

1 PLANNING BOARD

2 VILLAGE OF NORTH HILLS

3 JANUARY 14, 2026

6 Application #25-12ps:
7 275 Old Shelter Rock Road LLC - 10 Roseanne Drive

8 P R E S E N T:

9 DOREEN SEVERIN, CHAIRWOMAN

10 BARRY BASSIK, BOARD MEMBER

11 MARGO KANE, BOARD MEMBER

12 GARY SCHUBERT, BOARD MEMBER

13 SHARON STRUMINGER, BOARD MEMBER

14 RAYMOND KOTCHER, ALT. BOARD MEMBER

15 A. THOMAS LEVIN, VILLAGE ATTORNEY

16 PETER A. CINQUEMANI, R.A. SUPERINTENDENT OF
17 BUILDING DEPT.

18 MARIANNE C. LOBACCARO, DEPUTY CLERK/TREASURER

2026 JAN 27 AM 10:23
VILLAGE OF NORTH HILLS25 Jean Marie Feinman
Court Reporter

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1 CHAIRWOMAN SEVERIN: Public hearing,
2 case number 25-12ps. Continued
3 application of 275 Old Shelter Rock
4 Road LLC, c/o Nirav Patel, 10 Roseanne
5 Drive, North Hills, New York 11576,
6 pursuant to Chapter 179 of the village
7 code for (a) waiver of certain subdivision
8 requirements, and (b) approval to
9 subdivide the subject property into three
10 single family residential lots and one
11 private road. Premises are known as 275
12 Old Shelter Road, and are designated as
13 Section 7, Block 319, Lot 7 on the Nassau
14 County Land and Tax Map.

15 Good evening. How are you?

16 MR. RANT: For the record, Michael
17 Rant, Northcoast Civil.

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1 CHAIRWOMAN SEVERIN: Thank you.

2 MR. RANT: Based on his comment
3 letter that was issued November 11, 2025,
4 we have submitted a full storm water
5 pollution prevention plan and submission
6 with the resubmission. We've added a
7 sewer profile, as requested, to the set.
8 We've made some modifications to the
9 drainage calculation to account for
10 additional area, as required. We've made
11 some modifications to the grading at the
12 end of the cul-de-sac to ensure that there
13 would be no overflow of water to the
14 neighboring properties. We've made some
15 modifications to the tree removals and
16 trees that were in close proximity to
17 construction, those are shown for removal.
18 And anything outside the work area would
19 provide the necessary tree protection.

20 We also made a resubmission to the
21 fire marshal showing the latest layout.
22 So, we submitted the plan.

23 This subdivision is less than
24 750 feet, so we do fall within the
25 required 26-foot wide paved surface.

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1 We're proposing 28 feet. We resubmitted
2 that to the fire marshal and they had no
3 comments, and just reiterated the
4 necessary requirements as far as roadway
5 width, the turnaround area, and things of
6 that nature. They had no objection to the
7 overall subdivision layout.

8 One of the comments that was
9 submitted by the village engineer had to
10 do with the width of the roadway as far as
11 the reduced width, and you're showing a
12 parked car. Again, my interpretation of
13 the code is that you're required to show a
14 paved width. It does not deduct or net
15 out a parked vehicle.

16 In looking through the code, and
17 what's typical in this municipality, as
18 well as many other towns and villages, the
19 typical pavement width is 34 feet wide.
20 So, if you have a town subdivision that
21 services a hundred homes, the roadway
22 paved width would be 34 feet. And that
23 paved width would allow vehicles to be
24 parked on both sides of the street. So,
25 by looking at the village engineer's

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1 thought process, if you deducted eight
2 feet from each side of the roadway, you'd
3 be less than the required 26 feet. So, I
4 don't believe that that's a practical
5 application of that deduction. By using
6 that math, if you required 26-foot wide
7 roadway and paved area and eight feet for
8 parking on each side, the minimum paved
9 surface of a roadway to comply with code
10 would be 42 feet of asphalt. There's no
11 municipality, town, village, that requires
12 42-foot wide asphalt.

13 Our proposal is 28 feet wide, which
14 exceeds the state requirement, and it's
15 only serving three homes. It's a private
16 roadway. The roads that service this
17 street are less than what we're proposing.
18 And from a safety standpoint, the 28-foot
19 wide roadway width, the 96-foot diameter
20 cul-de-sac, are more than adequate to
21 service three homes. And we've provided,
22 I think the necessary documentation, to
23 show that.

24 I'm happy to answer any questions
25 the board may have.

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1 CHAIRWOMAN SEVERIN: Any questions
2 from the board? Any additional questions?

3 MR. RANT: Thank you.

4 CHAIRWOMAN SEVERIN: Can we hear
5 from Mike?

6 MR. CINQUEMANI: Quick question.
7 You said you had a letter from the fire
8 department or Fire Marshal's Office?

9 MS. LOBACCARO: Did you submit that?
10 I don't have it.

11 MR. RANT: There was a copy of the
12 response from the fire marshal on the
13 resubmission. It was included with the
14 resubmission.

15 MS. LOBACCARO: Where was it
16 included?

17 MR. RANT: It was included with the
18 resubmission set. It was a site plan
19 review cover letter, dated November 29,
20 2025 with the required code sections that
21 we comply with, and then a copy that's
22 stamped "approved" with the fire marshal
23 seal. I can submit a copy of that for the
24 record.

25 MR. LEVIN: I was just going to
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1 suggest that, just in case. So, why don't
2 you do that.

3 MR. RANT: Sure. For the record,
4 here is a copy.

5 CHAIRWOMAN SEVERIN: Thank you.

6 MR. DEGIGLIO: Michael DeGiglio,
7 IMEG Consulting Corp.

8 As the applicant said, a lot of
9 revisions were made, almost all of which
10 are satisfactory to our review. Just a
11 few minor items. Regarding that fire
12 marshal comment, I think we're in
13 agreement now with the revision that
14 include the no parking on one side. That
15 is satisfactory to us. So, those
16 revisions and that understanding, I think
17 we've come to an agreement on that.

18 Just very minor, there are some
19 trees that are on the neighboring
20 properties that are still in close
21 proximity that could potentially get
22 impacted by some of the development. It's
23 up to the board if they wish to
24 incorporate that into the bond that's
25 going to be applied, regardless, as part

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1 of this project.

2 Secondly, the grading at the end of
3 the cul-de-sac, although, as the applicant
4 stated there have been substantial
5 revisions to the plans made, it's our
6 feeling that there still could be just a
7 little more. Just to put it very simply,
8 there's essentially, with the cul-de-sac,
9 there are two triangular corners here and
10 here. If there could just be inlets
11 placed in both of those, I think that will
12 satisfy our review.

13 And then just lastly, the last
14 comment refers to the SWPPP review. There
15 are some comments on that. Nothing I
16 would qualify as major. They're standard
17 SWPPP review comments. That's really all.

18 MR. LEVIN: For the record, SWPPP is
19 S-W-P-P-P.

20 MR. DEGIGLIO: Correct. Storm Water
21 Pollution Prevention Plan is the acronym.

22 MR. CINQUEMANI: Quick question.

23 Was Michael's memo transferred to --

24 MR. LEVIN: No.

25 MR. CINQUEMANI: Would the board
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1 like to do that, because I think that
2 would be helpful to them.

3 CHAIRWOMAN SEVERIN: The most recent
4 memo?

5 MR. LEVIN: It's up to the board.

6 CHAIRWOMAN SEVERIN: I would
7 absolutely release it, yes.

8 MR. CINQUEMANI: We'll get you a
9 copy of the memo so you guys can
10 incorporate some of that stuff.

11 MR. RANT: As far as the comments,
12 there are a couple of trees that kind of
13 straddle the property line. We are
14 setting the roadway about ten feet away.
15 And if there needs to be a bond posted to
16 ensure those trees are healthy,
17 post-construction, I don't think there's
18 any objection to that.

19 CHAIRWOMAN SEVERIN: Okay.

20 MR. RANT: Also, we're adding two
21 catch basins in the roadway; again, a
22 minor change, if there's no objection to
23 that. There's no impact to the
24 subdivision.

25 And the SWPPP comments, typically
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1 SWPPP is not completed and finalized until
2 just before you issue a building permit.
3 So, again, if that was a condition of the
4 board, we would happily make and address
5 whatever comments come from that. Those
6 are minor changes that have no impact on
7 the overall design, and we would be happy
8 to make those adjustments.

9 CHAIRWOMAN SEVERIN: Excellent.

10 Thank you.

11 MR. LEVIN: Can I ask one question?
12 Mr. Rant, you made a reference to the "no
13 parking" on one side of the street. I
14 understand how that addresses the issue
15 of, perhaps, the width of the paved
16 section of the road to make sure traffic
17 is not blocked. The problem the village
18 has with that, and in many other places,
19 when you have that kind of restriction on
20 a road, it's enforceable by somebody. The
21 problem here is, this is a private road,
22 and the village does not have authority to
23 go in and enforce the no parking on one
24 side and neither do the county police.

25 So, the question becomes: How do we
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1 enforce that?

2 MR. RANT: I would leave that up to
3 Mr. Chase from a legal perspective.

4 MR. CHASE: I'm sorry, Tom?

5 MR. LEVIN: I'm talking about the no
6 parking on one side.

7 MR. CHASE: Right.

8 MR. LEVIN: There are different
9 kinds of roads in the village, but the
10 village has no village roads. The roads
11 are either state roads, county roads, or
12 private roads. On state and county roads,
13 the police enforce the traffic
14 regulations, which, for the most part, are
15 enacted by the village. On private roads,
16 they're not enforced by anybody, except in
17 certain parts of the village because
18 there's a provision, Vehicle and Traffic
19 Law 1640-a, that certain properties can
20 give permission to the village to regulate
21 the roads in their communities, and those
22 are then enforceable by the police. But
23 this is not that kind of property.

24 MR. CHASE: And you don't think we
25 can grant that authority to this one?

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1 MR. LEVIN: I don't believe so.

2 Condominiums can usually do it. I'm not
3 sure homeowners associations are able to
4 do that.

5 MR. CHASE: Can that be enforced?
6 Because if it was a condition to the
7 board's decision, can they enforce the
8 board's decision?

9 MR. LEVIN: We don't have police and
10 the county police won't do it because it's
11 private property.

12 MR. CHASE: It's neither here nor
13 there -- but Mr. Patel you could get up
14 and say it -- but they're enforcing it
15 against --

16 MR. LEVIN: It depends where you
17 are. Under the Vehicle and Traffic Law,
18 there are certain areas property owners
19 can give the village authority to
20 regulate. And the village has, in fact,
21 done that in various parts of the village,
22 certain communities in the village. Once
23 the village enacts that law, the county
24 police will enforce it, because it is
25 authorized under the Vehicle and Traffic
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1 Law. However, my recollection of that
2 statute, which I'd have to look at again,
3 is this is not that kind of property,
4 because it usually applies to shopping
5 centers, parking lots for institutions,
6 and properties that are within
7 condominiums.

8 MR. CHASE: I'm just curious,
9 because Mr. Patel owns one of those that
10 is very similar to this.

11 MR. PATEL: Well, on Roseanne Drive
12 where I live I've been ticketed, my
13 neighbors have been ticketed.

14 MR. LEVIN: By whom?

15 MR. PATEL: Nassau County Police
16 Department.

17 MR. LEVIN: I'd have to look at our
18 codes and see, that may be one of the
19 properties where the village did enact the
20 regulations; otherwise, you may have been
21 ticketed, but that doesn't mean the
22 ticket's enforceable.

23 The question here is, whether the
24 county police will, in fact, go on this
25 road.

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1 MR. CHASE: I can't give you a
2 representation of an answer to that.

3 MR. PATEL: I could speak to
4 Excelsior Court as well. One of the
5 homeowners there had a party or a
6 gathering of some sort, and a lot of the
7 guests were violating the no parking on
8 the east side of the flag lot, and the
9 police did come and enforce it. They
10 didn't ticket, but they said, "Hey,
11 listen, you can't park here. You have to
12 move or we're going to ticket you."

13 MR. LEVIN: Are there signs posted
14 to tell you about no parking?

15 MR. PATEL: Yeah, all along the
16 right side.

17 MR. LEVIN: Then the likelihood is
18 that that is one of the areas that is
19 authorized by law for that to happen. But
20 whether it is or not, doesn't make a
21 difference, because that's an apple and
22 this is an orange, so they're not the
23 same.

24 MR. CHASE: I guess the only thing
25 we could do if there's nobody around to
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1 enforce anything, I would have to
2 self-enforce it. I don't know that it
3 would be a hundred percent guarantee, but
4 we could certainly put it in the covenants
5 and restrictions in the homeowners
6 association and self-police it.

7 MR. LEVIN: One of the things the
8 village has done in the past is, they
9 have, in some instances required that to
10 be in the HOA rules and then mandate that
11 the HOA enforce it, and then have some
12 system where we can penalize the HOA if
13 they don't.

14 MR. CHASE: They'd be fine with
15 that.

16 MR. LEVIN: We may need to do that.

17 MR. CHASE: I think that's the only
18 thing that I could come up with now, and
19 we'd be happy to put it in the HOA.

20 MR. LEVIN: I think that's an issue
21 that we'll wind up dealing with on final,
22 not preliminary.

23 MR. CHASE: Okay. I guess the
24 question is: Where do we go from here?

25 One thing I did want to mention, just so
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1 it's on the record, we are asking for
2 relief of certain provisions of the
3 subdivision regulations to permit the road
4 as shown on the map. So, we do need
5 variances granted by the board. I'm not
6 going to go through them again. I think
7 we all know where we are on that.

8 I would just maybe make the comment
9 that the grounds for which you should
10 consider to grant or not grant those
11 variances, in the village subdivision
12 regulations, which I won't bore you with
13 reading, but one of the key points in
14 there, it says: "When making the
15 determination to vary any provision of
16 that chapter, the board shall consider the
17 perspective character of the development,
18 and the permissible density of population
19 according to the zoning regulations." So,
20 when we were here with the four lot map,
21 obviously that was an issue. But here,
22 all the lots -- and I'm not going to go
23 through it -- but they're 17 and 18,000
24 square foot lots. So, under that guidance
25 in the code, I think that, you know, we
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1 more than exceed the permissible density
2 for the R-5 zone, which is 15,000 square
3 feet. And these significantly exceed the
4 15,000 square feet.

5 One of the things in the denial by
6 the board of the four lot subdivision,
7 which I painstakingly refused to go
8 through, but one of the things that was in
9 there -- in fact, it was the first
10 paragraph -- the board found that: "The
11 application constitutes an over-intensive
12 use the site, resulting from the
13 applicant's desire to squeeze four
14 residential lots into a site having a size
15 and configuration which makes it
16 impractical to do so." And I think that
17 was an important part of your denial, and
18 I hope the board agrees that with the
19 three lot map, that's no longer the facts.
20 That, you know, we're not trying to
21 unreasonably squeeze four lots. We now
22 have lots that -- I don't want to say far
23 exceed the minimum lot area -- but exceed
24 the minimum lot area. And, so, I guess
25 our request, unless there's further things

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1 is, I'm hoping the board will consider
2 closing the public hearing and rendering a
3 decision on our application.

4 CHAIRWOMAN SEVERIN: Thank you,
5 counsel.

6 Any other questions from the board?
7 Peter? Marianne? Questions, comments,
8 concerns at this time?

9 Is anyone here to speak in favor of
10 the applicant and/or against the
11 applicant? There being no comments, at
12 this point in time I'll look for an
13 approval from the board to close the
14 public hearing and reserve the decision
15 for the next meeting. Is there a motion?

16 MEMBER BASSIK: I would so move.

17 CHAIRWOMAN SEVERIN: Is there a
18 second?

19 (Continued on the next page to fit
20 certification.)

21

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1 MEMBER STRUMINGER: Second.

2 CHAIRWOMAN SEVERIN: All in favor?

3 (Whereupon, all board members stated
4 aye.)

* * * * *

5 CERTIFIED TO BE A TRUE AND ACCURATE
6 TRANSCRIPT OF THE STENOGRAPHIC
MINUTES TAKEN HEREIN:

7 *Jean Marie Feinman*

8 JEAN MARIE FEINMAN

COURT REPORTER

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