

MINUTES
BOARD OF TRUSTEES
VILLAGE OF NORTH HILLS
Village Hall
One Shelter Rock Road
North Hills, New York
January 17, 2024
7:30 pm

PRESENT: Mayor Marvin Natiss
Deputy Mayor Dennis Sgambati
Trustees Elliott Arnold, Gail Cohen and Phyllis Lentini
Marianne Lobaccaro, Village Administrator
Peter Cinquemani, Superintendent of Building Department (by phone)
A. Thomas Levin, Village Attorney

Mayor Natiss called the meeting to order at 7:30 pm.

Mayor Natiss announced that the next regular meeting date for the Board of Trustees will be February 21, 2024 at 7:30 pm.

The minutes of the December 20, 2023 meeting were approved on motion by Deputy Mayor Sgambati, seconded by Trustee Arnold and adopted unanimously. The approved minutes are on file in the village office.

The Board held a public hearing with respect to a proposed agreement with the Roslyn Fire Companies (Rescue Hook & Ladder Company No. 1 and Roslyn Highlands Hook & Ladder, Engine & Hose Co., Inc.) for fire protection and emergency ambulance services for certain portions of the Village not located in a fire district for the period January 1, 2024 through and including December 31, 2024. There were no public comments. The hearing was closed on motion by Deputy Mayor Sgambati, seconded by Trustee Cohen and adopted unanimously. On motion by Trustee Cohen, seconded by Trustee Lentini, the agreement was approved and the Mayor was authorized to

execute the proposed agreement, and such other related documents as may reasonably be necessary to implement the agreement, in form approved by the Village Attorney.

The Village Administrator read the Treasurer's Report for December 2023, which was approved unanimously on motion by Trustee Lentini, seconded by Trustee Arnold.

On motion by Trustee Cohen, seconded by Deputy Mayor Sgambati, and adopted unanimously, the Board approved the budgetary fund transfers and amendments as requested in the January 12, 2024 memorandum from the Village Administrator, a copy of which is on file in the Village office.

On motion by Trustee Arnold, seconded by Trustee Lentini, and adopted unanimously, the Board approved payment of the claims on General Fund Warrant 01/24. A copy of the approved Warrant is attached to these minutes.

The Board discussed a draft decision in Case 22-11bt, Greater New York Corporation of Seventh Day Adventists, which had been prepared by the Village Attorney after previous discussions. Various revisions to the report were proposed by Board consensus. After further discussion, on motion by Trustee Cohen, seconded by Deputy Mayor Sgambati, the Board unanimously adopted the Decision annexed to, and filed with, these minutes.

The Board reviewed the most recent report on usage of the Village shuttle, as per the January 8, 2024 memorandum from the Deputy Village Clerk. There has been a further increase in usage. The Board will continue to review usage.

Mayor Natiss reported to the Board with respect to further conversations he has

had with respect to the Shelter Rock Tennis Club. The Village Attorney was requested to research applicable legal issues, and report to the Board.

There being no further business, on motion by Deputy Mayor Sgambati, seconded by Trustee Cohen, and adopted unanimously, the meeting was adjourned at 8:19 pm.

THE ABOVE MINUTES WERE FILED IN THE VILLAGE
OFFICE OF THE VILLAGE OF NORTH HILLS AT:

TIME: 11.45 (AM/PM)

DATE: February 22, 2024.

PERSON FILING: Marianne Clobaccaro
(Print full name of filer)

DECISION

Case 22-11bt. Application of Greater New York Corporation of Seventh day Adventists, pursuant to Village Code §215-30(G), for the following relief with respect to proposed additions and renovations to existing building and addition of new parking spaces at Premises 7 Shelter Rock Road, North Hills, New York, also known as Section 3, Block 145, Lot 34 on the Nassau County Land and Tax Map: (a) special permit and site plan approval to maintain and modify an existing non-conforming religious use, and (b) variances of provisions of the Village Code with respect to maximum building height, distance to property line, building and structure coverage, floor area ratio, and required parking spaces.

This application (hereinafter sometimes referred to herein as "Application" or "Action", and the applicant, and property owner, Greater New York Corporation of Seventh Day Adventists, is hereinafter sometimes referred to as "Seventh Day", or "Applicant".

The Premises are presently in use for religious purposes (as discussed herein) which lawfully commenced prior to the adoption of the current Village zoning regulations. The current regulations require a special use permit from the Board of Trustees (hereinafter sometimes referred to as "Board") for religious uses, but those uses lawfully in existence at the time those Code provisions were adopted are classified as legal non-conforming uses.

Such legal non-conforming uses may continue, but may not be altered or enlarged without either a special use permit from the Board of Trustees or variances from the Board of Appeals. The Village Code also provides that the Board of Trustees is authorized to grant necessary variances at the same time as it grants such special use permits

On October 5, 2022, the Village Building Department disapproved Applicant's request for permits based on the following deficiencies in compliance with the Village Code requirements:

VILLAGE CODE §215-30E

- No building or part thereof shall be higher than 25 feet nor erected nearer to any other property line than 75 feet. Proposed building is 36'-7" high and 25'-2" from the rear yard

VILLAGE CODE §215-30F

- The maximum building and structure coverage shall not exceed 5% of the area of the lot, and the floor area ratio of all buildings and structures shall not exceed 0.075. Proposed building coverage is 5.61% and the floor area ratio is .146

VILLAGE CODE 215-35D

- 240 Parking spaces are required and the proposed site plan provides 90 parking spaces, as a result of which there is a 150 parking space deficit.

VILLAGE CODE 215-31B(1)

- A nonconforming use may be continued but may not be altered, expanded or enlarged or changed in character, nature or scope without necessary variances from the Board of Appeals.

VILLAGE CODE §215-15C(4).

- Religious uses require the permission of the Board of Trustees.

Thus, the Applicant had a choice to (a) apply to the Board of Appeals for variances of all of the foregoing deficiencies, in which case the religious use of the property would remain a non-conforming use, or (b) apply to the Board of Trustees for a special use permit to legalize and continue the religious use, and variances with respect to the various foregoing deficiencies. Pursuant to Village Code §150-30(G)(3), the Applicant chose this second course of action, by reason of which the entire request for a special use permit and other zoning relief is properly before the Board of Trustees.

Public hearings began with respect to this application on February 15, 2023, and were continued from month to month thereafter until concluded. On various of the hearing dates, the Board heard from the applicant and its consultants, the Village's consultants, neighboring property owners and their attorneys, and others. During the course of the hearings, and primarily motivated by comments from the Village's consultants and the objecting neighbors, the Applicant made various revisions to the application

As revised, and as referenced in this Decision, the following documents are collectively referred to herein as the "Plans":

- a. Board of Trustees Application dated October 10, 2022;
- b. Addendum to the Board of Trustees Application last revised March 2, 2023; Long Environmental Assessment Form dated July 6, 2023, last revised August 1, 2023;
- c. Survey of the property prepared by Barrett, Bonacci & VanWeele, P.C. dated August 14, 2002, last revised October 26, 2004;

- d. Plans prepared by Louis F. Baldino Architects, PC, consisting of the following sheets:
- i. Title Sheet (cs1.0) dated October 2, 2023
 - ii. Existing Site/Demo Plan (cs1.1) dated October 2, 2023
 - iii. Proposed Site Plan (cs1.2) dated October 2, 2023
 - iv. Drainage Plan (cs1.3) dated October 2, 2023
 - v. Erosion Control Plan (cs1.4) dated October 2, 2023
 - vi. Existing Elevations (a2.1) dated June 4, 2022, last revised June 21, 2023
 - vii. Elevations (a2.2) dated June 4, 2022, last revised June 21, 2023
 - viii. Existing First Floor (ex1.1) dated June 4, 2022, last revised June 21, 2023
 - ix. Existing Second Floor (ex1.2) dated June 4, 2022, last revised June 21, 2023
 - x. Existing Third Floor (ex1.3) dated June 4, 2022, last revised June 21, 2023
 - xi. Proposed First Floor (a1.1) dated June 4, 2022, last revised June 21, 2023
 - xii. Proposed Second Floor (a1.2) dated June 4, 2022, last revised June 21, 2023
 - xiii. Proposed Third Floor (a1.3) dated June 4, 2022, last revised June 21, 2023
- e. Parking and Traffic Assessment prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. last revised May 9, 2023.

GENERAL MUNICIPAL LAW §239-m

On January 19, 2023, this matter was referred to the Nassau County Planning Commission for its recommendation pursuant to General Municipal Law §239-m. No response was received from the Commission within the 30 day statutory period, nor thereafter.

SEQRA DETERMINATION

Pursuant to, and in accordance with, the provisions of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) (sometimes referred to herein as

"SEQRA)" the Board makes the following determinations and classifications with respect to the Application.

- a. The Board hereby determines that the Application is subject to SEQRA.
- b. The Board hereby determines that the Action does not involve a Federal agency.
- c. The Board classifies the Action as an Unlisted Action.
- d. The Board is the Lead Agency with respect to the review, adoption, and approval of, the Action.
- e. the Board has considered the following factors, and made the following conclusions, in respect to its review of the environmental impacts of the proposed Action, as revised during the extensive hearing and review process:
 - 1) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - 2) the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - 3) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
 - 4) the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
 - 5) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - 6) the proposed action would not result in a major change in the use of either the quantity or type of energy;
 - 7) the proposed action would not create a hazard to human health;
 - 8) the proposed action would not create a substantial change in the use, or intensity of use, of land, including

agricultural, open space or recreational resources, or in its capacity to support existing uses;

- 9) the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- 10) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- 11) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- 12) the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- 13) the proposed action would not have a significant adverse environmental impact; and
- 14) no further environmental review is required with respect to the proposed action.

- f. The Board hereby finds and determines that: (a) it has considered the Action, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed Action; (b) for the reasons set forth herein, the Action will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment.
- g. The Board, as Lead Agency with reference to the above-described project, hereby:
 - i. adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the project,
 - ii. authorizes the Mayor to sign a negative declaration determination of non-significance with respect to the Action, and
 - iii. authorizes the Village Attorney to forward a notice of said negative

declaration to the New York State Department of Environmental Conservation

CURRENT AND PROPOSED USE OF THE PROPERTY

The Board finds that the current use of the Premises is generally as described by the Applicant in an addendum to the Application. No testimony or other evidence to the contrary was presented at the hearings, and the Board adopts that description of the current use as follows:

- a. The property houses the Administrative Offices of the Greater New York Conference of Seventh-day Adventists, an unincorporated religious organization, its Beit Shalom congregation, and its Adventist Book Center which supplies religious books and material to its congregations and their members.
- b. The Beit Shalom congregation, which has about 20 members, meets weekly on Saturdays.
- c. The Conference Office's normal hours are Monday to Thursday, 8:00 am to 6:00 pm.
- d. The office staff includes three administrators, approximately 20 department directors and approximately 20 support staff members (including the Book Center staff).
- e. On a typical day, no more than thirty individuals are on site, as some work part-time, some have their primary offices elsewhere and/or some are working primarily in the field.
- f. Each day begins with a worship service for the staff, directors, pastors and anyone else who would like to attend.
- g. The Administrators and Department Directors are primarily pastors and spend a significant portion of their time engaging in the following activities:
 - i. counseling and praying with pastors and members;
 - ii. coordinating activities for the spiritual benefit of its members and the communities it serves;
 - iii. organizing and conducting prayer services for special occasions, and for events such as natural disasters, etc.;
 - iv. making plans for disaster response and community service;
 - v. coordinating the work of its church schools; and
 - vi. planning and conducting training, workshops and seminars for pastors, teachers and church leaders. (These meetings may take place during the normal working hours or in the evening or on a weekend.)
- h. The Adventist Book Center is open Monday to Thursday 10:00 am to 6:00 pm and Sunday 10:00 am to 3:00 pm. There are usually no more than two members there at any given time.

Counsel has advised the Board with respect to the relationship of zoning laws and religious uses. Various arguments also were submitted at the hearings and in written submissions to the Board. The Board recognizes that it is well established law that religious institutions enjoy special treatment with respect to zoning regulations, as the courts have determined that such presumptively serve the public's welfare and morals. The scope of permissible use of property by such institutions which have been approved by the courts includes activities and facilities for a variety of social, recreational, athletic, and other accessory uses reasonably associated with the property owner's religious mission. In numerous cases, the scope of permissible activities has been interpreted to include activities which incorporate commercial elements, but which further the religious mission of the institution.

Consistent with those principles, the Village Code contains no specific definition of the term "religious use", but Village Code §215-30(B) provides that a religious use "shall have as its prime purpose the providing of religious services and related work" (emphasis supplied). Accordingly, and based upon the record of this matter, the Board concludes that the existing use of the Premises meets this and other, criteria in Village Code §215-30 and is a religious use eligible for a special use permit.

The Applicant represents that the requested changes in operations, and the buildings and property, proposed in this Application also fall within the parameter of permitted religious uses, and the Board further concludes that the use, inclusive of the proposed changes, also falls within the scope of religious use, and is eligible for a special use permit.

Absent compelling public health and safety concerns which are not capable of being mitigated by reasonable conditions, applicable legal principles favor the approval of the requested special use permit.

This is not to say that all religious uses of the property must be approved, without conditions. Rather, relevant court cases make clear that religious uses can be subjected to reasonable regulation, in the public interest and to protect the public health, safety and welfare, provided that the regulations do not restrict the institution from adhering to its religious principles or from accomplishing its religious mission. Thus, while the Board may be legally constrained to approve the Application, its approval may be conditioned upon certain restrictions which have been agreed to by the Applicant or which the Board deems necessary to protect the neighboring properties and the public interest.

SPECIAL USE PERMIT

Issuance of special use permits is governed by Village Code § 215-47, which provides, in pertinent part, as follows:

"A. Whenever this chapter authorizes a use by permit ... no such permit shall be issued unless such Board shall first consider the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular. Such Board may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives:

(1) That all proposed structures, equipment and material shall be readily accessible to fire and police protection.

(2) That all proposed uses shall be of such location, size and character that, in general, they will be in harmony with the appropriate and orderly development of the district in which they are proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

(3) That, in addition to the above, in the case of any use located in or directly adjacent to a residential district:

(a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the said residential or commercial district or conflict with the normal traffic of the neighborhood; and that there will be off-hour or nonpeak traffic ingressing or egressing from the property; and that there will be adequate access to it for purposes of fire and safety protection, including traffic control.

(b) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

(4) That the nature and intensity of such use sought in a residential or commercial district and the traffic generated by it shall not be hazardous, incongruous or detrimental to the prevailing residential or commercial character of the neighborhood..."

Village Code §215-47 further provides:

"B. In granting any such permit, such Board may also:

(1) Require any walls, fences, landscaping or other treatments which it deems necessary to protect the value of adjacent properties or to prevent any hindering of the appropriate development of adjacent land ...

(3) Require that the permit be periodically renewed, if not otherwise required by law. Such renewal may be granted only after public notice and hearing and may be granted upon any condition which could have been imposed at the time of granting the original permit. Such renewal may not be denied unless the Board shall determine that

such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit or a prior renewal have not been or are no longer being complied with...

(4) In making a determination on an application for a permit, the Board shall give consideration, among other things, to:

(a) The preservation of environmental and ecological assets of the property, including the physical conditions and topography thereof.

(b) Whether the character, size, location and design of the proposal is an appropriate use of land and in harmony with surrounding property.

(c) The contribution which the proposal will make to the proper growth and development of the Village.

(d) The impact of the proposed use on vehicular and pedestrian traffic, disposition of stormwater, sewerage, garbage and refuse and other municipal services.

(e) Whether the proposed use and/or vehicular traffic generated thereby will cause obnoxious gases, odors, smoke, soot, noise, vibration, light or other disturbing emissions and their effect on air quality.

(f) Adequacy of public utilities to serve the proposed use and of access thereto by fire and other emergency apparatus.

(5) Before approving an application for a permit, the Board shall:

(a) Determine that the use will not prevent the orderly and reasonable use of adjacent properties.

(b) Determine that the proposed use will be in harmony with the general purposes and intent of this chapter.

(c) Impose such conditions and safeguards as it shall determine to be appropriate, necessary or desirable to preserve the spirit and objectives of this chapter.

(6) In the event that within one year from the date of a determination by the Board granting a permit pursuant to this chapter, substantial use thereof or substantial construction pursuant thereto has not commenced, or in the event that within two years after such date construction has not been completed, the permit shall expire. Notwithstanding the foregoing, the Board may, upon written application made before such expiration and upon payment of required fees and without further public hearing, extend the time for such commencement of construction or use and/or completion of construction for an additional period not to exceed six months."

SPECIAL PERMIT FINDINGS

The Board has considered the foregoing discussion, the applicable Code provisions, the information adduced during the hearing process and by the submissions of the Applicant and other interested parties. Subject to any and all conditions hereinafter imposed by the Board in this Decision and all conditions otherwise imposed by law, to the maximum

extent feasible under all of the circumstances, and consistent with the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, approval of the requested special permit will further the objectives of the Village Code.

In particular, such approval and conditions will fulfill the objectives of Village Code §215-47(A), and will have the added benefit of bringing the Premises into conformity with the Village Code, and replace the current legal non-conforming status of the Premises.

Subject to the conditions hereinafter stated, the requested special use permit to use the Premises for religious purposes is GRANTED:

THE REQUESTED VARIANCES

In addition to the special use permit, which will render the existing and contemplated use of the Premises conforming to the Village Code and zoning regulations, the Applicant seeks several variances which will permit it to maintain existing conditions, and to make the improvements which are detailed in the Plans.

Those variances required to maintain existing conditions, or facilitate the improvements, as shown in the Plans, are as follows:

VILLAGE CODE §215-30(E), to permit the proposed building to have a maximum height of 36'-7" high and to be located no closer than 25'-2" from the rear yard line

VILLAGE CODE §215-30(F), to permit maximum building coverage to be 5.61% and a floor area ratio of 0.146

VILLAGE CODE 215-35(D), to reduce the number of required parking spaces to 90 parking spaces

All of these requested variances are classified in New York Village Law §7-712-b as "area variances".

Assuming the approval of the special use permit requested herein, the following requested variances will no longer be necessary:

VILLAGE CODE 215-31(B)(1), to alter, expand or enlarge, or change in character, an existing nonconforming use.

VILLAGE CODE §215-15(C)(4), to maintain a religious use without a special permit from the Board of Trustees.

In making its determination with respect to the area variance requests, the Board has considered the full record of this matter, the circumstances of the property and the neighboring properties, and also has considered the factors specifically enumerated in section 7-712(b). The Board also has considered the imposition of reasonable conditions

to mitigate to a reasonable extent impacts which may be caused to the community in general and the neighboring properties in particular. Further, the Board has considered the relevant legal principles, which generally weigh in favor of area variances for religious uses. Significant as well are the facts that the existing religious use has existed for many years without incident, and that the improvements proposed by the Applicant are generally consistent with the longstanding existing use and do not constitute significant changes in that use.

Accordingly, subject to any conditions which may be imposed herein, the Board finds that (a) the benefit to the applicant if the variances are granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant, (b) the granting of the requested variances will not produce change in the character of the neighborhood nor create a detriment to nearby properties (c) the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than area variances; (d) the requested area variances are not substantial; (e) the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (f) to the extent that any of the compliance difficulties alleged by the Applicant are self-created, that factor does not preclude the granting of area variances to a religious institution.

Subject to the conditions hereinafter stated, the variances requested with respect to the following provisions of the Village Code are GRANTED:

VILLAGE CODE §215-30(E), to permit the proposed building to have a maximum height of 36'-7" high and to be located no closer than 25'-2" from the rear yard line

VILLAGE CODE §215-30(F), to permit maximum building coverage to be 5.61% and a floor area ratio of 0.146

VILLAGE CODE 215-35(D), to reduce the number of required parking spaces to 90 parking spaces

CONDITIONS OF RELIEF

The foregoing approvals of a special use permit, and variances, shall be effective on the date of filing in the office of the Village Administrator, and shall be subject to the following conditions, violation of which may be the basis for revocation of such permit and/or variances, and such other enforcement as may be permitted by law:

- A. All buildings and improvements to the Premises shall conform to the Plans, except as otherwise set forth herein. The Village Superintendent of Building Department ("Superintendent") may authorize revisions to such Plans where the Superintendent determines that such revisions are minor in nature, provided that no such revisions shall violate any provision of the Village Code or any other condition of this approval.

- B. No building or other permit shall be issued for any of the improvements proposed by the Applicant and as shown in the Plans, until all required approvals have been obtained from other governmental entities, including, but not limited to, the Nassau County Department of Public Works;
- C. Concerns were raised at the hearings regarding sufficiency of the proposed on-site parking. Predicated upon its estimates of the number of persons who will be present on site for various purposes at various times, the reduced number of spaces proposed by the Applicant appears to be reasonable. However, should those estimates prove to be inaccurate, or should the level and types of activity at the Premises change, the number of parking spaces needed could be significantly greater. The Village's concurrence with the variance for off-street parking is predicated upon the Applicant's representations about *de minimis* increases in traffic generation, parking demand, and water demand based on non-simultaneous use of different spaces in the building. The Village is concerned that if higher-attendance operations were to occur simultaneously, or if the nature or extent of activity should be greater than projected, parking spillover, congestion/queuing at the Shelter Rock Road access points, or excess water demand would materialize. Accordingly, the Village shall have the right to conduct periodic visits to the property to confirm (1) adequate on-site parking without use of any drive aisles, and (2) lack of persistent entry-exit queues at the site access points on Shelter Rock Road. Should exceedance of either condition be readily apparent at that time, the Village shall have the right to require appropriate measures to be taken.
- D. No building or other permit shall be issued for any of the improvements proposed by the Applicant and shown in the Plans until such time as the Applicant has provided the Village Building Department with adequate written documentation that the Nassau County Fire Marshal has approved, or has no objections to, the vehicular access to the Premises as shown on the Plans. In the event the Nassau County Fire Marshal requires or requests any changes in such access, any revisions to the Plans or permits necessary to comply with such requirement or request may be approved by the Superintendent, unless the Superintendent determines to require approval from the Village Board of Trustees or Planning Board. In such event, no such approval shall be given by the Board of Trustees or Planning Board except after a public hearing held in the same manner as required for hearings before the Board of Appeals.
- E. Final design drawings reasonably satisfactory to the Building Department are required prior to issuance of building permits or other approvals necessary for construction of site improvements. Such final design drawings shall include satisfactory water demand calculations for compliance with Nassau County

Special Groundwater Protection Area (SGPA) regulations. Similarly, approval of any soil borings shall be contingent on soil boring log data supporting the drainage design. If the boring log data warrants changes to the proposed drainage structure depths, Village may require the corresponding design changes at that time. There shall be better differentiation of the line-weights for existing vs. proposed contour lines.

- F. Site Plan Drawing TA#6 is utilizing existing storage volume to remain. However, post-construction, TA#6 appears to be increasing the area of impervious coverage tributary to the existing inlets and storage volume. Before relevant permits or approvals are issued, the Building Department shall establish that the existing system is sufficient to manage the volume generated by a 3-inch rainfall within TA#6 and determine structure location. Existing drainage structures and pipe connections for TA#5 need to be mapped and measured to establish the impervious area decrease claimed in the Drywell Calculations. Plans should better differentiate the line-weights for existing vs. proposed contour lines.
- G. For the protection of the adjoining neighboring property, before issuance of any certificate of occupancy, or certificate of completion, the owner of the Premises shall install, and shall thereafter maintain in good condition, to the reasonable satisfaction of the Building Department, landscape screening to consist of green giant arborvitae or equivalents, installed six feet on center, and having initial height of at least twelve feet, in the rear property setback.
- H. At any time commencing one year after the effective date of this Decision, the Board of Trustees may annually review the sufficiency of parking spaces and parking layout on the Premises. Such review shall be conducted on notice to the owner of the Premises, and the Board shall hold a public hearing for such review on such notice to others as the Board may determine. After conclusion of such hearing, the Board may determine that additional parking spaces are required, or that other changes in the parking or access to or from the Premises are required in the interests of public safety. In such event, the Board may impose such reasonable requirements, for such parking or access changes as the Board may then determine, and impose reasonable conditions in relation thereto. The applicant shall reimburse the Village for the reasonable costs and expenses incurred by the Village in connection with any such review. As part of any such determination, the Board also may impose reasonable conditions with respect to parking on, and access to or from, the Premises.
- I. At least thirty six months, and no more than forty-two months, after the effective date of this Decision, the Applicant shall make written letter application to the Board for review of the special permit granted herein, to ascertain whether there

has been compliance with the terms and conditions of this Decision. No fee or expense deposit shall be required for such letter application. A public hearing shall be conducted with respect to such review, in such manner and upon such notice as may be determined by the Board of Trustees. Within a reasonable period of time after conclusion of such hearing, the Board of Trustees shall determine whether the permit should be revoked for cause, or remain in effect, and whether any additional conditions should be imposed which could have been imposed at the time of granting the original permit.

- J. In the event that within one year from the date of filing this Decision, substantial use thereof or substantial construction pursuant thereto has not commenced, or in the event that within two years after such date construction has not been completed, the special permit and variances herein granted shall expire and shall be null and void. Notwithstanding the foregoing, the Board may, upon written letter application made before such expiration and upon payment of required fees and without further public hearing, extend the time for such commencement of construction or use and/or completion of construction for one or more additional periods, each such period not to exceed six months.
- K. Violations of any of the conditions of any permit or variance granted in this Decision, or of any permit issued in furtherance thereof, shall be punishable as may be provided in law or equity. Nothing in this Decision shall preclude the Village from taking such actions as may be authorized by law to rescind, revoke or otherwise enforce this Decision, the special use permit, any variances, or any parts or conditions of this Decision. No failure or omission to take action with respect to any violation of this Decision or the conditions imposed herein shall limit or preclude the Village from taking action with respect to any other violation of this Decision or the conditions thereof.
- L. The Applicant, or its successors in interest, may make letter application to the Board of Trustees for modifications of this Decision, or any portion or provision thereof. Any such application shall require a fee and/or deposit in an amount determined by the Board of Trustees. Except where otherwise required by law, any such application may be heard and determined without a public hearing, unless the Board of Trustees shall determine that a public hearing should be required. In the event a public hearing is so required, such hearing shall be noticed, held and conducted by the Board of Trustees in the same manner as required for variance hearings before the Board of Appeals.

Board of Trustees
Village of North Hills
January 17, 2024
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ADOPTION DATE: January 17, 2024

FILING DATE: *February 22, 2024*