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4/8/13

Spencer Kanis, Chairman and Members
East Hills Architectural Review Board
East Hills Village Hall
209 Harbor Hill Rd.
East Hills, NY 11576

Dear Mr. Kanis and Board Members:

This letter has 3 pages.

I wish to submit written testimony as follows for the hearing tonight.

I am an East Hills resident, having grown up here beginning in 1960 and currently residing at my childhood home at 15 Laurel Lane in Norgate.

I am the organizer of the Keep East Hills Green Civic Association, writer of the website Planet-in-Peril.org, environmental advocate, writer and litigant, and a resident who enjoys and spends substantial time visiting and enjoying the flora and fauna of East Hills throughout the community.

I examined the files 4/5/13 for each of the applications noticed for this Architectural Review Board (hereafter ARB or “the board”) meeting, and visited all but 48 Wickham Road and 7 Beechwood Lane.

I register the following objections individually, in addition to the overall Due Process objection to all the applications noted in my letter to the village of October 30, 2012 that without full access to the property at issue the public cannot fully knowledgeably testify to the issues at play in the various applications.

I also register the overall objection to the applications for 37 Village Road, 20 Westwood Circle, and 110 Ash Drive that in each case the applications before the board are defective because there is no arborist statement as specified in Village Code Section 186-5, as well as multiple elements missing from the tree permit applications, if present, as specified in Village Code Section 186-4, particularly size and species of replacement trees.

110 Ash Drive – Nine trees are proposed for removal to replace a retaining wall. The need is untrue – with the trees and their sturdy root systems a natural retaining wall is present, and there is no engineering study to dispute that or substantiate the need for the wall. The application does not list specifics of each tree to be removed and is defective. Allowing removal of these healthy and attractive trees negatively impacts the community (per the values described in Village Code Section 186-1, legislative intent) and conflicts with the village legislative policy to “preserve the tree canopy

for this and future generations.”

37 Village Road – Three oak trees are described in the application. The Maple Trees cannot be seen from the road and are unreviewable by the public, hence should not be voted on. The village arborist recommends preservation of two oak trees and should be followed by the board. But the third oak tree, “left of the driveway” is said by the arborist to have “a lot of decay” and is “uprooting.” Visual inspection Sunday 4/7/13 revealed no such uprooting or decay. I therefore object to the proposal to destroy that tree. Arborist Richard Oberlander was present and agreed with that assessment, and hopefully will appear tonight as well.

7 Beechwood Lane – There is no indication in the plans of any vegetation present or a statement to the effect that there is none on the property. The board and public cannot make a decision adequately protecting trees based on the file as submitted. It is factually deficient.

48 Wickham Road – The lot coverage is proposed to increase from 13.49% to 20.69% a major increase. The area at grade is proposed to increase from 1403 to 2152 square feet. These are major increases that are inconsistent with the intent of the Architecture law “To encourage beneficent building design and appropriate appearances, and to relate such design and appearances to the sites and surroundings of building” (Village Code Section 271-186 (1)). As we have seen throughout East Hills the larger houses being built or renovations that substantially increase size over existing homes destroy neighborhood scale and character and must stop. This application is another such bad contribution.

20 Westwood Circle – The village arborist recommends preserving the beautiful and substantial Sycamore and should be followed. Arborist Richard Oberlander accompanied me to see the tree and pronounced it a very impressive specimen of Sycamore. The driveway cracking by the tree roots are very minor and could be left alone or cosmetically repaired at the resident's option. Alternately bricks could be placed in that area of the drive to preserve the roots, as the former board member Hilda Yohalem did in her driveway on Great Oaks Road to preserve a tree. The roots should not be destroyed, as this will impact the tree in unknown ways and given the current and future climatological stresses in this geographical area as everywhere else) will potentially compromise the tree. In any event as a major change to the tree such action should come before the board as well. The board should also tell the applicant that his claim that the tree “can fall, endangering the house (etc.)” is not consistent with the village policy, and for a completely healthy tree is very poor stewardship of our environment, both locally as the board is charged to protect and in a wider sense.

Additionally the applicant was engaged in massive and destructive pruning without a permit of a maple tree (I think) at the south property line midway between the street and rear fence, and was halted by the Code Enforcement Officer a couple of weeks ago. This massive pruning of healthy branches was said by the workers to be needed to protect the neighboring house. The board should prevent the destructive pruning from continuing.

signed

Richard Brummel
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Sworn before me this 8th day of April 2013 in Nassau County NY

signed
