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VILLAGE OF NORTH HILLS

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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
BARRY S. BASSIK, Member
MARGO KANE, Member
GARY SCHUBERT, Member
SHARON STRUMINGER, Member
RAYMOND KOTCHER, Alternate Member

DATE: May 14, 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

MARIANNE C. LOBACCARO, Village Administrator

REPORTED BY: Joanne Horrocks, CSR

1 full presentation. I think it was
2 probably the second or third
3 presentation we made.
4

5 I think, and I'm certainly
6 willing to be corrected, that the last
7 thing that the cause that continued the
8 hearing was the Board wanted, or Mr.
9 Levin, to get a copy of the utility
10 easement. That was submitted to the
11 Village a couple weeks ago. So you
12 have that before you.

13 I think that, you know, over the
14 last year-and-a-half or so, we have had
15 several informal hearings and several
16 public hearings. I think we made our
17 presentation over again.

18 We absolutely appreciate the
19 Board's due diligence. We appreciate
20 the Board's questions.

21 We have tried to amend the map
22 and have amended the map on several
23 occasions. I don't know that it serves
24 any useful purpose to go it over all
25 those exchanges again. We are

2 certainly willing to do so. So we're
3 hoping that unless the Board has some
4 further questions, there's some issues
5 that the Board wants answered, we are
6 happy to do that.

7 At the last two presentations, I
8 testified why we think that the
9 variances should be granted under
10 Section 179-87 of the Village Code.

11 So having said that, if there's
12 any outstanding questions that we
13 haven't answered or concerns that the
14 Board has, we have nothing further to
15 offer than the last several hearings
16 where we made our presentation to the
17 Board. We're hoping that tonight
18 perhaps the Board will consider closing
19 the public hearing. I know you need to
20 do your due diligence, and we certainly
21 respect that. But that's kind of where
22 we are at this point.

23 So if the engineer or the Board
24 has some questions that we haven't
25 answered, we are happy to address that,

1 275 Old Shelter Rock LLC 5
2 and I'm happy to go through everything
3 again if you want. I don't know that
4 that's productive at this point.

5 THE CHAIRPERSON: I have a
6 question. Is there any other material
7 changes from last time to this time
8 outside of the utilities? Because
9 there were quite of few other things
10 that were addressed at that time. I
11 know lot number four was a huge concern
12 for me. I felt it was very, very tight
13 and very close to the neighboring
14 property.

15 MR. CHASE: Well, I think that
16 related to the utility easement, too.

17 THE CHAIRPERSON: A piece of it,
18 yes.

19 MR. CHASE: I'll have Mr. Rant
20 address that again. He also has some
21 more information he'd like to submit
22 with respect to the utility easement.
23 So I'll let him take over that.

24 Thank you, Madam Chairman.

25 MR. RANT: Good evening, Madam

2 Chairwoman, members of the Board. For
3 the record, my name is Michael Rant,
4 Northcoast Civil.

5 The plans have not been revised
6 since the last hearing. We are still
7 waiting for any additional comments
8 from the Village engineer.

9 I do have a couple surveys and
10 overhead photographs. I know there
11 were some comments and questions about
12 the easement in the rear of the
13 property, how it hindered the site.
14 This easement does run from the
15 property to the south through our
16 property and continues to the north.
17 The property to the south and the north
18 are both affected by this easement.
19 And those homes have been designed and
20 built in a similar fashion.

21 So I do have -- I have a survey
22 of 8 Sterling Plaza which is the
23 property to the north as well as an
24 overhead photograph. And then I have a
25 copy of the survey for 9 Oakridge Lane

1 275 Old Shelter Rock LLC 7

2 which is the property directly to the
3 south. I do not have enough copies for
4 all the Board members, but if I can
5 approach, I will submit copies.

6 THE CHAIRPERSON: Why do I want
7 copies of Sterling and Oakridge?

8 MR. RANT: I just wanted to show
9 the relationship of the easement as it
10 extends to the north and south.

11 THE CLERK: I can make copies.

12 MR. LEVIN: Not yet. Why don't
13 we first have those marked as exhibits.

14 MR. RANT: Exhibit A would be --

15 MR. LEVIN: Let the stenographer
16 take care of that.

17 (Exhibits A and B are marked.)

18 THE CHAIRPERSON: Was there
19 anything else you wanted to address?

20 MR. LEVIN: Wait. Do you want to
21 go without those?

22 THE CHAIRPERSON: Not this. Was
23 there anything else you wanted to
24 present?

25 MR. RANT: This is the only

1 275 Old Shelter Rock LLC 8

2 additional information. I appreciate
3 you making photocopies for the Board.
4 Once you have them, I'll kind of go
5 through that how it's related to the
6 subdivision.

7 MR. LEVIN: Can I ask
8 Mr. Cinquemani a question?

9 THE CHAIRPERSON: Absolutely.

10 MR. LEVIN: In the event the
11 Board wants to have bonds posted so the
12 roadway is taken care of, the existing
13 roadway is taken care of and the new
14 installations are proper, do you have
15 any estimate at this time of what you
16 think the bond amounts ought to be?

17 MR. CINQUEMANI: No. Wouldn't we
18 do that at the final subdivision?

19 MR. LEVIN: I don't know if the
20 Board wants to do it at final or now.

21 MR. CINQUEMANI: No.

22 MR. LEVIN: We can leave that to
23 final if you prefer.

24 MR. CINQUEMANI: Yeah, we'd have
25 to figure that out.

2 MR. LEVIN: Okay.

3 MR. RANT: Thank you very much.

4 I appreciate it.

5 So the first package is a
6 stapled, two sheets of paper stapled
7 together. The first one is a survey of
8 tax lot number 19 which is 8 Sterling
9 Plaza directly to the north. And that,
10 again, as I said, has the same 50-foot
11 easement that extends through the
12 property. The copy of the survey is
13 from 1997 when the home was built, and
14 it's at an angle pushed up against that
15 easement.

16 And if you take a look at the
17 second sheet of paper, it's a current
18 aerial photograph. That home has been
19 extended all the way up to the
20 easement, the same fashion as we show
21 on our site plan. The home's been
22 extended, and it abuts up directly to
23 the easement, again, very similar to
24 the way that we're showing our site
25 plan on our subdivision map.

And this is a schematic site plan. This is not the home that would be built. But it's to demonstrate the home that would be built on the property. And I think the way that we have it situated on the lot is very similar to the home to the north.

The home to the north is a similar-size parcel at the end of the cul-de-sac, and I think it is in harmony with what we are proposing on our lot.

The second Exhibit B is a copy of the survey of 9 Oakridge Lane which is the property directly to the south. That's tax lot 25. Again, it also has the same 50-foot easement that runs and extends through the property. This survey which is on file with the Village, and it has the same requirements as our easement. And this one shows their driveway encroaching into that easement. And part of the documentation of the easement we

2 understand, you can have structures
3 that wouldn't interfere with the
4 maintenance of this easement. So
5 again, we're showing that the easement
6 extends throughout our properties. It
7 is improved in the property to the
8 south, and the property to the north
9 has been developed in the same fashion
10 that we're showing our parcel four.

11 We're trying to demonstrate and
12 show the Board that this lot can be
13 developed in a similar fashion that
14 other lots have been developed. And
15 this is the additional information that
16 we will submit.

17 THE CHAIRPERSON: Does anyone on
18 the Board have anymore questions for
19 Mr. Rant? Counsel, Peter?

20 MR. CINQUEMANI: No, I'm okay.

21 THE CHAIRPERSON: Village
22 consultant, any comments?

23 MR. DeGIGLIO: I have to share a
24 few comments. My name is Michael
25 DeGiglio, IM Engineering located at 177

1 275 Old Shelter Rock LLC 12
2 Crossways Park Drive in Woodbury.

3 So I did review of the plan, the
4 revised plan, and there were certainly,
5 as Mr. Rant expressed it, certain
6 allotments made particularly with the
7 drainage.

8 There are, however, a few
9 additional comments I would like to
10 point out to the Village. So number
11 one, it's sort of technical, but again,
12 it all comes down to the size of the
13 lots and how much space there is to do
14 everything.

15 Lots one two and for the roof
16 runoff is showing going traveling
17 through the trench drains which is a
18 little unusual. I would highly
19 recommend that the Village require it
20 to go directly to the dry wells,
21 because residential trench drains in
22 particular have a tendency not to get
23 maintained and back up and back up to
24 the building.

25 There's still shown approximately

1
2 six inches of cut on existing trees on
3 the north side of lots one, two and
4 three. Now, the last revision did
5 include tree protection approximately
6 12 foot by 12 foot two by fours, some
7 sort of wood structure. But that still
8 doesn't alleviate the cut that happens
9 on those trees and essentially impact
10 those trees. There's still concern
11 there.

12 One major area of concern is that
13 the grades on the east side of lot four
14 are still showing to the adjoining
15 property. So there's no drainage or
16 catch basins or anything shown there.
17 And it just goes and potentially could
18 be an issue because on the other side,
19 it continues to go down. It's not like
20 it berms up on the other side of that
21 neighboring parcel.

22 Also, in that revision, one of
23 the main items that we had pointed out
24 previously was that only the drainage
25 for the building and the driveway were

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1 275 Old Shelter Rock LLC 15
2 drainage accountable for those
3 improvements at a later date.

4 MR. LEVIN: Mr. DeGiglio, do you
5 need those now as part of the
6 preliminary subdivision, or would it be
7 sufficient to pick up those at the
8 final?

9 THE CHAIRPERSON: Now.

10 MR. DeGIGLIO: I will leave it to
11 the Board ultimately. But the fact
12 that they are addressing the drainage
13 now, I would recommend it all be looked
14 at in totality now rather than
15 bifurcate it.

16 MR. LEVIN: Thank you.

17 MR. DeGIGLIO: Again, so just to
18 hone in on the tree protectin plan,
19 those 12 by 12 areas are shown, but the
20 grading is going right up to the trees.
21 That's an area of concern.

22 In general, I would recommend to
23 the Board to request and confirm,
24 because this is going to be a
25 subdivision, it's going to go to Nassau

1 275 Old Shelter Rock LLC 16
2 County Health Department to find if it
3 phase one environmental has been done.
4 This is something that is going to be
5 required for the Health Department to
6 find out now if there is anything that
7 has been done, has there been any
8 findings in there.

9 And just lastly, the fire truck,
10 we would recommend to the Board that
11 the Board request the fire truck
12 movement to just confirm that a fire
13 truck can freely move through. It's a
14 standard procedure that can be done
15 through the auto pad to do the truck
16 movements through there. Those are
17 really the main items.

18 THE CHAIRPERSON: Thank you,
19 Michael. You had brought all these
20 once before in the original, but they
21 were not addressed.

22 MR. DeGIGLIO: Many were. Some
23 of them were. Like I said, the
24 drainage was addressed. They included
25 the lawn areas at this time.

1 275 Old Shelter Rock LLC 17

2 THE CHAIRPERSON: But the patio,
3 the pools, anything like that.

4 MR. DeGIGLIO: Exactly. All the
5 others.

6 THE CHAIRPERSON: Okay.

7 MR. LEVIN: I think we had asked
8 at a previous meeting that the Village
9 contact the fire department to see, we
10 can't make them respond, to see if they
11 would respond. I don't know if that's
12 been done.

13 THE CHAIRPERSON: Okay. That's
14 one thing. There's a lot of other
15 issues here.

16 MR. DeGIGLIO: Correct. And --

17 THE CHAIRPERSON: There's a lot
18 other issues here.

19 MR. DeGIGLIO: Lastly, too, I did
20 read the covenants and restrictions on
21 the easement there. I would definitely
22 defer to Village counsel, but not to
23 hone in too much on it, but it does --
24 on page 64, it does say that it
25 includes -- it specifically includes

2 construction of highways, lanes and
3 private roads over the easement. It
4 doesn't go on to say patios, terraces,
5 sheds, things of that nature.

6 Again, this is outside my legal
7 realm, but I just wanted to point this
8 out as part of my due diligence with
9 the Village.

10 MS. STRUMINGER: May I ask you a
11 question? Before you spoke about the
12 fire truck, what did you say before
13 that?

14 MR. DeGIGLIO: The Health
15 Department. So Nassau County Health
16 Department is part of the subdivision
17 review is going to request a copy of
18 phase one environmental. I presume
19 that has been done, but I don't know
20 for a fact.

21 But I would recommend to the
22 Village the Village request it so the
23 Village knows if there are any
24 contaminants, which is common.
25 Oftentimes, it's pesticides and

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herbicides that kind of get flagged and
require some level of remediation.
It's rare on a project like this that's
been residential for so long to have
anything worse than that. But it's not
uncommon to have those potential
pesticides, herbicides.

THE CHAIRPERSON: Thank you. Any
other questions? Thank you, Michael.
We appreciate it.

MR. RANT: If I may, I just have
a couple of responses.

So this is a four-lot
subdivision, so it's considered a minor
subdivision. And this does not go to
the Nassau County Health Department.
They do not have jurisdiction over this
subdivision. It would not be part of
their review at all. So we would only
be within the Village's purview for
subdivision requirements. So there
would not be environmental testing done
or --

THE CHAIRPERSON: There would be

no phase one done prior to building?

MR. RANT: No. It would not be a requirement. This application is a minor -- if it was a major subdivision, five or more lots, it would be required to go to the Health Department. Four lots does not go to the Health Department.

THE CHAIRPERSON: I thought any building, a minimum of phase one.

MR. RANT: A minor subdivision, sanitary is at the discretion of the view of the Village.

MR. LEVIN: I can tell the Board that I have had in previous discussions with the county about this, and particularly the Planning Commission as to the extent of their review, Mr. Rant's correct about the minor subdivision. The problem is how to count the lots.

So I count the lots as being five, but they subdivision the lots as being four, because they don't count

1 275 Old Shelter Rock LLC 21
2 the road lot, because most of the
3 subdivision, they do the road lot, it
4 becomes a public road, so it's not a
5 lot. But in this Village, it does not
6 become a public road so it will be a
7 separate lot. It remains to be seen
8 how they will handle that.

9 When we sent to the Planning
10 Commission for their recommendation,
11 they didn't have any comments because
12 they were going to get to review this
13 again after the Village was done.

14 MR. RANT: So I --

15 MR. LEVIN: It's their call, not
16 our call, and we can leave it any way
17 we want, but they are going to leave it
18 the way they want.

19 I found it interesting since I
20 used to be counsel to the county
21 Planning Commission that was not the
22 way they reviewed it at that time, but
23 that was a long time ago.

24 MR. RANT: So I have in prior
25 applications ran into this and

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1 roadway, considered a minor
2 subdivision. We have to cross that
3 bridge with the Planning Commission,
4 but, again, I am sure and certain that
5 the Health Department would not have a
6 review in this.
7

8 As far as the piping of the
9 drainage system, again, this is a
10 schematic layout of how the properties
11 could be developed. We can easily
12 relocate the piping as necessary to
13 avoid piping through a strip drain. We
14 have no objection to that.

15 Regarding the additional pavement
16 area for patios, again, these are
17 schematic in nature. We are not
18 showing any patios. All of the lots,
19 the dry wells throughout the property
20 have a depth of approximately 15 feet.
21 We can easily increase the depth. We
22 know that we can excavate with a crane
23 to a very deep level, and we can
24 install a dry well to 20 feet deep, and
25 so each dry well could be increased to

depth by approximately five feet.

On each parcel, it has two dry wells. We could accommodate an additional 1,600 square feet of patio space on each lot. I am confident that there would be no problem adding additional drainage facilities to account for a patio.

Regarding the runoff, again, the only area that pitches to the west, that area within the easement, if we needed to develop some sort of drainage for it and do grading, again, that may be viewed as part of the development of the house itself.

We're containing all of our roadway runoff within the roadway. We have an eight-inch rainfall containment. And again, the only area that does pitch to the east would be the area on lot four, and when that home is developed, additional drainage measures could be implemented as part of that review.

2 As far as any grading along the
3 south property line, we can review
4 there is a minimal amount of grading.
5 We have those trees. We have to make
6 some minor adjustments. We can review
7 the root system of those trees, but the
8 intent is not to remove the larger
9 trees along the south property line.

10 THE CHAIRPERSON: I don't know
11 how much room there is to make those
12 minor changes. There's just not a lot
13 of room on this property. There just
14 isn't. And it appears that the
15 drainage is not going to be contained
16 on the property.

17 MR. RANT: It is being contained.
18 We are not proposing patio space.
19 That's why we're not proposing drainage
20 for it.

21 Again, each one of these lots,
22 when they are developed, would have to
23 come back before the Village for a full
24 review to ensure containment of all
25 drainage facilities. If it's adding

2 some additional depth to the dry wells,
3 we are not maxed out with the depth of
4 them. We can easily make those
5 accommodations.

6 There's nothing on this plan than
7 some minor adjustments with a catch
8 basin or grading that would alleviate
9 any runoff leaving the property. The
10 roadway is being maintained at an
11 eight-inch rainfall. All of the homes
12 and properties are contained at a
13 five-inch rainfall.

14 Again, I don't see any
15 development that couldn't occur to
16 contain the rest of the runoff on the
17 site, and again, have the ability to
18 the additional patio, but we are not
19 proposing that as part of this
20 development.

21 THE CHAIRPERSON: Thank you.
22 Michael, any comments?

23 MR. DeGIGLIO: No additional.

24 THE CHAIRPERSON: Does the Board
25 have any other questions? Questions?

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Comments? No?

Mr. Chase?

MR. RANT: Obviously, we would be happy -- I don't know if there's going to be another formal written comment letter from the Village engineer that we could receive and address the comments to make sure we don't miss any and make sure when we do come back before the Board that there's no outstanding issues, we would be happy to do that.

MR. CHASE: Very quickly. As some of you may know, Mr. Patel also did a recent subdivision, I guess, a couple years ago known as Excelsior Court, and a question of the four lots, that subdivision was identical to this one: Four houses and a private road, exactly like this house. And it was the decision on that one, it was determined to be a minor subdivision, and there was no requirement by this Board on that application which is

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275 Old Shelter Rock LLC

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identical to this one.

So I'd just like to submit it for
the record if I may.

THE CHAIRPERSON: Please.

MR. CHASE: This is the decision
dated April 12th, 2015 for the map of
the Excelsior Court.

THE CHAIRPERSON: Counsel, would
that be an exhibit?

MR. LEVIN: Yes. Would you
submit that to the stenographer.

MR. CHASE: Sure.

(Exhibit C is marked.)

MR. CHASE: In all the prior
hearings, I really didn't look to
submit that. But on that question of
the four lots, I think it's important.

Now that I've submitted it, I
would also note that a very similar
variance was granted by the Board for
the roadway dimensions. I'm not going
to say it's identical to this map. But
for the length of the roadway, the
width, this Board granted very similar

2 variances to the one we're asking for
3 tonight. So you might want to take a
4 look at that as well. So I guess --

5 THE CHAIRPERSON: So this is
6 identical to what Mr. Singh is doing,
7 identical in nature?

8 MR. CHASE: Identical in the fact
9 that there's four lots and a private
10 roadway.

11 THE CHAIRPERSON: Same size lots?
12 It can't be identical.

13 MR. CHASE: I didn't mean
14 identical in that sense.

15 MR. LEVIN: He said identical as
16 to the number of lots and the roadway.

17 MR. CHASE: Thank you. And this
18 Board determined that it was a minor
19 subdivision.

20 So I guess my question is where
21 are we? Is there a chance to close the
22 public hearing tonight?

23 THE CHAIRPERSON: I'd like to see
24 if there's anyone here to speak against
25 the applicants.

2 MR. CHASE: I'm sorry, Madam
3 Chairman. I apologize.

4 THE CHAIRPERSON: Is there anyone
5 else to speak on behalf of the
6 applicant? Anyone else to speak in
7 opposition of the applicant?

8 Okay.

9 MR. LEVIN: Can we note for the
10 record you've got no response.

11 THE CHAIRPERSON: No response.
12 Thank you.

13 MR. LEVIN: Silence doesn't show
14 up on the record.

15 THE CHAIRPERSON: They made their
16 presentation at this time.

17 Is there a specific question you
18 can ask counsel?

19 MR. BASSIK: No.

20 THE CHAIRPERSON: At this time I
21 would ask the Board if they would like
22 to move forward with closing of the
23 public hearing.

24 Do I have a motion to close the
25 public hearing?

1 275 Old Shelter Rock LLC 31
2 MS. STRUMINGER: I make a motion.
3 THE CHAIRPERSON: Sharon makes a
4 motion. Second?
5 MR. SCHUBERT: Second.
6 THE CHAIRPERSON: All in favor?
7 (Whereupon, all Board members
8 indicate in the affirmative.)

9 * * * * * *
10 This is certified to be a true and accurate
11 transcript of my stenographic notes taken in
12 the above-captioned matter.

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Joanne Horrocks, CSR
Official Court Reporter

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