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East Hills Architectural Review Board
East Hills Village Hall
209 Harbor Hill Rd.
East Hills, NY 11576

Dear Chairman and Board Members:

This written testimony of six pages supplements my verbal testimony.

I object as I have many times past to the reckless and unnecessary destruction of trees in East Hills in violation of the Tree Protection law of this Village and to the approval and building of large, out-of-character houses in violation of the Architectural Review Board ("ARB") law. Many of the applications before you tonight request such permissions. I note this is a very harsh season for animals and I repeat my request you have trees and properties evaluated for wildlife before allowing trees and shrubs to be destroyed.

I am an East Hills resident, a native of the Village having grown up here beginning in 1960, and currently re-reside in my childhood home at 15 Laurel Lane since 2009. I am the organizer of the Keep East Hills Green Civic Association, the writer of the website Planet-in-Peril.org, an environmental advocate and organizer, and an environmental-defense litigant. I am also a resident who enjoys and spends substantial time visiting and enjoying the flora and fauna throughout the Village.

A. WILDLIFE LIVING IN TREES AT ISSUE:

Preliminarily, in the interest of environmental protection and preservation, and humane public policy, I ask that in discharging its role under the Village's Tree Preservation Law, this Board before it allows any removal of a healthy tree, or one that is healthy enough to be restored to health with proper care, should require testimony and or a report that should indicate if any wildlife lives in the subject tree, and thus depends on it for shelter, and if so what plan is made to protect the animal(s), any young in nests, and to relocate them, particularly in colder parts of the year.

And furthermore that tonight such an inquiry into the animals living in a tree should be made in each case, and its findings should cause the Board to deny any application where such a question is not fully answered is is answered such that in the affirmative such animals do live in the subject tree.

I have made this request in several prior meetings as well. I believe your mandate to protect the

environment allows you to take this into consideration. Your Tree Law specifically indicate the value of trees for habitat for wildlife. You cannot discharge this duty without knowing how wildlife is directly affected.

B. PUBLIC ACCESS TO VIEW PROPERTIES AT ISSUE

I now also I have requested on multiple occasions that this Board make arrangements to allow the public to participate in your site inspections so we may also see what trees are at risk and the nature of the property in order to fully testify here. This has never been permitted. It is impossible to view many trees subject to the Board's consideration but not fully visible from the street.

C. NON-PUBLIC "MEETINGS" OF ARB AT SITE INSPECTIONS

I note that the presence of a quorum on your Board-only site inspections requires an open meetings access by the public as well. I further note as I stated in prior recent meetings it appears you are deliberating privately in violation of the state Open Meetings Law, whether in the site inspection or otherwise. I make this inference based on your seeming tacit understanding on various issues that have arise in for specific applications, such as lack of tree markings or objectionability of specific architectural features.

D. LACK OF ONLINE DISCLOSURE OF APPLICATION FILES

Further the Board's policy of including only vague general information "a house to be demolished....rebuilt" etc. in letters to neighbors eliciting testimony lacks key information of new house size and design, trees to be removed, etc.

Further despite state law requiring relevant info to be published on the web this practice is entirely absent from Village proceedings of all kinds including the ARB. The hours to review documents 10-3:30 PM exclude people who work 9-5 -- the vast majority of Village residents who work. Further the window when the documents are available is unnecessarily short and not codified.

I have spoken often with residents who had no idea what houses or tree removals were being proposed because the letters they received were so non-specific and the files were inconvenient for them to see; in many cases only my visit gave them critical information.

E. MISSING INFORMATION IN APPLICATIONS

ARB Applications for demolitions and rebuildings typically omit the current dimensions of the the home to be re-built, leaving that space on the ARB house-application blank. This is an issue I have raised repeatedly in the past as well, in writing and verbally. As such they are defective and deprive the board and the public of the opportunity clearly anticipated in the form to compare the proposed and existing homes -- an important metric to render an informed judgment on the appropriateness of the proposal. This defect is in addition to the absence of tree warden reports, required by the Tree Protection Law (Village Code section 186-5(c)).

F. SICK AND DYING TREES IN EAST HILLS AND GLOBAL CRISIS

Throughout East Hills and the area there has been a wave of sick and dying trees. Staff and professionals have confirmed this issue. The summertime semi-drought conditions, global warming, Hurricane Sandy and other issues likely are causing this problem. The remaining healthy trees are that much more precious given the circumstances. Thus the ARB should be carefully weighing every tree removal application and in compliance with village law, especially in the current circumstances, lean heavily toward preserving every tree possible.

The Pope as well as the President have urged us to think about the planet and look to our duty to preserve and enhance nature. In East Hills and around Long Island we have larger opulent homes -- as well as traffic and pollution from all the over-consumption we are generating. What we lack and is critically dwindling is Nature and trees. Nature is especially dwindling in the developed sub-divisions like East Hills that are re-developing -- with over-lax permission from the ARB and the like -- and stuffing more people and construction into their borders. It is time to say "enough" and emphasize preservation -- as the laws of East Hills have clearly commanded since the mid-2000's (see attached).

G. LACK OF TREE WARDEN REPORTS

Your Tree Protection law (Village Code §186-5(c)) requires a Tree Warden report on the impact etc. of applications for trees to be removed. These reports are absent from the application files that I viewed as they have been absent in the files despite my requests over the past two to three years. The absence is unlawful and deprives the board and the public of crucial information on tree proposals.

I note the arborist reports you now have seemed to routinely generate are wholly inadequate because they state nothing of the value or impact of trees proposed for removal as the village tree law requires. They merely state that for instance the reasons for removal if sustained will logically necessitate removal, but nothing of the impact of the removal on the property the ecology the neighbors etc. as the Tree Warden report would do if followed.

H. 'TREE HEALTH INC.' (ARBORIST) DETERMINATIONS

I have consulted with Richard Oberlander and read many reports of Tree Health the Village arborist. I note they have no category for tree-rehabilitation, rather every tree is in perfect health or should be removed. Its reports while helpful appear to be overly skewed to tree removals for any possible issue of a tree's condition. The case of April 4, 2016 report on 14 Peacock is instructive: the new resident told Richard Oberlander and me that he told his arborist that his preference was to remove trees even if they were salvageable. He wanted more sunlight. Tree Health rejected two of his arborist's designees as completely untrue but sustained seven of them -- although Richard Oberlander found all the trees worthy of saving. This pattern of liberally allowing tree removals is not protective of the environment and should be re-calibrated.

I. EXCESSIVE HOUSE SIZES BY ARCHITECTURE

I note the Board has demurred in the past when size complies with zoning laws though the house appears out of character; I note your law is separate and co-equal to the zoning law, and there is no restriction in your law on your using the Board's discretion to deny a house based on mass when that mass is what causes the house to be out of compliance with the requirements of neighborhood character harmony and would be “unnecessarily offensive to visual sensibilities, which impair the use, value, aesthetics or desirability of neighboring properties and/or the general welfare of the community at large” (§271-186(A)(6)) and/or “would adversely affect or cause the diminution in value of neighboring property” (§271-186(A)(5)).

As for the current applications:

----- 25 Spruce Drive-----

Once again a developer/speculator wishes to destroy every tree on the property. This application should be denied.

I spoke to several neighbors with many trees around their homes -- in contrast to the letters filed on behalf of the applicant -- and the Wollmans and the Katz's (at least Mr. Katz) do not wish to see the trees cut down -- and they reside opposite the house.

Tree Health your consultant disputes the allegations of ill-health or root problems or leaning with respect to trees #3, #4, #7, #9, and #11.

The Eastern White Pine at #4 is an extraordinary tree that should be saved. Tree Health says it is close to the house, but it is not too close and the applicant did not even raise that issue.

Tree Health says the White Pine at #7 is in good health but construction may damage it; the construction should be eliminated or modified to preserve the tree.

Tree Health says the Silver Maple #3 has a weak co-dominant trunk; but the applicant did not raise the issue and this tree has survived many storms so far. It has been stress tested. The applicant did not raise the issue.

The ailanthus #9 is said by Tree Health to be in perfect shape and should be preserved -- not in “poor” condition as claimed.

Tree Health says the Norway Maple #11 is not rotten, as alleged by the applicant, but is in good health. If it's roots may be threatened by construction the construction be modified.

I urge the Board to see if wildlife is living in these trees due to the cold weather which will kill them if the trees are removed. Every tree approved should be deferred to springtime.

But this application contains highly suspect and unreliable claims and should be denied on that basis alone.

East Hills cannot afford the clearing of every property as is occurring now. This Board must uphold its charter to “protect the tree canopy” (Village Code 186-1).

There is no Tree Warden report to speak up for the community value of the trees. That alone disqualifies the application.

----- 5 Westwood Circle -----

I strongly oppose the plan to removed the 10 trees described especially the beautiful stand of Easter n Red Cedars.

These are healthy mature trees. They are not shrubs or screening plants, and that is not their fault. They are thriving landmarks on that block which I stop to admire as I pass to the shopping center on foot.

Several neighbors I spoke to -- even one man directly across the street who said he did not like large trees due to their supposed danger -- agreed these trees are beautiful and should be preserved.

I spoke to neighbors of a variety of ethnicities and ages in the vicinity of the trees and they expressed support for preserving the trees.

In no way can East Hills preserve the qualities of trees enumerated the Village code if to cuts down mature trees as this Board has been allowing. As the Code states:

“[T]he removal of trees deprives the residents of the Village of these benefits and disrupts fundamental ecological systems....”

(§186-1 (B))

Further,

“B. Whereas it is in the public interest to protect the tree canopy for current and future generations, the intent of this chapter is to prevent the indiscriminate destruction or removal of trees within the boundaries of the Village and to ensure the relocation or replacement of trees which may be removed or destroyed.

C. It is the further intent of the Village to have trees generally continue to stabilize the soil and control water pollution by preventing soil erosion and flooding, absorbing air pollution, providing oxygen, yielding advantageous micro-climatic effects, have intrinsic aesthetic qualities, preserve and enhance property values, offer a natural barrier to noise, provide privacy, and provide a natural habitat for wildlife, and that the removal of trees deprives the residents of the Village of these benefits and disrupts fundamental ecological systems of which trees are an integral part. It is the further intent of this chapter to prevent the indiscriminate destruction or removal of trees within the boundaries of the Village and to provide for the relocation or replacement of trees which may be removed or destroyed.”

(Village Code §186-1, emphasis added)

Even if Tree Health agrees the trees are no longer a typical screening shrub anymore, the trees remain valuable mature environmental and aesthetic assets -- which provide a partial screen.

The buyer bought the house knowing the conditions and knowing East Hills has a tree protection law. That is adequate basis to require these trees be preserved.

There is no Tree Warden report to speak yup for the community value of the trees. That alone disqualifies the application.

These trees may well provide habitat for animals and before any permission is given to remove them this winter they should be fully evaluated and any removals deferred until the warmer weather, which will not prove deadly to homeless wildlife.

Respectfully,

signed

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