

Petitioner Has Standing

27. An unaggrieved Citizen-Taxpayer has standing to Constitutionally challenge a local law (see St. John's Law Review, Issue 1, Volume 39, December 1964, Number 1). Referenced portion is attached hereto as Exhibit 10.
28. The Petitioner is an unaggrieved citizen-taxpayer in this matter but has standing. (see: *Policeman's Benevolent Ass'n v. Board of Trustees*, 21 App. Div. 2d 693, 250 N.Y.S.2d 523, 2d Dep't 1964).
29. "It is well settled that where there is no disputed question of material fact but only an issue of law, the relief here requested may be awarded in a mandamus proceeding" (see: *Matter of Ahern v. Bd. of Supervisors*, 17 Misc. 2d 164, N.Y. Misc. 1959).
30. The Petitioner has standing because the Town, in enacting a law that conflicts with New York State Town Zoning Law, has failed to perform a duty enjoined to it by law.
31. The Petitioner has standing because the Town, in enacting a law that conflicts with Hempstead Town Zoning Law, has failed to perform a duty enjoined to it by law.