

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

Richard Brummel, Petitioner

v.

Village of East Hills, NY for the East Hills
Architectural Review Board and the East Hills
Zoning Board of Appeals, Respondent(s)

ORDER TO SHOW CAUSE

Appellate Division Docket
Number:

13-3062

Supreme Court Index No.:

3109/13

Upon the annexed affidavit of Richard A. Brummel, dated March 21, 2013, and
the papers annexed thereto,

Let the Village of East Hills, NY for the East Hills Architectural Review Board and
the East Hills Zoning Board of Appeals SHOW CAUSE BEFORE THIS COURT,
at the courthouse hereof, located at 45 Monroe Place, Brooklyn NY 11201, on
the 10TH day of April, 2013, at 9:30 O'Clock in the forenoon
of that date or as soon thereafter as counsel may be heard, why an order should
not be made and entered:

- (1) Granting ^{12012 + 0 (K)} the appeal the Order to Show Cause issued by Justice Parga of the
New York State Supreme Court, Nassau County on March 18, 2013 in the
above matter.
- (2) With respect to various below-cited decisions taken at the East Hills
Architectural Review Board (ARB) meeting of March 4, 2013, Respondent will
be (a) required to accept as appeals to the East Hills Zoning Board of Appeals
(ZBA), and stay action pending resolution thereby, decisions taken by the

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ARB which Petitioner has objected to and filed appeals regarding, to wit tree removal and/or building applications heard at that ARB hearing for the following properties in the Village of East Hills, NY: 55 Oakdale Lane, 35 Wildwood Lane, 70 Oak Drive, and 15 Fir Drive; OR (b) be required to nullify the ARB decisions on the above noted properties taken at said meeting because they were arbitrary and capricious and an abuse of discretion; AND (c) enjoined from further processing said applications, enjoined from issuing any permits thereon, and required to rescind and stop work on any permits already issued for said applications, upon the ground that the decisions taken violated, by substantive and/or procedural errors as outlined in the supporting Petition, Village laws concerning "Tree Preservation and Protection", Village Code Chapter 186, and "Architectural Review Board Requirements and Review", Village Code Chapter 271 Article XX.

- (1) With respect to various below-cited decisions taken at the East Hills Architectural Review Board (ARB) meeting of February 4, 2013, Respondent will be (a) required to accept as appeals to the East Hills Zoning Board of Appeals (ZBA), and stay action pending resolution thereby, decisions taken by the ARB which Petitioner has objected to and filed appeals regarding, to wit tree removal and/or building applications heard at that ARB hearing for the following properties in the Village of East Hills, NY: 31 Pinewood Road; 205 Elm Drive; 27 Midwood Cross; and 57 Red Ground Road; OR (b) required to nullify the ARB decisions on the above noted properties taken at said meeting because they were arbitrary and capricious and an abuse of discretion; AND

(c) enjoined from further processing said applications, enjoined from issuing any permits thereon, and required to rescind and stop work on any permits already issued for said applications, upon the ground that the decisions taken violated, by substantive and/or procedural errors as outlined in the supporting Petition, Village laws concerning "Tree Preservation and Protection", Village Code Chapter 186, and "Architectural Review Board Requirements and Review", Village Code Chapter 271 Article XX. and

(2) Granting such other relief as to the court may seem just and equitable.

SUFFICIENT CAUSE THEREFORE APPEARING, it is

~~ORDERED that pending the hearing of this motion:~~

(a) Respondent is ordered to stay action and schedule for ZBA hearing the decisions on the cited applications decided by the ARB on March 4, 2013; OR

(b) Respondent is ordered to nullify said decisions and instruct the ARB to recommence processing of those applications, repairing any and all defects heretofore existent; AND

(c) Respondent is ordered to halt issuance of any permits, rescind any permits already issued, and stop any work pursuant to any permits so issued for the cited properties. ALSO,

(d) Respondent is ordered to stay action and schedule for ZBA hearing the decisions on the cited applications decided by the ARB on February 4, 2013, OR

(e) Respondent is ordered to nullify said decisions and instruct the ARB to recommence processing of those applications, repairing any and all defects heretofore existent; AND

(f) Respondent is ordered to halt issuance of any permits, rescind any permits already issued, and stop any work pursuant to any permits so issued for the cited properties, and it is further,

ORDERED that service of a copy of this order to show cause and the papers upon which it was made upon RESPONDENT

by

☒ personal delivery pursuant to CPLR 2103(b)(1) OR

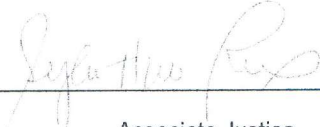
☒ office delivery pursuant to CPLR 2103(b)(3) OR

☐ overnight delivery service pursuant to CPLR 2103(b)(6)

on or before MARCH 25, 20 13, shall be deemed sufficient service thereof.

Dated: Brooklyn New York

MARCH 22, 20 13


Associate Justice
Appellate Division: 2nd Department

Hon. Sylvia O. Hinds-Radix
Associate Justice
Appellate Division 2nd Dept.