

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF WESTCHESTER

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In the Matter of  
CONCERNED CITIZENS OF ARMONK,  
BY ITS PRESIDENT CHARLENE JACOBI, MARION  
KELLY, AMY YALLOF, JUDY GILMARTIN-WILLSEY,  
ELIDA RENNA, ANGELA HIMMELSTEIN, AND  
DENNIS BUONOCORE,

Petitioners,

For a Judgment Pursuant to Article 78 of the CPLR

- against -

TOWN BOARD OF THE TOWN OF NORTH CASTLE,  
PLANNING BOARD OF THE TOWN OF NORTH CASTLE,  
EDEN ENTERPRISES, LLC WERBER MANAGEMENT, INC.,  
G.B. NORTHEAST 2, LLC, AND ARMONK SHOPPING  
CENTER, INC.

Respondents.

**NOTICE OF PETITION**

Index No. \_\_\_\_\_

RJI No. \_\_\_\_\_

**ORAL ARGUMENT  
REQUESTED**

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TO: THE ABOVE-NAMED RESPONDENTS

PLEASE TAKE NOTICE, that upon the annexed Verified Petition, verified on the 23rd day of August, 2012, the Affirmation of Jeffrey S. Baker, Esq. dated August 23, 2012, all exhibits attached there, and Petitioner's Memorandum of Law, the undersigned will make application to this Court at the Westchester County Courthouse, 111 Dr. Martin Luther King Jr., Blvd., White Plains, New York on the 26th day of September, 2012 at 9:30 in the forenoon of that day, or as soon thereafter as counsel may be heard, for an order and judgment pursuant to CPLR Article 78 granting the following relief:

- (1) Annuling and setting aside the Town Board resolution dated July 25, 2012 approving the special use permit to G.B. Northeast 2, LLC.;

(2) Annuling and setting aside the Planning Board resolution dated July 23, 2012 containing a Negative Declaration under the State Environmental Quality Review Act for the application by G.B. Northeast 2, LLC.

(3) Declaring that Town Board Member Diane DiDonato-Roth has an impermissible conflict of interest and prohibiting her from participating in any further review of applications related to the Armonk Shopping Center.

(4) Awarding Petitioners attorneys fees;

(5) Awarding Petitioners the costs and disbursements of this action; and

(6) Granting such other and further relief as this Court deems just and proper

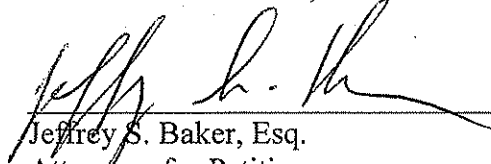
PLEASE TAKE FURTHER NOTICE, that Westchester County is designated as the venue of this proceeding on the basis that it is the County where the determination complained of was made and where the material events took place.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804(c), Respondent's verified answer, supporting affidavits, if any, and the record shall be served at least five (5) days before the above return date.

Dated: August 23, 2012  
Albany, New York

**YOUNG, SOMMER, WARD, RITZENBERG,  
BAKER & MOORE, LLC**

By:



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