

# Statement for East Hills Tree/Zoning/Building Review Committee 9/27/12

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East Hills is in the midst of a highly destructive transformation from a group of carefully planned, environmentally harmonious neighborhoods into cramped, over-crowded, over-built neighborhoods, and is also in the process of losing large swaths of tree cover that had previously characterized an idyllic suburban oasis.

The degradation of our community, while debated and purportedly fixed in the early 2000's, came to a new head in early 2012 when Norgate neighbors attempted to thwart the redevelopment of 37 Laurel Lane. The issue received attention in The Roslyn News, a petition was presented to the village that showed deep concern from a sampling of residents in every area of East Hills, and the village "agreed" to take a new look.

In fact the residents asked for an emergency moratorium; the Mayor claimed he had been working on forming a committee to revisit the issues, but that committee was held off for months before it even had members appointed.

The Mayor claimed a hearing was needed to consider a moratorium, but he then scheduled two hearings months later and did not consider the moratorium requested.

Although a state Supreme Court judge had issued an injunction based on irregularities and issues he was presented for 37 Laurel Lane, the case was dropped by its sole plaintiff out of misplaced fear and a sprawling new box-house now stands on that property, minus many of the beautiful trees that had surrounded it.

Reviews of tree permits for the last year revealed dozens and dozens of trees being removed, usually without required replacement, and often for elective reasons having nothing to do with the health of the trees. The village's stated policy of preserving the canopy was not upheld in either replacement policy or replanting policies.

Additionally the village's stated policy of discouraging demolitions and preserving neighborhood character and harmony has been consistently ignored by the Architectural Review Board (ARB), while the Zoning Board of Appeals proved willing to approve a tripled-in-size fire house, serving other communities outside East Hills, in a residential zone, without ANY environmental review. Again residents contemplated a lawsuit but did not move forward.

As an activist I have attempted to form a group in East Hills, the Keep East Hills Green Civic Association, to change the policy and protect the environment here. Little can be expected from current opposition groups and current village boards that are quietly packed with pro-business Republicans (as a recent review of Board of Elections records revealed).

The following suggestions are being presented to the Review committee only to help form a record, since the committee cannot be trusted to do anything more than has occurred in the past, given its contrived composition and the village leadership it responds to.

Below are preliminary suggestions of what reform might look like if it were forced through in East Hills and found a truly supportive administration.

### **Village law in East Hills currently states**

**(1)...[I]t is in the public interest to protect the tree canopy for future generations (Section 186-1 b).**

**(2) It is the purpose of this article to preserve and promote the character, appearances, and aesthetics of the Village...and to promote the following objectives: .... (2) To preserve the prevailing aesthetic character of the neighborhood and its environs, and to enhance the character of the Village by ensuring compatible buildings.” (Section 271-186a)**

**(3) ...[T]earing down existing homes and replacing them with expansive houses ... threatens the appearance, integrity, health, safety, welfare and quality of life of the residents of East Hills.” (Section 271-225).**

NONE of these principles, which entered the village code book over the past 10 years or more, have been upheld; they are empty words, false promises twisted for the financial benefit of developers, for property-owners who think mainly not of the community and environment but of their own needs and desires, and the village's permanent political leadership that benefits from non-confrontation and fattened tax assessments.

### **1. Protecting Neighborhoods**

a. Size – New houses must conform in a ratio with existing and surrounding houses (or original houses where the neighborhoods have been largely vandalized by overdevelopment), not with abstract limits that have allowed them to mushroom. The simple-minded use of floor area ratios and such abstract formulae have failed to protect neighbors and neighborhoods. The important relevant measurement is the current size of the current house, that originally created the expectation of scale, harmony, privacy, space, etc. of neighbors when they moved in.

No new house should exceed the existent house in size by more than 10%. Houses were constructed in harmony based on the neighborhood aesthetic and available space. That should be preserved.

Restricting sizes will deter speculative demolition to expand. For those who say only large houses sell, one has only to see historic Roslyn Village and the Roselyn Heights historic District to see that there are buyers for harmonious preserved properties.,

b. Style – All of the distinct neighborhoods and sub-groups of them should be evaluated for dominant original style and new homes should conform.

c. Backyards – Backyards should be preserved not destroyed and not built over. The space air and greenery including trees is what characterizes suburbia.

d. Side setbacks – No new houses should destroy the current setbacks on the property.

e. New houses should be restricted to the existing footprint to preserve trees and space.

f. Any approval by the ARB should be subject to review and vote by the Board of Trustees upon petition from 10 East Hills residents. Therefore every ARB decision should be stayed for 5 business days unless such petition is submitted, in which case it should be stayed until the board of Trustees votes.

g. All trees in the vicinity of construction should be evaluated for the danger they will face from any excavation prior to the issuance of any permits, and permits should be contingent on minimizing damage.

h. Planks should be used on construction sites to minimize compaction of soil.

## **2. Protecting Trees**

a. Preserving trees should be the priority in every decision. Builders must accommodate trees not vice versa.

b. All tree removal permit requests should be publicly available immediately upon submission and available to residents for review at the village office upon request. Permit requests should also be posted on the village website within 24 hours, and not passed upon until they have been posted for 24 hours.

c. Neighbors should be informed when requests for tree removal permits are submitted.

d. Approved tree removal permits should be stayed pending a 2 week review period during which time a petition from 5 residents should be enough to send the permit for village-arborist review and vote before the ARB.

e. The village must explicitly recognize that trees growing at angles other than straight up and down are not inherently unstable and offer no prima facie argument for removal.

f. All trees removed must be replaced as stated in the village code.

g. Recognizing the aging of village trees a tree replanting program should be actively pursued, to double the number of substitute trees planted each year.

h. Trees that are known habitats of indigenous animals are to be given special consideration and protection.

## **3. Public Participation and Preferences**

a. All tree and building related committees should have term limits of two 2-year terms, after which a member would need to stand down for at least one year.

b. All committees should be subject to an open, public application process with all applicants interviewed and voted on by the Board of Trustees.

c. All applications for tree removal or building or zoning permits should be posted and available on the village website for at least 5 business days prior to any deliberation on them.

- d. Community wide tree inventories, listing of tree removal permits, and ecological reports should be compiled annually and posted on the village. They should be subject to a public hearing at a village board meeting.
- e. Activities of the ARB and ZBA should be compiled and reported annually on the village website.
- f. Notices informing neighbors of pending applications at adjoining properties should be very clear and specific and reference the relevant application available on the village website.
- g. All building-related notices should indicate the percentage increase in size related to the existing structure that is being proposed, in order that neighbors may better judge the impacts of approval.

I reserve the opportunity to expand and add to these suggestions.

I hope the Committee reaches out to the community with a public forum and formulates recommendations upon which the community can comment.

The Committee should also reach out to professional organizations and institutions for recommendations.

Finally the Committee should evaluate where the laws have failed to achieve their aims and seek to remedy their failings, whether in formulation or execution.