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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:

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 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 apparent effort apparent to place these applications and ARB files for public scrutiny on the Village website as required by state law (NYS "Open Meetings Law", Public Officers Law, Article 7, Section 103 (e)) which states: "If the agency in which a public body functions

maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting".

Additionally the visits of the ARB members to the properties at issue, during which time members examine properties and engage in review, are likely "public meetings" under the meaning of the same law and should be open to the public.

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.

Finally, in my experience in the past there have been no tree warden reports present in the ARB files and applications files as required by village code (Section 186-5). I am confident that for tonight's deliberations this failure will remain.

(1) 22 Hummingbird Drive

(2) 110 Westwood Circle -- No ribbons were on the trees for the public or neighbors to see what is at stake. The trees on the left side are extraordinarily large healthy thriving pines. There are other trees on this property in fine condition that should remain, in front at least.

The area there has been denuded off trees from some recent developments adding value to the remaining trees. All the trees should be preserved under the tree law rules.

(3) 139 Westwood Circle -- I will repeat my comments from last meeting:

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:

(4) 30 Hemlock Drive -- I will repeat my comments from last meeting:

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.

(5) 420 Chestnut Drive -- We have seen other highly destructive projects by Mr. Beer, particularly 90 Fir Drive. This builder is not supportive of the environment or of the goals of the East Hills tree protection and architectural review laws, based on his predilection to destroy beautiful healthy trees and construct oversized homes.

Richard Oberlander whom you know who is a certified arborist, resident, and was said by Mayor Koblenz to be instrumental in creating the Village tree law looked at the 19 or 20 trees (including one three-stem tree a River Birch which I count

as three) and said the removal of all but one of the trees would be contrary to the law. All the trees were healthy and solid if some needed some pruning including the large oak in front.

I spoke to the owner Mr, Stein who did not wish take a position on the removal of the trees he valued for 40 years but in passing he mentioned the house has not been closed.

Therefore the builder has no title I believe and should not be give standing here to apply for any work on the property.

Mr. Oberlander was especially disturbed about the four or so Red Oaks in the rear which are tagged and which he called a "crime" to cut down. This property is beautiful and treed and should be preserved as such.

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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.

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We are skeptical due to the contradictory reasons given by the two parties.

My other comments from last meeting should be incorporated into the record please.

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Thank you.

Richard Brummel
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