

At an IAS Part 3 of the  
SUPREME COURT OF THE STATE OF NEW YORK,  
COUNTY OF NASSAU on the day of October, 2016

THE HON. Roy S. Mahon PRESIDING

IAS Part 3

RICHARD A. BRUMMEL and STEVEN C. LIU

Petitioners,

Index No. 7379-2016

- against -

ORDER TO SHOW CAUSE

ARCHITECTURAL REVIEW BOARD OF THE VILLAGE OF  
EAST HILLS, THE BOARD OF TRUSTEES OF THE VILLAGE  
OF EAST HILLS, and DANIEL and MELODY SCHOR, 185 ELM  
DRIVE, EAST HILLS, N.Y.,

MOTION SEQUENCE # 1

ORIGINAL RETURN DATE

RELIEF 0ART 78

SUBMISSION DEADLINE

Respondents.

*Mahon*

Upon the annexed Affidavits and Article 78 <sup>Verified</sup> Supplemental Petition of RICHARD A.  
BRUMMEL and STEVEN C. LIU, <sup>sworn to on</sup> dated October 14, 2016, and the papers annexed  
thereto,

Let the Respondents Architectural Review Board of the the Village of East Hills ("the  
Board"); The Board of Trustees of the the Village of East Hills ("the Village"); and Daniel and  
Melody Schor, 185 Elm Drive, East Hills, N.Y.

10/26  
SHOW CAUSE BEFORE THIS COURT, at the courthouse hereof, located at 100 Supreme  
Court Drive, Mineola NY 11501, on the 1<sup>st</sup> day of November,  
2016, 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 the Petition annulling and vacating the Decision of the Architectural Review Board  
of October 5, 2016, regarding the application to remove twelve (12) trees at 185 Elm Drive; and

with the exception of one Oak tree designated #6 in the application and agreed to be "dead": (2) Ordering the Village to rescind any tree removal permits issued pursuant to said Decision; (3) Ordering the Village to rescind any tree removal permits otherwise issued with respect to the trees at issue in the Application complained of; (4) Preliminarily and Permanently enjoining the Village and the Board from issuing any such permits unless and until said Board adheres to the Village Code and the lawful procedure in making any decision thereon; (5) Preliminarily and Permanently enjoining all the Respondents from in any way damaging or destroying the said trees unless and until the Board adheres to the Village Code and the lawful procedure in making any decision thereon; and (6) Awarding Petitioner reasonable costs; and (7) Granting such other and further relief as to the court may seem just and equitable.

SUFFICIENT CAUSE THEREFORE APPEARING, it is ORDERED that pending the hearing and determination of this motion,

(1) No Respondent, nor their agents or persons acting on their behalf, shall cause or permit the damage or destruction of any of the twelve (12), trees were the subject of the Application and/or Decision complained of in the Petition, to wit the trees at 185 Elm Drive subject of the hearing of the Board on October 5, 2016, with the exception of one Oak tree designated #6 in the application and agreed to be "dead";

(2) Any permits issued by Respondent Village to remove trees from 185 Elm Drive shall be rescinded and their return required with the exception of one Oak tree designated #6 in the application and agreed to be "dead";

(3) Any such tree-removal permits in possession of Respondent Schors or their agents or anyone acting on their behalf shall be returned unused to the Respondent Village with the exception of one Oak tree designated #6 in the application and agreed to be "dead"; and

and the Petition with index numbers, date of filing  
ORDERED that service of a copy of this order to show cause and the papers upon which it <sup>endorsed</sup> <sup>thereon</sup>

NSM  
JSC  
was made upon the Board and the Village (by ONE / TWO set(s) of said papers), and upon Daniel and Melody Schor (by ONE / TWO set(s) of said papers), by personal service pursuant to CPLR 311, ~~312~~ or 308 (1) or ~~(2)~~ as applicable, or by the following means

10/18  
on or before the 21<sup>st</sup> day of October, 2016, shall be deemed sufficient service thereof.

ANS  
NSM  
~~IT IS FURTHER ORDERED that if the Respondents respond by an "Answer" pursuant to CPLR Article 78 such Answer and supporting papers shall be filed and served on Petitioners on or before \_\_\_\_\_, and Petitioners shall serve and file a Reply on or before \_\_\_\_\_, OR~~

~~If respondents interpose other opposition, such opposition shall be served on Petitioners and filed on or before \_\_\_\_\_, and Petitioners answering papers shall be served and filed on or before \_\_\_\_\_.~~

Dated: Mineola, New York  
October 17<sup>th</sup>, 2016

ENTER: Ray S. Mahon

J.S.C.

WB