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8/23/13

Mayor Michael Koblenz
East Hills Village Trustees
East Hills Village Hall
209 Harbor Hill Rd.
East Hills, NY 11576

Dear Mayor Koblenz and Village Trustees:

As you know I am a resident who has written and spoken extensively about my concerns with environmental protection in East Hills over the past two years. And last year I collected a petition of dozens of residents throughout the community strongly concerned about excessive tree removal and over-development.

My strong impression is that the Village tree protection law is simply not doing its job, either through the Architectural Review Board (ARB) 'adjudicated tree permits' or by the tree warden with 'instant tree permits'. (Lack of transparency and statistical record-keeping makes an analysis more difficult.)

Numerous healthy trees are being cut down by developers as they demolish old houses, as well as by residents as they expand existing houses; and the tree warden is issuing many permits for healthy trees to be removed.

Animal habitat is being inexorably destroyed; air purifying is being degraded; CO2 removal is diminished. And by the way, palm trees will not provide habitat for our squirrels, birds, and other animals. Only mature trees do that -- and they are being lost at a completely unsustainable clip, in many cases grossly unnecessarily.

I outline several issues below:

1. ARB excessive permissions:

You may look at the ARB file for 25 Elm Drive to see a recent egregious example of a developer given permission by the ARB to cut many healthy trees over my verbal and written objections as well as a professional opinion (attached) from certified arborist

Richard Oberlander -- whom the Mayor has cited in print as a prime architect of the tree protection law -- opposing the removals.

2. Tree Warden Excessive Permissions:

I recently reviewed four months of tree permits issued by the tree warden and found numerous problems, including among other issues:

- Lack of documentation of tree-warden findings,
- Use of “homeowner concern for safety” as a reason without further substantiation,
- Failure to require (as per the code) one-for-one replacements of removed trees without any reason stated why not,
- Apparent violations of the law by homeowners not pursued, and
- Suspicious reasons apparently cobbled together where they had not been indicated in the original homeowner application.

On my website Planet-in-Peril.org there are photos of many of the permits and a detailed discussion of my findings.

3. Problem in Using Freedom of Information Law

By the way, the Freedom of Information request that revealed the permits was dragged out and made unnecessarily cumbersome -- to review over 100 files I had to get up and down from a table over 100 times and walk back and forth to the counter, and your staff had to walk back and forth to the rear room over 100 times to obtain each file individually.

4. Proposed Reforms

In addition to working with the tree warden to better protect healthy trees, I suggest the following changes: (1) a certified arborist should evaluate all proposed removals; (2) proposed removals should be publicized in advance, and placed on the Village website for access on a weekly basis for open comment by the public; (3) proposals before the ARB, including tree removals should be similarly publicized on the website; (4) records of tree removals should be made annually and publicized on the Village website.

5. Investigate Illegal Tree Removals After Hurricane

On a related issue, I wrote to the ARB and the Village after Hurricane Sandy expressing my strong concern -- evidenced as well by several formal complaints I filed -- that illegal tree removals were occurring.

A resident made comments on the public record at the ARB meeting of June 28, 2013 that he had witnessed many such illegal tree removals. At the time I asked that the ARB refer the matter to the Village prosecutor and tree warden for investigation. As far as I am aware nothing was done. I am asking you now to speak to this resident whom I believe is named Jeffrey Cohen of 133 Magnolia Lane and investigate his information.

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Please let me know how you will be addressing these issues.

Thank you.

Sincerely,

SIGNED

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