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VILLAGE OF NORTH HILLS
BOARD OF APPEALS

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IN THE MATTER OF THE
APPLICATION OF Case #24-05za
THE HAMLET ESTATES HOMEOWNERS ASSOCIATION,
INC., 31 Shelter Rock Road, Manhasset, New
York,

Applicant.

-----X

BEFORE: DOUGLAS S. WEIGLER, Chairman
BRUCE SPENADEL, Member
MICHAEL STRAUSS, Member
HOWARD FOX, Alternate Member
RAY DISPALTRO, Alternate Member

DATE: October 22, 2024

TIME: 7:30 p.m.

PLACE: VILLAGE HALL
One Shelter Rock Road
Roslyn, New York 11576

VILLAGE ATTORNEY: A. THOMAS LEVIN, ESQ.

DEPUTY CLERK/TREASURER: WENDY RUSSO

REPORTED BY: JOANNE HORROCKS, CSR

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VILLAGE OF NORTH HILLS

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THE CHAIRMAN: Calling
Application 24-05za continued is the
application of Hamlet Estates
Homeowners Association, 31 Shelter Rock
Road, Manhasset, New York for the
following relief, in furtherance of
proposed modifications to common areas,
(a) variance of Village Code
215-24(F)(1) to locate play equipment
54 feet 10 inches from Shelter Rock
Road, where a minimum setback of 150
feet is required; (b) variance of
Village Code 215-27(C) to locate a shed
having a setback of 33.3 feet where a
minimum of 45 feet is required, and (c)
special permits for proposed fences and
walls, as required by Village Code
213-33(A).

For the applicant, please state
your name and address, sir.

MR. GREENBERG: Good evening. My
name is Jim Greenberg from Ian Shaw
Architecture. My address is 5 Camp
Place, Merrick, New York 11566.

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2 Good evening, Chairman, and Board
3 members. As you said, we're here to
4 continue the discussion of the project
5 for The Hamlet Estates.

6 Since we last met, I resubmitted
7 public drawings that showed some
8 sections that we made that the Board
9 asked for last time which include
10 keeping the retaining wall full height
11 as it passes the pickle ball courts
12 then a drop down for the slope when it
13 gets to the basketball court.

14 I also added to the radius map
15 distance between the nearest points of
16 the pickle ball court to the school as
17 well as to the monastery's living
18 quarters and 122 feet to the school and
19 213 feet monastery, both traveling
20 uphill and with a driveway and heavy,
21 heavy or dense screening in between.

22 And I believe members of the
23 Board visited the site which was staked
24 out to see all this in person.

25 THE CHAIRMAN: Are you finished?

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MR. GREENBERG: I am.

THE CHAIRMAN: I assume everyone at the Board has visited the site?

MR. SPENADEL: Yes.

THE CHAIRMAN: Any questions?

MR. SPENADEL: I have one question. On your drawing A-200, there's a photograph, and I'm assuming that's showing around the court where the trees are directly behind?

MR. GREENBERG: So the idea is that's a retaining wall. That's the sample of the retaining wall we're going to use. Where there's -- when there is retaining wall, there will that be a taller type of tree which is either Leyland cypress or thuja green giants. They grow very fast. They grow into a dense wall of greenery.

In front of that when there is no wall, you can see down when we get to the basketball court of the right side of the section, it becomes a second layer instead of a wall, just as tall

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as a wall, a tight hedge of skip laurel which also becomes a very dense privacy hedge. And that will also surround -- that hedge will also surround the courts on all sides.

So we either have -- we're going to have two layers around the whole courts. It's either going to be wall and tall trees above it or hedge with tall trees behind it.

THE CHAIRMAN: What is surrounding the swing set or the playground area?

MR. GREENBERG: It's going to be located under a large tree. I actually moved it a few feet into the site today. So it's a sloping -- you can see the photo kind of on T-101. It's the existing context photo. And one is looking across the pond towards a very tall tree where the swing set is. The swing set will be on its own cushioned ground but surrounded by ground cover under a tree which then slopes up to

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the retaining -- the property wall
which is six feet tall facing Shelter
Rock.

So under a tree, slopes up to the
wall, and so I doubt you would ever
even see it from the road.

THE CHAIRMAN: My concern was not
the visual. My concern is more the
safety. If this is going to be an area
where kids are going to be running and
playing, sometimes with mommy and
daddy, sometimes without, should there
not be a fence around the area to
prevent them from running towards
Shelter Rock Road?

MR. GREENBERG: To get through --
to get to Shelter Rock Road? They
wouldn't be able to. There's a wall
and gates.

THE CHAIRMAN: And there is also
a gate to the access road which is
secure today.

MR. McManis: It's located on the
wall.

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MR. LEVIN: Excuse me.

THE CHAIRMAN: Please step up and talk into the microphone, name and address.

MR. McMANUS: Tom McManus, 15 Aldgate Drive West, Manhasset 11030. I am the Board president.

That gate has never been opened. We just recently changed the gate because it was so rusted that it actually was collapsing. So the gate has no purpose to be opened. So and we put a mesh on it for privacy, that green privacy mesh. So that fence, there's no attention. There's no reason for that gate to ever be opened.

MR. LEVIN: Mr. McManus, would you have an objection to a provision that requires the gate to be closed?

MR. McMANUS: We have a chain on it that has never been opened.

MR. LEVIN: That's not what I said.

MR. McMANUS: We can keep it

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closed.

MR. LEVIN: That's not what I said.

MR. McMANUS: Repeat the question.

MR. LEVIN: Do you have any objection of a condition of approval that would require the gate to stay closed?

MR. McMANUS: What would I to have to do to approve that condition?

MR. LEVIN: The Board can impose conditions. They would impose a condition that the gate must stay closed. Do you have an objection to that?

MR. McMANUS: Absolutely not.

MR. LEVIN: Thank you.

THE CHAIRMAN: That road or --

MR. McMANUS: Imaginary.

THE CHAIRMAN: -- whatever you want to call that area from the gate area, is that a fire access area?

MR. McMANUS: On our original

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2 drawings for The Hamlet, it shows it as
3 an emergency access road. I know for a
4 fact that there was never a road there,
5 and the blacktop surface that you guys
6 had seen was actually a playground area
7 to keep the kids off the roads to play
8 in that back area.

9 THE CHAIRMAN: But if, on the
10 plans, it is an emergency access, it
11 gives the fire department the right to
12 crash that gate and -- so again, my
13 concern or my thought process is if
14 that gate should for whatever reason
15 not be locked, should there be some
16 type of security for the children?

17 MR. McMANUS: The gate will
18 always be locked for a fact. It's
19 always been locked. It's never been
20 unlocked. That's a fact for that gate.

21 In fact, we don't even have a key
22 for it. That chain, that's been on
23 that gate for 40 years.

24 MR. LEVIN: The Board has to
25 understand what might happen, not what

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happened previously.

MR. McMANUS: The road that is there, if a fire engine or a fire truck has to go through it, it can go through it.

MR. LEVIN: It's a crash gate essentially?

MR. McMANUS: Well, I wouldn't call it a crash gate. I would call it a fence. It's a gate. The fire department used to open it. Guarantee they will be able to open it.

MR. LEVIN: They will drive through it?

THE CHAIRMAN: They can cut it. They have all the tools.

MR. McMANUS: If a fire truck drives on that road, it's very likely it's going to get stuck. There's no physical road. It's grass. So the grass area, you know, it's very likely they could have some sinkholes the way the truck is.

MR. LEVIN: Is there a fire

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access that is supposed to be there?

MR. McMANUS: It's a grass road where one little section hasn't been paved. We call a stationary area. Actually it's a playground for the kids.

MR. LEVIN: Do the approved plans for the development designate that as an access?

MR. McMANUS: We are leaving that access road as shown.

MR. LEVIN: That's not what I asked.

MR. McMANUS: Repeat the question.

MR. LEVIN: Do the current approved plans for the development show that as a fire access?

MR. McMANUS: Wait, what would you say to that?

MR. GREENBERG: Yes. Emergency access road, and we're keeping the approved plan clear. It's not paved. Where it is paved, we are replacing the

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paving and we are keeping that whole path to that gate clear.

MR. LEVIN: You described it's essentially not passable. You might want to look at that. That's not part of the application, but you might want to --

MR. McMANUS: There's a --

MR. LEVIN: Let me finish. That's a violation of your requirement that it be a fire access.

THE CHAIRMAN: But as counsel says, it's not part of this application.

MR. McMANUS: Right. There's never been a road. That's the point.

MR. LEVIN: That's not the point. The point is that's supposed to be a fire access. Let me finish. Whether there's been one or not isn't the point. The point is there's supposed to be one.

MR. GREENBERG: That needs to be a service road that could withstand

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emergency vehicles. We'll look into that. The part that was paved, the only part that was paved, we are repaving and even the part that's not paved, we're keeping that clear.

MR. LEVIN: Understood, understood.

MR. STRAUSS: You're claiming the gate was never used?

MR. McMANUS: Never used.

MR. STRAUSS: The lock has always been on. It's rusted. What was the gate to be put in for?

MR. McMANUS: We recently replaced the gate last year because the gate was collapsing due to rust. In fact, our gate company, our hinges are the wrong hinges. They are coming back Friday to install the right hinges so if the gate should need to open, it will open. Right now it hasn't opened. It's temporarily put on attached to the old hinges. The gate has never been opened. We only replaced it because of

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the fact the gate was collapsing.

Just for security reasons, we have to maintain a gated community. So if that gate collapses, we void that. That's the purpose of replacing that gate a year ago.

THE CHAIRMAN: Are there any other questions?

Is there anyone else here wishing to speak in favor of the application? Is there anyone here wishing to speak against the application?

I will accept a motion to close the public hearing.

MR. STRAUSS: I'll make a motion.

THE CHAIRMAN: Motion by Mr. Strauss.

MR. SPENADEL: Second.

THE CHAIRMAN: Second by Mr. Spenadel. Close the public hearing?

(Whereupon, all Board members indicate in the affirmative.)


MR. GREENBERG: Thank you very much.

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The Hamlet Estates

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This is certified to be a true and accurate transcript of my stenographic notes taken in the above-captioned matter.



Jeanne Horrocks, CSR
Official Court Reporter

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