

PLANNING BOARD
VILLAGE OF NORTH HILLS

Village Hall
June 11, 2025
7:30 pm

PRESENT: Doreen Severin, Chair
Barry Bassik, Deputy Chair
Gary Schubert, Sharon Struminger, Members
Raymond Kotcher, Alternate Member
Peter Cinquemani, Superintendent of Building Department
Marianne C. Lobaccaro, Village Administrator
A. Thomas Levin, Village Attorney

ABSENT: Margo Kane, Member

The Chair called the meeting to order at 7:30 p.m.

The Chair announced that the next regular meeting of the Planning Board would be held at Village Hall on July 9, 2025 at 7:30 pm.

In the absence of Ms. Kane, Mr. Kotcher participated in all discussions and votes at this meeting, unless otherwise noted.

The Board discussed Case 23-15pb-a, Case No. 23-15pb-a-ex – Application of Northwell Health Inc., 600 Community Drive, for extension of time to obtain necessary permits. Joshua Brookstein, Esq. was present, representing the applicant. Mr. Brookstein elaborated on the reasons for the extension request as presented in the letter application. Mr. Cinquemani concurred, and noted that interior alterations were being done pursuant to other permits already issued. On motion by Ms. Struminger, seconded by Mr. Schubert and adopted unanimously, the Board extended to March 31, 2026 the time in which the applicant is required to obtain all necessary permits.

The Board discussed Case 24-12ps, Application of 275 Old Shelter Rock LLC, c/o 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 (4) single family residential lots and one (1) lot for a private road. Premises are known as 275 Old Shelter Rock Road, and are designated as Section 7, Block 319, Lot 7 on the Nassau County Land and Tax Map. Premises are located east of Shelter Rock Road and north of I.U. Willets Road. The public hearing for this application had been held and concluded at the May meeting of the Board. Mr. Kotcher certified that he had read the minutes (including the transcripts of the prior hearings, and the Village file for this application). On motion by Mr. Bassik, seconded by Ms. Struminger, and adopted unanimously, the Board convened in executive session to deliberate on this application and receive legal advice from counsel.

After discussion in executive session, on motion by Mr. Bassik, seconded by Ms. Struminger and adopted unanimously, the Board returned to public session, further discussed the pending application, and discussed modifications to a proposed decision which had been drafted by counsel.

On motion by Mr. Bassik, seconded by Mr. Kotcher and adopted unanimously, the Board adopted the following decision for Case 24-12ps:

DECISION

Case No. 24-12ps. Application of 275 Old Shelter Rock LLC, c/o Nirav Patel, 10 Rosanne Drive, North Hills, New York 11576, pursuant to Chapter 179 of the Village Code, for (a) waiver of certain subdivision requirements, and (b) preliminary approval to subdivide the subject property into four (4) single family residential lots and one (1) lot for a private road. Premises are known as 275 Old Shelter Rock Road, and are

designated as Section 7, Block 319, Lot 7 on the Nassau County Land and Tax Map. Premises are located east of Shelter Rock Road and north of I.U. Willets Road.

The applicant seeks preliminary approval for a proposed subdivision of property into four (4) single family residential lots, and one (1) lot to be used for a private road. The proposed plan is compliant with Village zoning code requirements, and would not require zoning variances. However, the plans do not comply with requirements of the Village Code with respect to minimum road width, minimum paved road width, maximum length of cul de sac, and minimum radius of cul de sac. The applicant requests relief from the Planning Board with respect to those Code provisions.

Prior to the submission of the instant application, the applicant submitted a sketch plan, which was reviewed by the Planning Board as required by the Village Code. At that time, numerous issues were discussed, including issues now before the Planning Board in this application for subdivision approval and related relief. At the conclusion of the sketch plat process, the Board authorized the applicant to proceed to a preliminary subdivision approval process, without any approval or disapproval at that time. This application then followed.

This application has been submitted to the Nassau County Planning Commission for its recommendation pursuant to General Municipal Law §239-m. By letter dated January 23, 2025, the Commission has recommended local determination by the Planning Board, noting that the proposed subdivision will require separate Nassau County Planning Commission review and approval due to the location of the subject property.

The Planning Board has held public hearings with respect to the preliminary subdivision application (including the requests for waivers of Village Code subdivision plan requirements). During the hearings numerous questions were raised by the Board, and in public comments.

Among the issues discussed during those hearings were concerns regarding future use and maintenance of the proposed private road, including snow removal and road repair, maintenance of common drainage facilities, possible limitations on accessory uses of the proposed lots, any requirements for bonds to guarantee the proper installation and maintenance of the proposed roads or other common improvements, issues regarding adequacy of emergency and/or fire department ingress and egress, and provision for Nassau County Department of Health approval (including a Phase I environmental study).

In light of the determination now being made, the Board finds it unnecessary to address those concerns at this time, and reserves them for future consideration in the event this, or any similar, application for the subject property, again comes before the Board. The Board notes, however, that without resolution of those issues, and the

inclusion of conditions related thereto, the Board would not approve this submission in its present form.

Similarly, the Board has not yet made any determinations or findings with respect to the State Environmental Quality Review Act, and reserves them for future consideration in the event this, or any similar, application for the subject property comes before the Board.

In reviewing an application for preliminary site plan approval, the Board is acting pursuant to Village Law §7-730 and Chapter 179 of the Village Code.

Village Law § 7-730 provides, in pertinent part:

" Subdivision review; approval of plats; additional requisites.

1. Purpose. Before the approval by the planning board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval of a plat already filed in the office of the clerk of the county wherein such plat is situated if the plat is entirely or partially undeveloped, the planning board shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.

2. Additional requirements. The planning board shall also require that:

(a) the streets and highways be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings. If there be an official map, village comprehensive plan or functional/master plans, such streets and highways shall be coordinated so as to compose a convenient system conforming to the official map and properly related to the proposals shown in the comprehensive plan of the village;

(b) suitable monuments be placed at block corners and other necessary points as may be required by the board and the location thereof is shown on the map of such plat;

(c) all streets or other public places shown on such plats be suitably graded and paved; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate village departments except as hereinafter provided, or alternatively that a performance bond or other security be furnished to the village."

Village Code § 179-19 provides in pertinent part:

"Action on preliminary plat or layout. ...

A. Within a reasonable period of time after the submission of the preliminary plat (including the payment of all required fees), the Board shall hold a public hearing on such application and act thereon by:

(1) Approving the preliminary layout, with or without modifications; or

(2) Disapproving such preliminary plat.

B. The Board resolution shall state the ground for any modification or the ground for disapproval..."

For the reasons hereinafter stated, the Board (a) DENIES the requested waivers of provisions of the Village's Site Development Code, and (b) DISAPPROVES the application for approval of the preliminary plat.

The Board finds and concludes that the proposed plan fails to meet the required standards, and the application for waivers, and for preliminary site plan approval, is DISAPPROVED, for the following reasons:

1. The application constitutes an over-intensive use of the site, resulting from the applicant's desire to squeeze four residential lots into a site having a size and configuration which makes it impractical to do so.
2. The roadway and its close proximity to the southern property line present a significant risk to the mature trees along the neighboring properties to the south. Any damage to their root systems from road construction could lead to long-term health issues or even tree loss, impacting both properties. These trees were of a major concern to the neighbors that came in opposition of the application.
3. The applicant has failed to demonstrate that the proposed road is adequate from an emergency service vehicle standpoint, and that it will be feasible for provision of emergency vehicles and equipment. At a minimum, approval of the reduced width of the roadway and the truncated cul de sac cannot be considered in the absence of a study showing fire truck turning movement with and without cars parked on the curb.
4. Lots 1, 2, & 4 have roof runoff going through open trench drains. The Village's consultant has opined that "In our experience, residential trench drains are not well maintained, therefore the roof leader stormwater will likely backup at the home and potentially penetrate the foundation or at a minimum cause ponding around the home".
5. Although tree protection structures are now proposed utilizing 2x4's forming an approximately 12' square protection zone around the trunks, the grading still proposes 6" of cut under the trees to remain at lots 1, 2, & 3. This has the potential to impact the proposed trees to remain negatively by the removal of roots in this zone and compaction of soil around remaining roots outside the 12'x12' staked tree protection zone.
6. Grades on the east side of the lot 4 residence shed drainage eastward onto the neighboring property, and the plan fails to address this to prevent damage to the neighboring property.
7. Proposed drainage for all four of the residential lots does not contain surplus stormwater detainment for the future front walks, rear terraces/patios/steps, or pool. A satisfactory plan should include at this time provisions for adequate storage so the Village can compare the

future proposed improvements to the drainage approved and already installed. These lots do not contain much excess horizontal space which would make adding drywells or other means very difficult in the future. In the alternative an adequate plan would provide for deeper drywells to account for these anticipated impervious features.

- 8. Regarding the proposed 24' road width: If cars are parked along the road as would be expected and typical during events which attract multiple attendance at the properties (such as parties or other celebrator events), the road width effectively becomes approximately 15' which is typically associated with one-way traffic. In addition, there is insufficient provision for vehicle parking for such events, and inevitable spill over onto the nearby access roads (where parking is either limited or prohibited). This is inadequate to assure ingress and egress for emergency vehicles and will be difficult to monitor.*
- 9. The existing 50' electrical easement will likely interfere with typical backyard amenities which can be expected for the proposed residential lots. This is problematic for future uses of the lots, and is likely to generate future applications for relief from applicable code standards.*
- 10. The requested waivers would exacerbate the difficulties already noted with respect to the proposed site development, whereas a revised development plan, with a reduction in the number of lots, would facilitate a design which could achieve Code compliance,*

In reaching these conclusions, the Board recognizes that prior Village Planning Boards may have approved developments with waivers similar to those now being proposed. Whether or not the circumstances of such previous developments are comparable to the circumstances now before the Board is not persuasive. Without casting any aspersions on prior Boards which may have approved such waivers, this Board concludes that continuing such practices and granting such waivers is inappropriate and not in the best interests of the public, or the future owners, or residents and guests of future owners, of the properties.

There being no further business, the meeting was adjourned at 8:03 pm on motion by Mr. Bassik, seconded by Ms. Struminger, and adopted unanimously.

THE ABOVE MINUTES WERE FILED IN
THE VILLAGE OFFICE OF THE
VILLAGE OF NORTH HILLS AT:
TIME: 12:25 AM/PM

DATE: June 25, 2025
PERSON FILING: Marianne C. Iobaccaro
(Print the full name of the filer)