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VILLAGE OF NORTH HILLS  
PLANNING BOARD

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IN THE MATTER OF THE  
APPLICATION OF Case #24-12ps  
275 OLD SHELTER ROCK LLC, c/o NIRAV PATEL,  
10 Roseanne Drive, North Hills, New York,  
Applicants.

-----X

BEFORE: DOREEN SEVERIN, Chairperson  
GARY SCHUBERT, Member  
SHARON STRUMINGER, Member  
RAYMOND KOTCHER, Alternate Member

DATE: April 9, 2025

TIME: 7:30 p.m.

PLACE: VILLAGE HALL  
One Shelter Rock Road  
Roslyn, New York 11576

A. THOMAS LEVIN, ESQ, Village Attorney

PETER CINQUEMANI, R.A., Superintendent of  
Building Department

WENDY RUSSO, Deputy Clerk/Treasurer

REPORTED BY: JOANNE HORROCKS, CSR

VILLAGE OF NORTH HILLS  
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275 Old Shelter Rock LLC 2

THE CHAIRPERSON: This evening,  
we have a public hearing.

Case Number 24-12ps. Application  
of 275 old Shelter Rock LLC, in care of  
Nirav Patel, 10 Roseanne Drive, North  
Hills, New York 11576, pursuant to  
Chapter 179 of the Village Code, for  
(a) waiver of certain subdivision  
requirements, and (b) approval to  
subdivide the subject property into  
four single-family residential lots and  
one lot for a private road.

Premises are known as 275 Old  
Shelter Rock Road designated a Section  
7, Block 319, Lot 7 on the Nassau  
County Land and Tax Map.

Is there representation here this  
evening to speak on behalf of the  
applicants?

MR. RANT: Good evening, Madam  
Chairwoman, members of the Board. My  
name is Michael Rant from Northcoast  
Civil representing the owners for the  
four lot subdivision.

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So after last month's hearing, we did have comments from the Village Engineer. I know we did submit those too late prior to the hearing in order to get review, but I can go through the revisions that were made, the changes and still may have some coordination, but they are really technical in nature. They didn't change the layout of the subdivisions, the location of the lots and Village overall intent which is --

THE CHAIRPERSON: Is the Board in an agreement that we move forward with hearing the information that we did not receive in sufficient time? Yes?

(Whereupon, all Board members indicated in the affirmative.)

THE CHAIRPERSON: Please proceed. Thank you.

MR. RANT: The comments that we received from the Village Engineer had to do with some clarification on the ownership and the maintenance

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requirements of the roadway which would be a shared cost between the four lots.

We provided an additional storm water pollution or erosion control plan that would be required for the disturbance of over an acre of land. And if a subdivision is approved and prior to issuance of a building permit, we file the necessary documents in order to file that storm water plan with the New York State DEC.

We added some additional language regarding who owns and maintains the utilities under the roadway. We've also made some modifications to the driveway entrance as it comes in off Old Shelter Rock Road to give radii to the roadway to allow vehicles to enter and exit properly.

The proposed roadway is labeled as private, will be a private roadway owned by the four parcels. Again, we will also provide some additional separation between the -- around the

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proposed fire hydrant. As required, it's supposed to be three-foot clear space around the hydrant.

There was some comments requiring the dry well details and some of the information. We made modifications to add some additional information.

We've also provided additional information on the roadway design as far as the profile and the cross sections.

We added additional tree protection measures for the trees that are to remain. The proposed trees that we show on the landscape plan have been relocated to provide adequate separation from the proposed dry wells. And we've added some additional information for the proposed evergreen screening along the south property line.

So again, most of the comments really had pertained to some technical details and clarification. And

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obviously there may be some additional,  
but I don't think these comments or  
changes have really any impact in the  
site plan and subdivision.

I'm happy to answer any questions  
the Board has or the Village Engineer  
has as well.

THE CHAIRPERSON: Michael, do you  
want to make comments? Did you have  
sufficient time to review the comments  
that were made?

MR. DeGIGLIO: We have only had  
an opportunity to do a high-level read  
of it but not a review.

THE CHAIRPERSON: Okay, and I'd  
rather wait for that. Thank you.

Again, we didn't have enough  
sufficient time to review everything.

Does anybody on the Board have  
any questions at this time?

MS. STRUMINGER: No.

MR. LEVIN: I was going to ask  
Mr. Chase if he wanted to take an  
opportunity to describe some of the

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comments he made about the applicant's proposal on various issues that have been raised by the Board and the public?

I don't know if you were are done, Mr. Rant? Don't run away.

MR. CINQUEMANI: I have a question before you go.

On your letter, you said that you've addressed the -- were provided the language for the easement, the electrical easement?

MR. RANT: That should have been included with the resubmission.

MR. CINQUEMANI: It wasn't.

MR. RANT: If it was not, we will provide additional copies.

THE CHAIRPERSON: Can I ask a question regarding parcel number four?

MR. RANT: Sure.

THE CHAIRPERSON: It appears that there wasn't -- there's no patio. There's no egress on parcel number four. There wasn't sufficient room for

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any patio or pool or egress.

MR. RANT: Correct.

THE CHAIRPERSON: Was that addressed as well? I didn't see it here.

MR. RANT: Nothing's being proposed in that rear yard of the house. The electrical easement runs north and south of the property. So it extends to the houses to the north which have a similar condition. The house is kind of built up to that easement. Obviously any improvements within that easement would have to comply with the restrictions set forth.

THE CHAIRPERSON: Just give me two more minutes. I'm sorry. The information is here.

MR. RANT: No worries.

THE CHAIRPERSON: There's something else on parcel four that I didn't see was addressed. The curb radius as well as -- again, I'm looking on component number two. Again,



1  
2 regarding the easement in parcel number  
3 four, steps and patios that are -- it  
4 appears that parcel four really abuts  
5 the property right next to it. So  
6 there isn't sufficient room in there  
7 for anything additional.

8 MR. RANT: Again, it's the exact  
9 same condition that occurs on both lots  
10 on Sterling Plaza, the subdivision to  
11 the north, the same 50-foot easement  
12 extends through the lots on the  
13 furthest east side of Sterling Plaza.  
14 So you have the same condition there.

15 So the homes are built up to the  
16 easement line, and I don't believe  
17 there's any improvements being built  
18 within that easement.

19 MR. CINQUEMANI: So again, I  
20 think if you can give us the language.  
21 As we do a review for coming next  
22 month, we can kind of give you comments  
23 or however it may go. I think we're  
24 kind of talking about something we  
25 don't really know what the language

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there is.

MR. RANT: Sure. So we'll provide that information.

Again, the same condition understanding where there's an easement, the homes on Sterling Plaza are built up to the easement, and they don't have any patios built inside the easement. It's the same --

MR. CINQUEMANI: I think the idea you are showing the back of the house, there's got to be some means of egress there. Are you going to have a door at the back of the house? Are there going to be steps to grade? Can we do that? We don't know the language of the easement. I'd rather not go down a rabbit hole of what can or can't be if we don't know.

MR. RANT: Again, these are schematic site plans to show that you can fit a home on the property. But we'll provide that additional information.

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275 Old Shelter Rock LLC 11

THE CHAIRPERSON: Thank you.

Any other questions, Board?

Anyone else? No? Thank you.

MR. RANT: Thank you.

THE CHAIRPERSON: Mr. Chase, did you want to make comments?

MR. LEVIN: Can we preface Mr. Chase just to point out to the Board what happened here. A number of questions were posed to the applicant that how they proposed to deal with various issues that were raised at the last hearing, and Mr. Chase has given us a number of comments what the proposals are. And he has pointed out and I agree with him and would reiterate to the Board ultimately it's the Board's decision as to how you are going to deal with these different uses.

When I spoke to Mr. Chase, I told him obviously the Board is going to decide, but we'd like to know what the applicant's proposal is to deal with

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these particular issues. So maybe you can take a few minutes and just outline to us on what those are.

THE CHAIRPERSON: Please.

MR. CHASE: Sure. I think the main thing that I assisted Mr. Rant in reply to Mr. Rant's comments was how we are going to take care of the maintenance of the road which was also brought up at the last meeting. And based on my conversations with Mr. Levin, I submitted to the Board but it was in Northcoast Civil's letter, but my response to it was in that letter.

And basically what our proposal is, two things, number one, as far as the road maintenance goes, we're proposing to record a declaration of covenants and restrictions against all four lots on the map, and those would be recorded against each lot. And what that would provide is that each of the four homeowners is responsible for 25 percent of the maintenance, repair,

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replacement, snowplowing, sanding of the roadway. So that was our proposal on that.

The other thing that was raised in the engineer's letter I believe had to do with the DRA in parcel number one. And in Mr. Rant's reply letter, although based on my input, the DRA on parcel number one takes the storm water runoff from the road. So the DRA will be part of parcel one, but each homeowner as with the roadway because it's collecting roadway storm water runoff, each homeowner will also be responsible for 25 percent of the maintenance of the DRA, the repair of the DRA, keeping it clean, maintenance with the DRA. And as with the road, each homeowner will be responsible by declaration of covenants and restrictions to maintain and keep that DRA and the drainage facility in good working order and condition.

As was stated in the letter, we

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don't two separate declarations of covenants and restrictions. We just put them all in one document. So that was our proposal. I based the proposal on sort of the custom at least in the North Shore villages that I'm familiar with, a couple of that I represent, and we have been doing it that way for 40 years, probably a misnomer, but it creates an informal homeowners' association, and the four homeowners get together and work it out.

We have done it that way for many, many years. It's been very successful. We never had a problem with it.

THE CHAIRPERSON: So there's no official homeowners' association, it's up to the owners of the property to figure it out?

MR. CHASE: No, it's not up to them to figure out. Each one of them has to pay 25 percent of the cost. It would be up to them how they are going

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to administer that.

My experience is there's always one homeowner that takes the lead, and he hires the snow plower, the sander, collects the money, pays it. And it's worked out well over the years.

The alternative is which wasn't our proposal, but the alternative is you can get an official homeowners' association. Whatever the Board's pleasure is we will certainly abide by, but that's -- in the letter is the way we would prefer to do it.

MR. LEVIN: There are potentials with the homeowners' association particularly in this case because it's so small, you can still have a disagreement, and two say yes and two say no.

So what we're going to explore if the Board is going to go in either direction some way for perhaps the Village or some other third party to be able to intervene if there are any

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2 deadlocks to reserve the disputes, to  
3 make sure that things don't just go  
4 neglected because they can't get an  
5 agreement of the four homeowners. We  
6 can deal with that down the road when  
7 we see where this is going to go.

8 THE CHAIRPERSON: Is that  
9 something that the Village would -- has  
10 done in the past?

11 MR. LEVIN: We have not done  
12 that, but we never had a homeowners'  
13 association this small.

14 MR. CHASE: And I think that's  
15 the reason I suggested a covenants and  
16 restrictions. But we are happy to  
17 abide by whatever the Board feels is  
18 the best way to handle it. You  
19 certainly have the counsel that can  
20 advise you on the choice, and we will  
21 go along.

22 But either way, the four  
23 homeowners are going to pay 25 percent  
24 of the cost of the maintenance and  
25 repair of the road.



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MR. LEVIN: So again, I point out, again, I have not explored this yet, but it's a possibility to look into. As Mr. Chase just said, perhaps a situation or a condition included in the declarations and covenants that the Village has the right to direct that this work get down, and if it isn't done, then it gets done at the equal expense the four homeowners. And if it doesn't get done, the Village can add some methodology to compel it to be done and recover its litigation costs of the four homeowners. That makes it expensive for people. They are better off reaching an agreement and not having it resolved by an outside party.

So there are ways to deal with these things. We have to explore it further when we see what direction the Board wants to go.

MR. CHASE: I didn't want to draw the covenants and restrictions. But the standard covenants and restrictions

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2 that a lot of the villages used as Mr.  
3 Levin says provides for all of that.  
4 It provides -- it even provides in the  
5 forms that I use that if they don't do  
6 it, the Village has the right to go in  
7 and make the repair and fix the road  
8 and whatever it is that needs to be  
9 done and put a lien on the lot, and  
10 it's collectible at the real estate tax  
11 bill. I didn't think the Board wanted  
12 me to get into that kind detail.

13 MR. LEVIN: No.

14 THE CHAIRPERSON: Again, I don't  
15 know if I want the Village managing the  
16 property here. Again, it's my personal  
17 comment. It's not their job to manage  
18 or force an issue where there's  
19 something in disrepair, and they have  
20 to come and fix it and they have to  
21 come and collect it between parties  
22 that are arguing.

23 MR. LEVIN: It's technically  
24 irksome here, because this Village has  
25 no Village roads. They don't have a

1  
2 DPW, and they don't have a road  
3 department. So we have no people at  
4 the elbow to do this. And everything  
5 the Village does at that time gets done  
6 by outside contractors.

7 MR. CHASE: I will tell you this,  
8 and, you know, it's my word, it doesn't  
9 mean much. It's not accurate  
10 testimony. But in the 45 years I have  
11 been recording these things in two  
12 villages or three municipalities, the  
13 villages never once had to go make the  
14 repairs in 45 years of practice.

15 THE CHAIRPERSON: There's always  
16 a first.

17 MR. CHASE: You don't have to  
18 take my word for it, but I thought I  
19 would mention it.

20 MR. LEVIN: My experience is  
21 similar, because as a practical matter,  
22 if the Village has to intervene to do  
23 this enforcement, it always gets  
24 charged to the homeowners, and they  
25 still have to do the work. So it

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becomes impractical and too expensive for people to not get the work done.

So it's just a practical alternative. It winds up getting done, and it costs more not cooperating with each other. Cooperation is the easiest way to go.

THE CHAIRPERSON: Does anyone have any questions for Mr. Chase of the Board, Peter, Michael? No?

MR. CHASE: Just I guess a question. I think that this is going to be continued to the May meeting, and if so, if there's anybody here, residents, I expect might have additional comments about it. I would rather reserve that to the next hearing so I can respond to everything at once if that's okay with the Board.

THE CHAIRPERSON: If I have residents here now to speak on behalf or against, I'd rather have it this evening.

MR. LEVIN: Are you talking about

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your response to them?

MR. CHASE: Yes.

THE CHAIRPERSON: That's fine.

MR. CHASE: And I expect it might be.

MR. LEVIN: Nobody's expecting you to do that, and you get a chance to respond next time again.

MR. CHASE: Anyway, thank you.

THE CHAIRPERSON: Thank you, Mr. Chase.

Is there anyone here to speak on behalf, anyone additional here to speak on behalf of the application?

Is there anyone here this evening to speak against the application? Come up here. Please come up, sir. Thank you. If you just state your name, please. Thank you.

MR. LOTUNGKHAM: My name is Vichai Lotungkhum, V-I-C-H-A-I, last name L-O-T-U-N-G-K-H-U-M.

Question is I have the first house next to community. I want to

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know if there will be any fence or line between my property and the building line so that people don't have to cross this way, that way.

THE CHAIRPERSON: Okay. Thank you.

MR. RANT: At this point we are just hoping to create a property line. If somebody comes in with an application to build a house or a pool, then they would potentially put up fencing along the property line.

THE CHAIRPERSON: Okay. Anyone else here to speak? Please.

MR. LEVIN: May I just make a comment as well for the gentleman who spoke.

Again, in the process of approval, assuming the Board approves the plan, they can require landscaping and either fencing to be put in, if necessary. So that's a possibility whether the applicant is proposing or not, the Board can consider doing that.

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I suggest you stay on top of this and see how it develops as it goes forward through the hearing process, and then the Board can take all that into consideration.

THE CHAIRPERSON: Thank you, Mr. Levin. Please. I'm sorry, thank you.

MR. KAPOOR: Hi. My name is P-R-A-W-A-L, last name is K-A-P-O-O-R. I'm the resident and owner of 21 Old Shelter Rock Road. I attend the last meeting, too. I raised a question regarding Old Shelter Rock Road, which is a private road. This is the only outlet road which will go through the construction property. This is not an outlet. So all the construction vehicles will be using that road during the period of time when these four houses are built.

My concern was as this is a private road, there will be damage to Old Shelter Rock Road because of all

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the construction traffic.

What is the -- the road needs to be repaired and most likely has to be repaired after the construction. Right now, the roads are -- there's no homeowners' association for the residents of the Old Shelter Rock Road. It's a privately-owned road. Each one responsible for maintaining their own road.

But my main concern is there will be 14 houses down the road where my property is located, and they have all the right to use my private road, which is -- goes through -- which I'm supposed to -- we are supposed to maintain. They will be using that.

Basically looking at it this way, I'm maintaining my private property, which has been used by 14 houses down the road. And my main concern is, you know, I think that's unfair because something needs to be done and maybe a shared cost or find some kind of a



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275 Old Shelter Rock LLC 25

solution which probably have them chip in with the construction or maybe the LLC which is building the house.

Some kind of a solution needs to come up for all the residents of the Old Shelter Rock Road.

THE CHAIRPERSON: Thank you.

MR. KAPOOR: I'm not just speaking on behalf of myself. It's for all 14 houses for Old Shelter Rock Road.

THE CHAIRPERSON: Thank you.

MR. KAPOOR: Definitely it's going to get damaged with all the heavy construction vehicles which will be passing through everyday.

MR. LEVIN: Mr. Kapoor, maybe some consolation to you, the Village, as a practical matter, when they approve subdivisions, they require the developers to post bonds to guarantee that all the work gets done properly and also to restore any roads that are damaged in the course of doing the

1  
2 work. So they wind up being -- they  
3 would have to be responsible to do  
4 those repairs as the Village finds  
5 necessary.

6 Or if they refuse, there will be  
7 a conflict in order to do that to raise  
8 the money which the Village can use  
9 that money to do that work. They  
10 border the private road just like you  
11 do, so they have the right it use it.

12 MR. KAPOOR: Exactly.

13 MR. LEVIN: Unfortunately, life  
14 is not always fair.

15 MR. KAPOOR: I'm one of the first  
16 houses, so it's like all the --

17 MR. LEVIN: What I was going to  
18 say because some people on the road are  
19 differently situated than others and  
20 wind up bearing different burdens.  
21 There's not much we can do about that.

22 MR. KAPOOR: That's why I'm just  
23 looking for some kind of a solution,  
24 not just for the near term, maybe for  
25 the long term too.

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Because basically since my house is all the way in the front, it's going to have all the traffic for the 14 houses down the road.

THE CHAIRPERSON: And there's no HOA for that, correct, Peter? There's no HOA for Old Shelter Rock Road?

MR. CINQUEMANI: No.

THE CHAIRPERSON: So you're responsible for the front?

MR. KAPOOR: Yes.

THE CHAIRPERSON: And people don't work together to maintain it.

MR. KAPOOR: That's why I'm here to speak on behalf of Old Shelter Rock Road residents. None of the people came, but I'm the only one that came.

THE CHAIRPERSON: Thank you for your comments. Thank you.

Is there anyone else here to speak against the applicant?

At this time, any other questions from the Board, from Counsel, any questions?

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At this point I'll look for a motion to --

MR. LEVIN: Continue the hearing.

THE CHAIRPERSON: -- continue the hearing till May 14th at 7:30. Is there a motion?

MR. KOTCHER: I'll make a motion.

MS. STRUMINGER: Second.

THE CHAIRPERSON: All in favor?

(Whereupon, all Board members indicate in the affirmative.)

THE CHAIRPERSON: Unanimous.

Thank you, thank you.

\* \* \* \* \*

This is certified to be a true and accurate transcript of my stenographic notes taken in the above-captioned matter.

  
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Joanne Horrocks, CSR  
Official Court Reporter

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