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Spencer Kanis, Chairman and Board 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 written testimony has 3 pages.

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

I examined some or all of the files for this meeting. I have visited some or all of the properties at issue. I am in general familiar with all the neighborhoods of this community from my visits in the past two years of intensive analysis and civic involvement.

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 (and experts like certified arborist Richard Oberlander -- a founding member of your Board), cannot fully knowledgeably testify to the issues at play in the various applications.

A further blanket objection is that there has been no effort apparent to place these applications for public scrutiny on the Village website as required by state law.

Also as a general comment -- In a time of global ecological crisis, it is inexcusable to unnecessarily remove healthy trees when these trees provide a way to mitigate CO2 emissions, provide habitat for animals, and free-of-cost provide numerous other ecological benefits. It is up to your Board to tell builders and residents "no" when trees are healthy and important assets to the community, as these are.

Also, in no case was a tree warden report present in the files as required by village code (Section 186-5).

(1) 1 Barberry Lane -- The proposal is to nearly clear-cut a row of Eastern red cedars and Maple trees on Salem Rd. at Barberry Ln in Strathmore. This is utterly unjustified.

Independent arborist Richard Oberlander submitted a written statement at the last meeting that these trees are healthy and should be saved.

The applicant had claimed they were infested or dying, and Mr. Oberlander contested all those claims.

Tree Health uses vague and unscientific language that provides no factual, evidence-based justification for the removals. The language -- "bad shape and in decline" is belied by inspection of five attractive and solid Eastern red cedars; Mr. Oberlander said the maples are solid but need some pruning.

The ARB should in no way accede to this removal.

(2) 139 Westwood Circle -- A demolition and re-building to the extent of a 4013 square foot house with 2 1/2 stories at 28.9 feet is inappropriate for this neighborhood.

The application by the Seeman brothers (builders) asks for the removal of two large trees, 24-inch Sycamore and Linden trees claimed to be "in the way". The village arborist found them to be "in decline" but we have not verified that by a site visit yet.

We are skeptical due to the contradictory reasons given by the two parties. In the event I am able to visit the property here are further comments: [the following was written in prior to submission today]

*I visited the house. It would be a "crime" to cut down the front Sycamore #3. It appears perfectly healthy. As far as the Linden it is a large tree perhaps in need of pruning. But appears sprouting and healthy. Tree Health uses vague*

*language that cannot be a reasoned basis for a determination.*

(3) 30 Hemlock Drive -- The proposal is to replace a house of 3135 square feet with one 6099 square feet, two and a half stories and 30 feet in height.

Again, the houses are too large -- a doubling.

11 trees are proposed for removal, although the village contract-arborist opposes three of the proposed removals, leaving eight.

The village arborist, Tree Health emphatically rejected the argument of the applicant, a Dr. Spier, that three Beeches were "too close to other trees". The arborist wrote: "...these trees should not be removed as they are perfectly fine healthy Beech Trees." (It appears Mayor Koblenz resides on the side with those "saved" trees.)

I viewed the trees that were viewable on the north property line -- a 7-inch Oak (T24), 14 inch Sassafras (T23), and a 14 inch Cherry (T22).

All three trees were healthy and the allegedly "poor condition and leaning" Cherry tree in language from the tree-removal application was in fact full of buds on all its branches and was not leaning but growing at a slight angle of about 30 degrees -- but such a slender tree that it posed little risk of falling even if it had been "leaning", which it was not.

Removing two of those trees for a driveway is not justified. It will rob the neighbor of screening for a potentially huge and looming house, regardless of shrubbery that will only rise 10 feet or so.

The language of Tree Health is not specific and cannot be used for a reasoned judgement by the ARB.

Even the tree in front of the house, which is supposedly concrete filled and hollow, seems to be a thriving healthy tree with healthy limbs up and down the trunk -- as well as being an important aesthetic element to the front of the house. The removal seems completely unjustified.

(4) 38 Squirrel Hill -- To build a massive fort-like replacement house the resident cut down numerous healthy trees. Now they wish to cut another -- an Oak that is 'in the way' of their patio.

This property is largely denuded of its trees, and should be refused any more removals.

This is a case where special skepticism is directed at the village-arborist -- but because the village has refused to let the public accompany the ARB members

to see properties at issue -- or require photographic evidence -- it is very difficult to be sure what is the truth.

The tree appears from the street very sturdy and not "lifting" and if it were in fact a safety hazard as "lifting" implies the village tree warden would have given an emergency permit instead of putting it before the ARB.

(5) 118 Village Road -- Two maple trees are at issue.

Three different arguments are presented for their removal -- "garage addition" (Tree Removal Application), "too close to foundation" (Landscape Plan), and "in bad shape" (village arborist report). Having viewed the trees it does not appear their removal is compelling - they do not appear to be in "bad shape" and the unscientific "analysis" lacks detail for the Board to make a rational decision.

These are not beautiful trees -- but to the wildlife and to the planet they are useful ecological elements and should be preserved.

(6) 25 Hickory -- There was no tree removal application in the public file, nor did the landscape plan indicate any removals. Therefore we expect the ARB to approve no such removals without prior public availability of the proposals.

PLEASE NOTE -- In the event I am not at the meeting due to a conflicting engagement tonight please feel free to contact me on my cell phone, (516) 238-1646, for clarification of my comments or for any other reason.

Thank you.

signed

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