of Rhinebeck's involvement with this case, (pp. 14-17). Additional information and explanations of legal terms were provided by the researcher and are not part of the formal complaint. The researcher took the liberty to emphasize (boldface) certain information from the complaint that are noted with [Emphasis added].

At the time this report was being prepared, the respondents/defendants had yet to submit a rebuttal/defense to the petitioners' complaint. Once all the paperwork is filed, Judge Hayes will make a determination as to whether or not the plaintiffs have legal standing to prevail with this matter. If he rules in favor of the plaintiffs, in whole or in parts, the defendants will have to decide whether or not to work at reaching a mutual settlement, or appeal Judge Hayes' ruling. On the other hand, Judge Hayes might dismiss all of the plaintiffs' complainants against the defendants. By doing so, the plaintiffs will have to decide to whether or not to drop the complaint or appeal Judge Hayes ruling.

Supplementary Information

Common Senses Hudson Valley (HV) – Common Senses HV is composed of a group of concerned residents in the towns of Clinton and Hyde Park whose mission is to protect and preserve the Hudson Valley's community character and environment, safeguard natural resources, maintain aesthetic resources, and ensure that any proposed projects in the area comply with the law. It was originally created to oppose a CECNY's (global hotel chain) plan to build a sprawling hotel resort & spa in one of the Hudson Valley's most pristine and ecologically sensitive protected areas.¹ For more information about this project the issues, and *Common Senses'* involvement, go to its website at <https://commonsenseshv.org>.

InterContinental Hotels Group (IHG) - InterContinental Hotels Group or IHG Hotels & Resorts, is a British multinational hospitality company headquartered in Windsor, Berkshire, England. The group employs 375,000 people and operates, franchises and leases more than 6,600 hotels globally. As of February 2025, the IHG has more than 6,600 hotels across more than 100 countries under 19 brands; one of them being Six Senses, **listed as a "Luxury and Lifestyle" brand.**² [Emphasis added.]

CECNY Land Holdings, LLC. CECNY Land Holdings, LLC" is a wholly-owned affiliate of Intercontinental Hotels Group PLC (IHG) and is the primary owner of the parcels of land in Clinton and Hyde Park where the project site will be located. Primary owner's address: 3 Ravina Dr., Atlanta, GA 30346.

¹ Common Senses Hudson Valley: About Us, found at <https://commonsenseshv.org/about/>

² IHG Hotels and Resorts, found at https://en.wikipedia.org/wiki/IHG_Hotels_%26_Resorts

Background

According to *Common Senses HV*, IHG purchased the Old Stone Farm property. While most of the property where the hotel/resort will be located is in the Town of Clinton, the main entrance is found along NYS Route 9G in the Town of Hyde Park. In 2024, the Hyde Park and Clinton Zoning Boards denied IHG's project application, ruling that it violated Hyde Park's Greenbelt protections, Clinton's zoning codes and the Comprehensive Plan of both towns. IHG then attempted to use an existing Special Use permit associated with the property for a 44-guest max dude ranch, as their right to operate under Clinton's Conference Centers Law, despite the AR3/AR5 zoning associated with the property. At the same time, IHG ". . . conspired with Hyde Park officials to pass a new law that would override protections and lawful project denials."³ The resort will devastate 30 acres of prime, open farmlands, choke off sensitive wetlands and habitats, pollute waterways and clog our rural/local roads.

According to *Common Senses HV*, the project will include the following, taken from the developer's (IHG's) *own* plan document.

- 240 overnight guests, 150 employees, plus 400 event guests;
- 600+ cars in & out daily, plus delivery/service trucks;
- 54 buildings totaling 148,000 sq ft foot-print (think big-box store);
- 10 swimming pools, 21,000 sq. ft. spa, outdoor event spaces, retail shopping, restaurant, bar & grill (all guest-only); and
- 18,500 gallons/day of waste-water released into Crum Elbow Creek.

**Town of Rhinebeck, Common Senses Hudson Valley, et al.
(Petitioners-Plaintiffs)**

v.

**Town of Hyde Park, Town of Clinton, et al.
(Respondents-Defendants)**

Case No.: 2025-51934

Court: Dutchess County Supreme Court

Judge: Hon. Michael Hayes

³ Common Senses, op. cit. at <https://commonsenseshv.org/about/>.

Plaintiffs'/Petitioners' Complaint

Preliminary Statement and Summary of Action

Plaintiffs have suffered, and will suffer, actionable injuries due to the acts of Respondents-Defendants, including the adoption of Local Law No. 1 of 2025 by the Hyde Park Town Board on January 13, 2025 and the "So-Ordered Stipulation of Settlement" entered into among CECNY (International Resort Company, Land Holdings LLC), the Town of Hyde Park, the Town of Hyde Park Town Board, the Town of Hyde Park Zoning Board of Appeals, Kathleen Moss, in her capacity as Zoning Administrator of the Town of Hyde Park, the Town of Clinton and the Town of Clinton Town Board on March 12, 2025 in a separate, but related, Article 78 Declaratory Judgment action, as they violate numerous provisions of New York state statutory and decisional law and are contrary to rights afforded by the New York State Constitution.

Plaintiffs bring this proceeding and action to challenge the approval of Hyde Park Local Law No. G of 2024 (codified as Local Law No. 1 of 2025) of the Hyde Park Town Board which, in relevant part, held:

- (i) that the proposed action was an Unlisted Action under the State Environmental Quality Review Act (SEQRA);
- (ii) determined that there were no other involved agencies under SEQRA;
- (iii) found that the proposed Local Law would not have any significant adverse impacts on the environment pursuant to 6 NYCRR617.7; and
- (iv) adopted a Negative Declaration (*) pursuant to SEQRA purportedly based upon review of a Short Environmental Assessment Form ("EAF") and all other submissions and comments on the records.

(*) According to N.Y. Codes Rules. & Regulations, Title 9 § 586.8 - Negative declarations, if a lead agency (Hyde Park or Clinton Town Boards) determines that an action is a type I action or unlisted action subject to State Environmental Quality Review (SEQR) **and will not have a significant effect upon the environment**, it shall prepare, maintain and file a notice of determination that an Environmental Impact Statement (EIS) will not be prepared ("negative declaration").⁴

A negative declaration is a written determination by a lead agency that the implementation of the development action will not have a significant, adverse impact on the environment and will not require an in-depth Environmental Impact Report (EIR). It's a legal means for local governments/boards to determine if a project can proceed without extensive environmental review.

This proceeding also seeks to annul and declare null and void the "So-Ordered Stipulation of Settlement" entered into (March 12, 2025) among CECNY Land Holdings LLC, the Town of Hyde Park, the Town of Hyde Park Town Board, et. al., in a separate, but related, Article 78 Declaratory Judgment action entitled: "CECNY Holdings LLC. Town of Hyde Park, et. al., Dutchess County Index No. 2024-53500.

⁴ Cornell Law: Legal Information Institute, found at <https://www.law.cornell.edu/regulations/new-york/9-NYCRR-586.8>

The SEQRA Negative Declaration was adopted by the Hyde Park Town Board in violation of the procedural and substantive requirements of SEQRA and its implementing regulations in that, among other defects, the Hyde Park Town Board:

- (i) failed to identify relevant areas of environmental concern;
- (ii) failed to take the requisite "hard look" at the relevant areas of environmental concern;
- (iii) failed to conduct any substantive SEQRA review whatsoever; and
- (iv) engaged in improper segmentation in its purported SEQRA review of the action.

In addition, the adoption of Local Law No. 1 of 2025 was arbitrary, capricious and illegal and not supported by any evidence in the record as a result of the Town Board's:

- (i) totally inadequate and non-existent environmental review of the proposed law;
- (ii) conduct of illegal spot zoning;
- (iii) conduct of illegal contract zoning;
- (iv) violation of the New York State Rules of Uniformity;
- (v) violation of the New York State Term Limits Rule;
- (vi) illegal, invalid and unconstitutional exercise of the Town Board's police powers;
- (vii) violation of the Town's Comprehensive Plan;
- (viii) violation of the Town's Greenway Connections Compact;
- (ix) invalid, illegal and unconstitutional interference with and restriction and usurpation of the powers of the Town's Zoning Board of Appeals; and
- (x) failure to completely and properly refer the proposed action to the Dutchess County Department of Planning and Development, as required by §239-m of the General Municipal Law.

The Stipulation of Settlement must be annulled and declared null and void because, among other grounds:

- (i) **the Stipulation constituted illegal contract zoning**; [Emphasis added.] (*)
- (ii) **the Stipulation constituted illegal spot zoning**; [Emphasis added.] (**)
- (iii) the Stipulation contains numerous and substantial misstatements of fact;
- (iv) the Stipulation was not properly approved by all purported signatories;
- (v) the Stipulation unlawfully seeks to overturn the decisions of the Town of Clinton Zoning Board of Appeals; and
- (vi) upon information and belief, the Stipulation was executed by the Town of Hyde Park's attorney without proper authority and authorization from the Hyde Park Zoning Board prior to its execution.

(*) **Contract zoning** is making a deal with a governing body to be granted exemptions to a [zoning](#) code. It was originally considered illegal , but the concept has evolved into two versions.

Contract zoning is a legitimate conditional use zoning. In this version, there is a unilateral promise from the **landowner** to the governing board. For example, a city may decide to allow a production factory in an area where factories are not zoned if the factory will not release any emissions, excessive noise, or odors.

(**) Spot zoning or illegitimate contract zoning is a bi-lateral **contract** established between the landowner and the governing board.

Spot zoning refers to when a piece of property or groups of property have special zoning laws applied to them that differ from the **zoning laws** surrounding them. The practice of spot zoning can be very controversial and may be illegal. Some types of spot zoning actually can be necessary, such as granting waivers for existing businesses when new zoning laws come into force or when a business might be needed in a residential area.

The laws on spot zoning vary greatly by state and locality. Some areas may allow spot zoning broadly while others may condone most uses of spot zoning. For example, in New York, spot zoning is not allowed to benefit one individual or set of individuals **unless it benefits the comprehensive plan for the area.**⁵ [Emphasis added.]

According to the complaint, the coordinated and individual actions of Respondents/Defendants are arbitrary, capricious, irrational, ultra vires (acting or done beyond one's legal power or authority), and unlawful and should be overturned and deemed null and void ab initio (from the beginning)

Concerns

The Plaintiffs are property owners and/or residents of the Town of Clinton the Town of Hyde Park and the Town of Rhinebeck and reside or own property at parcels which are adjacent to or in close proximity to the project located in the Towns of Clinton and Hyde Park and have the requisite standing to bring this by virtue of the fact each of them will suffer an injury by implementation by Local Law No. 1 of 2025 and the Stipulation of Settlement and is within the protected zone of interests.

Plaintiffs will be directly adversely impacted by consequent **light pollution; air pollution; noise pollution; significantly increased traffic on Route 9G; impacts on well water and ground water quantity and quality, including these resulting from the use of harmful Per- and polyfluoroalkyl substances (PFAS) used in asphalt and road construction and maintenance that affect aquifers and water pollution levels well beyond their discharge sources and that have a demonstrated harmful health impact especially on elderly persons; impacts of the project on FEMA floodway and flood plain zones; impacts on their enjoyment of the scenic beauty of their properties; the destruction or impairment of bio-diversity and habitat in, and adjacent to, the resort project area important to multiple documented rare, threatened and**

⁵ Cornell Law: Legal Information Institute, found at https://www.law.cornell.edu/wex/spot_zoning

endangered species, with impacts well beyond the property site; adverse impacts on Crum Elbow Creek and multiple State, local and national wetlands, flood zones and flood plains within the subject property; . . . by virtue of the development of the large-scale resort project proposed by CECNY on the Clinton and Hyde Park properties. [Emphasis added]

Common Senses Hudson Valley (CSHV) is an unincorporated association consisting of residents and property owners within the Towns of Clinton, Hyde Park and Rhinebeck, many of whom live in close proximity to the proposed CECNY development. CSHV was formed to protect and preserve the Hudson Valley's community character and environment, safeguard natural resources, maintain aesthetic resources, and ensure that any proposed projects in the area comply with the law, and specifically, regarding the property proposed for large-scale resort development by CECNY and in the surrounding Hudson Valley communities.

The Town of Rhinebeck is adjacent to the Towns of Clinton and Hyde Park. New York State Route 9G, which is proposed to provide access to and from the CECNY (Six Senses) development is one of two major thoroughfares in the Town of Rhinebeck, and property owners and residents of the Town of Rhinebeck reside adjacent, or in close proximity, to the Clinton and Hyde Park properties on which the CECNY development is proposed. As such, the citizens of the Town of Rhinebeck will be adversely affected by the environmental impacts of the proposed development and Local Law No. 1 of 2025. (See pp. 14-17 in this summary.)

Background

CECNY Land Holdings is the owner of multiple adjacent parcels of land in the Towns of Rhinebeck, Hyde Park and Clinton, including two of the parcels of land upon which they propose to construct a large-scale commercial resort type development under the guise of a "conference center." These parcels are located at 68 Naylor Road in the Town of Clinton and 2450 Route 9G in the Town of Hyde Park, purchased by CECNY in or about November 2022, (the "Commercial Development Land").

The Clinton portion of the CECNY Commercial Development Land consists of a 228-acre parcel located in the Town of Clinton's low-density and very low-density agricultural AR3 and AR5 zoning districts where a "conference center" is a use permitted subject to the issuance of a special use permit and site plan approval by the Planning Board. **A hotel and its "dining rooms, bars, kitchens, serving rooms, ballrooms, and other facilities and services intended primarily for the accommodation of its patrons" are prohibited uses in those districts. [Emphasis added.]**

The Hyde Park portion of the Commercial Development Land consists of 8.28 acres located within the Town of Hyde Park's Greenbelt zoning district in which a conference center and/or hotel are prohibited uses. [Emphasis added.]

The CECNY Commercial Development Land (CDL) commonly known as the "Old Stone Farm" is historically significant in the Towns of Clinton and Hyde Park and contains many historical structures that have been carefully restored and maintained by the property's owners in past years. The Commercial Development Land lies within a certified agricultural district and a portion of the Clinton property is within the Town's Ridgeline Protection Overlay Zone. The CDL is

environmentally sensitive and the Crum Elbow Creek, a Class A protected trout stream, flows along the common boundaries of the Towns of Hyde Park and Clinton and the two CDL parcels. The CDL contains numerous town, federal and state regulated wetlands and is home to several state and federal endangered and rare species of flora and fauna such as the Indiana Bat, Monarch Butterfly, Blandings Turtle and Cat Tail Sedge, as well as several state and federal threatened species.

The CDL has been designated as an area of Important Ecological Resources by the Town of Clinton pursuant to its Open Space Committee and Farmland Protection Committee and identified as the Route 9G Wetlands Important Area that Includes Rare Animal Species and Habitat with documented examples of important habitat and significant ecosystems.

The Town of Hyde Park Conservation Advisory Committee (CAC) has found that this area is a rare wetland animal habitat important to migratory fish and is important to biodiversity and balanced ecosystems. The Hyde Park Natural Resources Inventory designated the CDL as within a Significant Biodiversity Area. [Emphasis added.]

The CECNY application proposes a substantial increase in the use and intensity of the CDL.

- The year-round facility (Six Senses) is proposed to contain 65 lodging facilities accommodating approximately 240 guests at one time.
- It would also employ 150 employees with many living onsite.
- Five of the existing 19 buildings on site will be removed as part of the development proposal with four buildings to be relocated and two buildings to be expanded.
- Several buildings will be converted for new wellness and recreation centers.
- Approximately 27 new buildings will be constructed on the site. Eleven of the 27 new buildings will include guest rooms and the new commercial resort development will include, but not be limited to, dining and kitchen facilities, wellness and fitness facilities, several swimming pools, pool houses, bars, offices, retail operations and facility operational buildings.
- Several new parking areas are proposed for the facility and a wastewater treatment facility will be constructed.
- The proposal is for the resort to also host weddings, parties and other similar events with event guest numbers exceeding the requested 240 daily guests.

On December 21, 2023, the Hyde Park ZA (Zoning Administrator) denied CECNY's application on the grounds that the development on the Hyde Park Commercial Development Land constitutes **a commercial use prohibited by the Town of Hyde Park Zoning Code in the Greenbelt zoning district.** [Emphasis added.]

By decision dated June 26, 2024, the Hyde Park Zoning Board of Appeals upheld the determination of Zoning Administrator Moss to deny CECNY's application finding, in relevant part, that the project constitutes a lodging facility prohibited in the Town of Hyde Park Greenbelt district.

Local Law G of the Town of Hyde Park

In October 2024, the Hyde Park Town Board, by Resolution 10:15-23 of 2024, introduced and scheduled a public hearing for proposed Local Law G of 2024 entitled: "A Local Law to Amend Chapter 1 of the Town Code, 'General Provisions' to Add a New Article 3".

The said Resolution stated that the Town Board has determined that the action to amend the Hyde Park Code is a "Type II" action under the State Environmental Quality Review Act (SEQRA) requiring no environmental review.

The public hearing on said Local Law No. G was scheduled for November 4, 2024. No notice of the public hearing on said Local Law was provided to neighboring municipalities and no referral was made to the Dutchess County Department of Planning and Development as required by General Municipal Law §239-m.

Neighboring property owners, other residents of the Towns of Clinton, Hyde Park and Rhinebeck and CSHV appeared at the November 4, 2024 public hearing through their attorney, Warren S. Replansky, who spoke in opposition to the Local Law.

Jonathan Clark, Esq., Advocacy Attorney for Scenic Hudson, an environmental advocacy organization located in Poughkeepsie, New York, also spoke in opposition to the proposed Local Law.

The public hearing was opened on January 13, 2025. The overwhelming majority of citizens who spoke at the public hearing were strongly opposed to the passage of Local Law No. G of 2024, as amended.

The Hyde Park Conservation Advisory Council (CAC) submitted a 10-page report dated January 9, 2023 to the Town concerning the adverse environmental impacts as a result if the proposed local law and greenlighting of the CECNY resort project.

The CAC letter stated that Public Law G would permit access over Hyde Park property by residents of another jurisdiction to their land to do what would not be permitted in Hyde Park. As a result, the CAC encouraged the Town Board to consider the following "urgent matters."

- The CAC noted that there could be environmental impacts suffered by Hyde Park properties, particularly those wedged between 9G and the property, and listed impacts on well water, pollution, noise, traffic and property maintenance and nuisance in general as a result of behaviors forbidden in the Town of Hyde Park.
- The CAC noted that the Hyde Park Town Board, in approving this local law, may be viewed complicit and derelict of responsibility as a result of subsequent impacts to Hyde Park residents and specifically referred to impacts on:
 - (i) traffic;
 - (ii) erosion and sediment control;
 - (iii) water quality, including groundwater source and regulated trout stream impacts;

- (iv) impacts on regulated state and federal wetlands;
- (v) impacts on floodway and flood plain zones; and
- (vi) bio-diversity and habitat continuity.

The Dutchess County Department of Planning and Development (Dutchess County Planning) submitted its comments on revised Local Law No. G of 2024, as amended, and commented that the "absence of a clear framework for determining when access should be permitted or restricted is a concern". Dutchess County Planning criticized the proposed law for lack of specific criteria in evaluating petitions by neighboring property owners as set forth in the law. Dutchess County Planning also criticized the local law for lack of guiding standards and processes which could result in decisions appearing "arbitrary" thereby potentially exposing the law to legal challenges.

The Hyde Park Town Board, with no further discussion, or consideration of the public comments, the CAC comments or the Dutchess County Planning comments, closed the public hearing on January 13, 2025 and adopted Local Law No. G of 2024 by a 3 to 2 vote. The law was subsequently codified as Local Law No. 1 of 2025 and filed in the office of the Department of (New York) State.

The So-Ordered Stipulation of Settlement

On March 12th a "So-Ordered Stipulation of Settlement" (resolving an issue or case without a trial) was entered into among CECNY Land Holdings LLC, the Town of Hyde Park, the Town of Hyde Park Town Board, the Town of Hyde Park Zoning Board of Appeals, Kathleen Moss, in her capacity as Zoning Administrator of the Town of Hyde Park, the Town of Clinton and the Town of Clinton Town Board, in a separate, but related, Article 78 Declaratory Judgment action entitled: "CECNY Holdings LLC, Town of Hyde Park, et. al., Dutchess County Index No. 2024-53500. . . That action sought to overturn the Hyde Park ZBA determination that the Resort development Project was not permitted under Hyde Park zoning.

The So-Ordered Stipulation of Settlement purported to retroactively nullify the determinations of the Town of Hyde Park Zoning Board of Appeals and the Town of Clinton Zoning Board of Appeals regarding the access roads and other related matters and decide factual issues regarding the Commercial Development Land over which the parties had no jurisdiction, for the sole purpose of permitting the Six Senses development project.

First Cause of Action (Illegal Spot Zoning)

In adopting Local Law No. 1 of 2025, the Hyde Park Town Board engaged in illegal spot zoning because this Local Law was clearly intended solely to benefit the CECNY Six Senses commercial development project.

Second Cause of Action

(Failure to Comply with the Procedural and Substantive Requirements of SEQRA)

The Hyde Park Town Board in its January 13, 2025 Resolution adopting Local Law No. 1 of 2025 incorrectly:

- (i) stated, in relevant part, that passage of this Local Law constituted an Unlisted Action under SEQRA rather than a Type I action;
- (ii) determined that there were no other involved agencies under SEQRA;
- (iii) utilized a Short Form EAF (Environmental Assessment Form) rather than a Full EAF as required by the SEQRA regulations;
- (iv) failed to conduct a coordinated SEQRA review; and
- (v) determined that the proposed Local Law will not have a significant adverse impact on the environment pursuant to 6 NYCRR617.7.

Additionally, the Short Form EAF and SEQRA Declaration dated December 6, 2024 reveals that neither the Project Part 1 Information nor the Part-2 Impact Assessment had ever been signed by the Town Supervisor. There is no indication in the record as to who actually prepared the Short Form EAF and contrary to the Resolution adopting the EAF, the document does not contain any narrative or Part 3 analysis.

In addition, the Minutes of the public hearings on Local Law No. 1 of 2025 contain no record whatsoever of any actual discussion by the Supervisor or the Town Board members of the EAF or its contents, nor is there any discussion whatsoever by Hyde Park Town Board members during the course of the public hearing pertaining to any environmental review of the Local Law despite those issues being expressly raised by CSHV, the public, the Hyde Park CAC and the Clinton Planning Board.

Third Cause of Action

(Violation of the SEQRA Segmentation Rules)

In spite of the fact that Local Law No. 1 had the potential to apply to, and impact, numerous properties in the Town of Hyde Park, the Town Board failed to even review its zoning map and Town records to determine which parcels, in addition to the CECNY parcel, would be impacted by the enactment of this Local Law.

Fourth Cause of Action

(Town's Invalid Exercise of its Police Powers)

The Hyde Park Town Board acknowledged that the sole purpose of the enactment of this Local Law was to settle the lawsuit filed against it by CECNY. It was not enacted for the benefit of the Town of Hyde Park community as a whole, nor was it enacted to promote the health, safety or welfare of the municipality and its citizens.

Fifth Cause of Action
(Violation Hyde Park Comprehensive Plan)

It is well-settled law in the State of New York that where a Town has adopted a Comprehensive Plan, any new local law adopted for the regulation of any aspect of land use must be consistent with that Comprehensive Plan.

The Hyde Park Town Zoning Administrator properly determined that the proposed use of the Hyde Park portion of the CDL for ingress and egress to and from the Clinton "conference center" or "resort hotel" constituted a use not permitted by the Hyde Park Code by application of well-accepted decisional law in the State of New York.

Hyde Park Local Law No. 1, with the swipe of a pen, also essentially permits a myriad of uses within the Town of Hyde Park's Greenbelt and other sensitive Hyde Park zoning districts, which are currently prohibited by the Hyde Park Schedule of Use Regulations.

Sixth Cause of Action
(Failure to Make a Proper Referral to Dutchess County Department of
Planning and Development)

Section 239-m of the New York State General Municipal Law requires the Town Board, when enacting a local law requiring referral to Dutchess County Department of Planning and Development, to include a "full statement of such proposed action which includes all materials required by and submitted to the referring body including a completed Environmental Assessment Form and other materials required by such referring body in order to make its determination of significance pursuant to the State Environmental Quality Review Act under Article 8 under the Environmental Conservation Law and its implementing regulations".

The Hyde Park Town Board, in its attempt to enact the first iteration of Local Law G of 2024 failed to send any referral to Dutchess County Department of Planning and Development.

The Hyde Park Town Board in its adoption of revised Local Law G of 2024 apparently did make a 239-m referral to Dutchess County Department of Planning and Development. However, upon information and belief, that referral either did not include the Parts 1, 2 and 3 of the Short Environmental Assessment Form ("EAF") purportedly utilized by the Town Board. The referral was also incomplete in that the Short Form EAF had not yet been reviewed, approved or even discussed by the full Hyde Park Town Board, and had not been signed by the Hyde Park Town Supervisor at Parts 1 and 3 as required by the SEQRA regulations.

Seventh Cause of Action
(Violation of the NYS Rules of Uniformity)

In enacting Local Law No. 1 of 2025, the Hyde Park Town Board, in effect, rezoned the CECNY's 8.3-acre parcel to permit a use that is prohibited to all other landowners in the Greenbelt District, thereby resulting in different and discriminatory treatment of like properties in the same district in violation of the Rule of Uniformity and is ultra vires, void and illegal.

Eighth Cause of Action
(Violation of Greenway Connection)

Chapter 14 of the Town of Hyde Park Code requires, in relevant part, that "to the extent the Town amends its current, or enacts new land use laws and regulations, such new or amended laws and regulations where appropriate will be designed to be consistent with Greenway Connections."

There is no evidence in the record of enactment of Hyde Park Local Law No. 1 of 2025 that the Town Board created the law to be consistent with the Greenway Connections or even considered the Greenway Connection in its local law adoption process.

Ninth Cause of Action
(Local Law No. 1 of 2025 and the "So Ordered Stipulation of Settlement" in CECNY Holdings LLC, Town of Hyde Park, et. al., Dutchess County Index No. 2024-53500 Constituted Illegal Contract Zoning)

The record of the enactment of Hyde Park Local Law No. 1 of 2025 and the So Ordered Stipulation of Settlement dated March 12, 2025 clearly support the unmistakable conclusion that the Hyde Park Town Board acted beyond the scope of its authority by negotiating and contracting with CECNY to enact Local Law No. 1 to settle the Article 78 Petition (civil action) brought by CECNY against the Town of Hyde Park and for the sole purpose of permitting the commercial resort development in the Town of Hyde Park currently prohibited by the Town's Zoning Code and its Comprehensive Plan.

Causes of Actions #'s 10 and 11 Causes of Action omitted by the researcher.

Twelfth Cause of Action
(The So Ordered Stipulation of Settlement Dated March 12, 2025 in CECNY Holdings LLC, Town of Hyde Park, et. al., Dutchess County Index No. 2024-53500 was Illegal and Unenforceable)

Hyde Park Local Law No. 1 and the So Ordered Stipulation of Settlement were illegal and null and void in that they constituted impermissible spot zoning and contract zoning in violation of New York's (court) decisional law.

Thirteenth Cause of Action
(Local Law No. 1 of 2025 and the So Ordered Stipulation of Settlement Violates the NY Constitution's Green Amendment)

Both the Local Law 1 and the Stipulation of Settlement run afoul of the New York State "Green Amendment" which guarantees New York residents a "right to clean air and water and a healthful environment."

Plaintiffs request the following:

- A. Annuling and vacating the January 13, 2025 SEQRA Negative Declaration.
- B. Declaring Hyde Park Local Law No. 1 of 2025 invalid and null and void as constituting illegal spot zoning.
- C. Declaring Hyde Park Local Law No. 1 of 2025 invalid and null and void constituting as an invalid exercise of the Town of Hyde Park's police powers.
- D. Declaring Hyde Park Local Law No. 1 of 2025 illegal, null and void as having violated the Town of Hyde Park Comprehensive Plan.
- E. Declaring Hyde Park Local Law No. 1 of 2025 invalid and void ab initio (from the beginning) due to the Town's failure to make a proper referral to the DC Department of Planning and Development pursuant to §239-m of the New York State General Municipal Law.
- F. Declaring Hyde Park Local Law No. 1 of 2025 illegal and invalid due to its violation of the New York State Rule of Uniformity.
- G. Declaring Hyde Park Local Law No. 1 of 2025 illegal and invalid due to the Town's violation of the Greenway Connection Compact in its adoption of said Local Law.
- H. Declaring Hyde Park Local Law No. 1 of 2025 and the "So Ordered Stipulation of Settlement" illegal and invalid as illegal spot and contract zoning.
- I. Declaring Hyde Park Local Law No. 1 of 2025 and the "So Ordered Stipulation of Settlement" illegal and invalid in that its adoption violated the Term limits rules of the State of New York.
- J. Declaring Hyde Park Local Law No. 1 of 2025 illegal and null and void as an invalid supersession of the provisions of Town Law §260, et. seq.
- K. Declaring the So Ordered Stipulation of Settlement dated March 12, 2025 illegal, invalid and null and void in that it constitutes impermissible spot zoning and contract zoning, and was beyond the powers and jurisdiction of the signatories thereto, and was otherwise arbitrary, capricious and illegal.
- L. Enjoining the Respondents from implementing and otherwise enforcing the provisions of Hyde Park Local Law No. 1 of 2025.
- M. Enjoining the Respondents from implementing and otherwise enforcing the provisions of the So Ordered Stipulation of Settlement.
- N. Declaring the Hyde Park Local Law No. 1 of 2025 and the So Ordered "Stipulation of Settlement" illegal and invalid and contrary to the NY Constitution.

O. **Ordering payment by Respondents of Plaintiffs costs and disbursements and reasonable attorneys' fees incurred in this action.** [Emphasis added,]

P. Granting such other and further relief as the Court deems just and proper.

Exhibits

Town of Rhinebeck Town Board Meeting Executive Session Minutes March 10, 2025

PRESENT: Chauncey Walker, Deputy Supervisor
Chad Kleitsch, Councilperson
Allan Scherr, Councilperson
Dana Colleen Peterson, Councilperson
Warren Replansky, Attorney to the Town
ABSENT: Elizabeth Spinzia, Supervisor

At 6:02 pm Deputy Supervisor (Walker) accepted a motion from Councilperson Peterson, seconded Councilperson Scherr, motioned to enter into an executive session to discuss possible litigation.

The Town Board discussed the recent receipt of notice from the Town of Hyde Park of its proposed adoption of Local Law No. G of 2024. The law has been adopted as Local Law No. 1 of 2025. The Town Board discussed the possibility of joining in litigation to be filed in the Dutchess County Supreme Court against the Town of Hyde Park, the Town of Clinton and other possible defendants as a Hybrid Article 78 petition (*) challenging the enactment of the Town of Hyde Park Local Law 1 of 2025.

(*) A "hybrid" Article 78 petition in New York combines an Article 78 proceeding with a traditional civil action, allowing the petitioner to seek both judicial review of a government body or officer's action and damages or other plenary relief.

The Board discussed the fact that Local Law No. 1 of 2025 may permit the development of a project, which would be otherwise prohibited by the Town of Hyde Park Zoning Law, adjacent to Route 9G, in close proximity to Rhinebeck and its residents. It was the consensus of the Town Board members present that Hyde Park Local Law 1 of 2025 may have a detrimental impact on the Town of Rhinebeck and its citizens [Emphasis added.] and read and voted on the following resolution authorizing the Attorney to the Town to represent the Town of Rhinebeck in a lawsuit challenging Hyde Park Local Law 1 of 2025.

**TOWN OF RHINEBECK TOWN BOARD RESOLUTION NO. 2025-101
RESOLUTION AUTHORIZING THE TOWN TO JOIN IN A LAWSUIT AGAINST THE
TOWN OF HYDE PARK CHALLENGING LOCAL LAW NO. 1 OF 2025 OF THE
TOWN OF HYDE PARK**

WHEREAS, the Town of Hyde Park recently enacted Local Law No. 1 of 2025 (formerly identified as Local Law No. G of 2024) which, in relevant part, purported to permit access by private roads and driveways within the Town of Hyde Park to provide access to development projects in adjoining municipalities such as the Town of Clinton, in spite of the fact that such development projects would not be permitted by the zoning code and other land use regulations in the Town of Hyde Park and which access has been prohibited by well-accepted decisional law in the State of New York and the current zoning law of the Town of Hyde Park; and

WHEREAS, the Town of Rhinebeck is an adjoining municipality to the Town of Hyde Park, and received notice of the proposed adoption of said local law from the Town of Hyde Park; and

WHEREAS, the Town of Rhinebeck is concerned that this local law could result in substantial development projects in municipalities adjacent to the Town of Hyde Park and to the Town of Rhinebeck, which would normally, pursuant to the zoning laws of the relevant municipalities and well accepted decisional law in the State of New York be otherwise prohibited; and

WHEREAS, the Rhinebeck Town Board is concerned that the passage of this local law was specifically designed to benefit a proposed large-scale resort development project in the Town of Clinton by allowing access over adjacent lands located in the Town of Hyde Park between Route 9G and the Town of Clinton; and

WHEREAS, the Town of Rhinebeck has been made aware of a lawsuit to be filed challenging said local law on behalf of the residents of the Towns of Clinton and Hyde Park on several grounds, including, but not limited to, **the fact that the Town Board of Hyde Park enacted said local law for the sole purpose of avoiding litigation filed against the Town by CECNY**, [Emphasis added.] the land developer for the project in the Towns of Clinton and Hyde Park and further that the local law had, as its primary motivation and purpose, the facilitation of the development of this project by CECNY, and not to benefit the health, safety and welfare of the citizens of Hyde Park, Clinton and other surrounding communities; and

WHEREAS, the Rhinebeck Town Board is greatly concerned that the enactment of this local law will facilitate certain intensive development which would normally be prohibited by the zoning codes of the Towns of Hyde Park, Clinton, Rhinebeck and other adjoining municipalities; and

WHEREAS, the Rhinebeck Town Board has determined that the legal challenge of this local law is necessary to protect the health, safety and welfare and the benefit and protection of the Town of Rhinebeck and its citizens; and

WHEREAS, this Resolution is a Type II action under SEQRA which does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Attorney to the Town pursuant to the provisions of Town Law §65 and the general provisions of the Town Board to represent the Town of Rhinebeck as Co-Petitioner or Co-Plaintiff, as the case may be, in any litigation filed by the citizens of the Towns of Clinton and/or Hyde Park against the Town Board of the Town of Hyde Park challenging, and seeking to declare null and void, Local Law No. 1 of 2025 of the Town of Hyde Park.

TOWN OF RHINEBECK TOWN BOARD RESOLUTION NO. 2025-125

RESOLUTION AMENDING RESOLUTION 2025-101 AUTHORIZING THE TOWN TO JOIN IN A LAWSUIT AGAINST THE TOWN OF HYDE PARK AND OTHERS CHALLENGING LOCAL LAW NO. 1 OF 2025 OF THE TOWN OF HYDE PARK

WHEREAS, Town of Hyde Park Local Law No. 1 of 2025 (formerly identified as Local Law No. G of 2024) which, in relevant part, purported to permit access by private roads and driveways within the Town of Hyde Park to provide access to development projects (Six Senses Resort) in adjoining municipalities such as the Town of Clinton, in spite of the fact that such development projects would not be permitted by the zoning code and other land use regulations in the Town of Hyde Park and which access has been prohibited by well-accepted decisional law in the State of New York and the current zoning law of the Town of Hyde Park; and

WHEREAS, the Town of Rhinebeck is concerned that this local law could result in substantial development projects in municipalities adjacent to the Town of Hyde Park and to the Town of Rhinebeck, which would normally, pursuant to the zoning laws of the relevant municipalities and well accepted decisional law in the State of New York be otherwise prohibited; and

WHEREAS, the Rhinebeck Town Board is concerned that the passage of this local law was specifically designed to benefit a proposed large-scale resort development project (Six Senses) in the Towns of Clinton and Hyde Park by allowing access over adjacent lands located in the Town of Hyde Park between Route 9G and the Town of Clinton; and

WHEREAS, the Town of Rhinebeck has been made aware of a lawsuit to be filed challenging said local law on behalf of the residents of the Towns of Clinton and Hyde Park on several grounds, including, but not limited to, the fact that the Town Board of Hyde Park enacted said local law for the sole purpose of avoiding litigation filed against the Town by CECNY, the land developer for the project in the Towns of Clinton and Hyde Park, and further that the local law had, as its primary motivation and purpose, the facilitation of the development of this project by CECNY, and not to benefit the health, safety and welfare of the citizens of Hyde Park, Clinton and other surrounding communities; and

WHEREAS, the Rhinebeck Town Board is greatly concerned that the enactment of this local law will facilitate certain intensive commercial development which would normally be prohibited by the zoning codes of the Towns of Hyde Park, Clinton, Rhinebeck and other adjoining municipalities; and

WHEREAS, the Rhinebeck Town Board determined that a legal challenge of this local law is necessary to protect the health, safety and welfare of the Town of Rhinebeck and its citizens; and

WHEREAS, the Town Board authorized by Resolution 2025-101 the Attorney to the Town pursuant to the provisions of Town Law §65 and the general powers of the Town Board to represent the Town of Rhinebeck and join as Co-Petitioner and/or Co-Plaintiff, as the case may be, in any litigation filed by the citizens of the Towns of Clinton and/or Hyde Park against the Town Board of the Town of Hyde Park challenging, and seeking, among other remedies, the nullification of Local Law No. 1 of 2025 of the Town of Hyde Park; and

WHEREAS, the Town Board has determined that the said action will require certain additional Respondents-Defendants to be named in said action as necessary parties in addition to the Town of Hyde Park.

NOW, THEREFOR, BE IT RESOLVED, that Resolution 2025-101 is hereby amended to authorize, pursuant to the provisions of §65 of the Town Law and the general powers of the Town Board to participate as a Petitioner-Plaintiff in the said action against Alfred Torreggiani, in his capacity as Supervisor of the Town of Hyde Park, Town of Hyde Park Town Board, Town of Hyde Park, Kathleen Moss, in her capacity as Zoning Administrator of the Town of Hyde Park, Town of Clinton, Town of Clinton Town Board, Town of Hyde Park Zoning Board of Appeals, Michael Whitton, in his capacity as Supervisor of the Town of Clinton and CECNY Land Holdings, LLC.
