

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

CITY OF RYE; JOSEPH A. SACK and
RICHARD MECCA,

Petitioners,

v.

WESTCHESTER COUNTY BOARD OF
LEGISLATORS and WESTCHESTER
COUNTY PLANNING DEPARTMENT and
STANDARD AMUSEMENTS LLC,

Respondents.

Index No.: 61197/2016

AMENDED NOTICE OF PETITION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon the annexed First Amended Article 78 Verified Petition, along with the Supplemental Affirmation of Edward F. McTiernan, the Memorandum of Law in Support of Article 78 Petition, the Verification of Joseph A. Sack, the Verification of Richard Mecca; the Verification of Kristen K. Wilson; the Verification of First Amended Petition of Kristen K. Wilson, and the Affirmation of Edward F. McTiernan, an application will be made pursuant to Article 78 and Section 3001 of the New York Civil Practice Law and Rules (“CPLR”) at the Clerk’s Office of the New York Supreme Court for the County of Westchester, at the courthouse 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, New York 10601 on **September 28, 2016 at 9:30 am** or as soon thereafter as counsel can be heard for an order and judgment:

A. Annuling the January 6, 2016, Environmental Assessment Form prepared by Westchester County Planning Department;

B. Annuling the Negative Declaration issued pursuant to the New York State Environmental Quality Review Act, Section 8-0101 *et seq.* of the Environmental Conservation

Law (“ECL”) and 6 N.Y.C.R.R. Section 617 *et seq.* (“SEQRA”) on January 7, 2016 by Westchester County Planning Department and adopted and ratified by the Westchester County Board of Legislators on or about May 3, 2016;

C. Annulling Resolution 53-2016; Act 118-2016 (Bond) Acts 119, 120, 121, 122, 123-126 and any related amendments thereto ratified by the Westchester County Board of Legislators;

D. Directing the Westchester County Board of Legislators to engage in coordinated review as required by SEQRA and in consultation with the City of Rye;

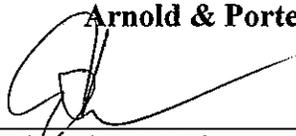
E. Granting such other additional relief as the Court may deem just and proper, and

F. Granting costs and attorneys expenses and fees in accordance with CPLR §§ 7806 and 8601.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 7804(c) and unless otherwise agreed to by the parties or ordered by the Court, answering papers, if any, must be served five (5) days before the return date of this petition, and reply papers, if any, shall be served one (1) day before the return date of this petition.

Dated: New York, New York
September 2, 2016

Arnold & Porter LLP

By: 

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