

ALP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

PRESENT HON. Anthony L. Parga
JUSTICE OF THE SUPREME COURT

In the Matter of the Application of Richard Brummel,
Petitioner

AMENDED

003109/13
Index Number
13-1003109
Order to Show Cause with TRO in Special Proceeding

-against-

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

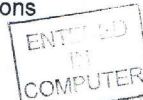
Respondent

MOTION SEQUENCE # 2
ORIGINAL RETURN DATE 4-5-13
RELIEF OTH

Upon reading and filing the petition of Richard Brummel, sworn to on March
13, 2013, and upon the exhibits and affidavits attached to the petition;

Let the Respondent show cause at IAS Part 6 Room
of this Court, to be held at the Courthouse, 100 Supreme Court Drive,
Mineola NY on the 5 day of April, 2013 at 9:30
o'clock in the fore noon or as soon as the parties to this proceeding
may be heard why an order should not be made, providing the following
relief:

- (1) 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



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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

PRESENT HON. L. Brummel
JUSTICE OF THE SUPREME COURT

Application of Richard Brummel,

AMENDED

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Index Number
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TRO in Special Proceeding

RECEIPT
Printed: 03-18-2013 @ 9:51:56
NASSAU COUNTY
MAUREEN O'CONNELL
COUNTY CLERK

Trans#: 91048 Oper: RGE001
RICHARD BRUMMEL

Ref#: IN 13--003109
Ctl#: 734 Rec: 3-18-2013 @ 9:51:50a

DOC	DESCRIPTION	TRANS AMT
1	BRUMMEL, RICHARD A	
2	EAST HILLS	VILLA
	ORDER TO SHOW CAUSE - FEE	45.00
	Ste Fee-motion/cross	
***	Total charges:	45.00
	CASH PMT PAYMENT -CASH	45.00

NY (for the Architectural Review Board
d of Appeals),

MOTION SEQUENCE # 2
ORIGINAL FILED IN DATE
RELIEF

ing the petition of Richard Brummel, sworn to on March

he exhibits and affidavits attached to the petition;

Let the Respondent show cause at IAS Part 6 Room _____

of this Court, to be held at the Courthouse, 100 Supreme Court Drive,

Mineola NY on the 5 day of April, 2013 at 9:30

o'clock in the fore noon or as soon as the parties to this proceeding

may be heard why an order should not be made, providing the following

relief:

- (1) 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

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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: 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.

- (2) 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: 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.

Pending the hearing of this Motion it is Ordered that:

- ~~(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~~

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~~for the cited properties.~~

Sufficient cause appearing therefor, let personal service of a copy of this order, and the petition and other papers upon which this order is granted, pursuant to CPLR 311(a)(6) upon ^{the respondents} ~~the respondents~~ on or before the 22 day of March, 2013 be deemed good and sufficient service hereof. An affidavit or other proof of service shall be presented to this Court on or before the return date directed in the second paragraph of this order.

ASP
JSC

ENTER

Anthony P. Pagan
J.S.C.