

Richard Brummel

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10-7-13

[90 Fir Drive -- SEE BELOW]

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 three 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 reviewed the files and visited 22 Flamingo Rd and 90 Fir Drive. 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.

90 Fir Drive -- I repeat my objections from the last meeting and the prior one, and add to them : Unlike several other houses this one as proposed is far more expensive and attractive. It is the type of architecture the ARB ordinance contemplates -- unlike the garbage houses typically approved. And its reported cost reflects that -- \$900,000 versus \$500-\$650,000.

Nevertheless, the house is too large per the criteria of the code -- to maintain harmony -- which size that also is associated in its present form with many tree removals.

The trees were not ribboned on a recent visit 10-6 and 10-7 so could not be easily evaluated. The landscape plan is hard to read. It is not oriented north and south or by roads. Nevertheless it appears a massive 40 inch oak in the front lawn, and a 22 inch one next to it are proposed for removal. As well as 7 or 9 others in the rear.

These are beautiful and healthy trees by all appearances, and there is nothing in the record that denies this. Richard Oberlander, the certified arborist with whom I often work, has testified in writing that they appear healthy and are ecologically and aesthetically significant. Your rules therefore work against allowing their removal.

Furthermore there is no tree removal application. I went through the entire 5" file and found no tree details or such application. There is also no Tree Warden report, required to allow you to evaluate the significance of the trees. There is no arborist report in support of the application either.

The trees on this property are unusually beautiful, mostly oaks and strongly deserve protection. Two neighbors, one across the street at 100 Chestnut Dr, submitted letters in my custody, which I will provide you, reflecting their agreement with this position. An additional neighbor, Stuart Feinstein on Fir Drive, signed on to a petition opposing the tree removals which I will attempt to provide you as well.

This proposed house of 5142 square feet cannot be accurately judged because current dimensions and proposed increases are missing from the application.

I strongly oppose this entire application due to all the foregoing reasons. This proposed house of 5142 square feet cannot be accurately judged because current dimensions and proposed increases are missing from the application.

11 trees are listed for removal: 2 8" diameter "deciduous", 1 14" Maple; 1 10"

deciduous; 1 22" deciduous; a 6" or 16" Beech; a 10" Oak; a 40" deciduous; a 20" deciduous; and a 10" Jap. Maple.

22 Flamingo Rd -- The proposed house is far too large at 2.5 stories and 5359.85 square feet and over 20% lot coverage. It does not conform with the standards in your code to maintain architectural harmony.

The "plot plan" appears to ask for the removal of 8 healthy trees, all of which are on the right front and appear to buffer the neighboring property. On a visit 10-6-13 there were no ribbons on trees there, and so it was not possible to be sure the trees proposed to be removed.

There is no tree permit application, no statement from an arborist or the Tree Warden justifying the proposed removals or describing the trees. There are no species listed in the file. Nevertheless it is possible to guess at the identity of some trees. One is a massive 37-inch diameter Oak it appears. This is a beautiful tree, as are the others.

Certified arborist Richard Oberlander has provided a statement that these are healthy trees that contribute ecologically and aesthetically to the community and should therefore not by law be removed.

A neighbor across the street at 19 Flamingo, Mr. And Mrs. Stack, expressed their objection to the removal of the trees and planned to testify tonight -- although their sole real notice of the extent of the work came late by my visit to their home Sunday.

In my prior written testimony to you I have referenced the Village code language embracing the desire to protect the "tree canopy" for its numerous advantages and the Village code statements describing the need to preserve the neighborhood harmony and architectural quality. The objections above reflect my strong belief that these applications violate those principles in the ways specified, and/or are procedurally defective.

I further reiterate, as I did in prior testimony, that in each case where trees are to be removed, absent Tree Warden reports as specified in the ARB statute the proceedings are defective.

I urge you to uphold the laws of this Village and preserve trees and the community character and quality as the law provides. This is a policy whose neglect is resulting in massive environmental damage to East Hills and to the aesthetic degradation of the community due to overbuilding and deforestation.

I reserve the right to expand on my comments in person or otherwise. Thank you.

Sincerely,

SIGNED

Richard Brummel
Organizer, Keep East Hills Green Civic Association
516-669-1741