

24. "A zoning ordinance or decision thereunder will be held ultra vires when it promotes an objective or utilized a method of regulation beyond the purview of the state enabling act." (ref: 1 Rathkopf's The Law of Zoning and Planning § 2.25, 4<sup>th</sup> ed.).
25. A zoning restriction "imposed for considerations or purposes not embodied in an enabling act will be held as invalid, not as exceeding the scope of the police power per se, but as an ultra vires act beyond the statutory authority delegated." (see: 9 Rathkopf's The Law of Zoning and Planning § 2.15 (4<sup>th</sup> ed.)).
26. By preempting New York General Business Law 396-X, New York Town Zoning law, and Hempstead Town Zoning law, the Town of Hempstead is violating the protections provided by the Fourteenth Amendment to the United States Constitution and Article I §11 of the New York State Constitution which provides equal protection under the law. The Fourteenth Amendment to the United States Constitution and Article I §11 of the New York State Constitution are attached hereto as Exhibit 9.