

at the
Supreme Court, Nassau Co
on October 9, 2013

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

00TH

HON. ARTHUR M. DIAMOND

PRESENT HON. _____
JUSTICE OF THE SUPREME COURT

In the Matter of the Application of Richard Brummel,

Petitioner

-against-

Village of East Hills, N.Y. for the East Hills Architectural Review Board, and
Bradley Marks AND/OR owner/developer of 90 Fir Drive, East Hills, NY,
Respondents

Index Number
22313 / 13
Order to Show Cause with
Injunctive Relief in Article
78 Special Proceeding

Upon reading and filing the petition of Richard Brummel, sworn to on October 8 and 9, 2013,
and upon the exhibits and affidavits attached to the petition;

Let the Respondent show cause at IAS Part 10 Room _____ of this Court, to be
held at the Courthouse, 100 Supreme Court Drive, Mineola NY on the 22nd day of
October, 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 orders and decisions taken by the East Hills Architectural Review Board
(ARB) at its meeting of August 5, 2013 and thereafter, or decisions or other official actions
taken by other officials of the Village of East Hills (hereinafter the Village) on the application
to demolish the house at 90 Fir Drive in the Village and to cut down at least nine trees,
Respondents will halt any work underway, not begin any new work, rescind any permits
issued, and issue stop work orders and undertake to protect and preserve any and all trees on

the property.

- (2) Respondents will nullify any and all decisions taken, permits issued, and other actions taken in violation of lawful process with respect to the application for 90 Fir Drive in the Village,
- (3) Respondents will undertake to re-hear and re-consider the application in order to comply with lawful procedure, and the substantive meaning and intent of the applicable laws -- to wit Architectural Review laws under Village Code Chapter 271 Article XX and the Tree Preservation Law Chapter 186.

Pending the hearing of this Motion it is Ordered that:


(a) Respondent is ordered to stay action ^{pending} ~~and schedule for re-hearing the decisions on the cited application;~~ ~~revert this order to show cause.~~

(b) Respondent is ordered to nullify said decisions and instruct the ARB to re-commence processing of those applications, repairing any and all defects existing; 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 property.

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 upon respondents on or before the 15th day of October 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.

ENTER


HON. ARTHUR M. DIAMOND