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East Hills Village Board
209 Harbor Hill Rd.
East Hills NY 11576

Dear Village Board Members:

As you know I am a long-time resident, having grown up in East Hills in the 60's and 70's and having returned in 2008. I also a regular testify before the Architectural Review Board about proposed homes and tree removals; I have sued the Village on a number of occasions about environmental issues related to over-development and tree removals; I have been featured in local media particularly after circulating a petition that led to hearings and your establishing a committee to review the building and tree laws; and I am the organizer of the **Keep East Hills Green Civic Association**. Further my website **Planet-in-Peril.org** features extensive documentation, analysis, critiques and suggestions regarding East Hills policies affecting the environment.

I urge you at this time to address three (3) environmental and good government issues, which I have raised previously.

These issues are especially relevant as the Pope visits our area urging us to protect the planet and the living things on it, and reverse our practices of destruction and material greed. I have been urging these types of reforms for years, and believe strongly they are both practical issues to preserve important characteristics of this community, and a moral imperatives to preserve defenseless Nature.

(1) Protection of Animals:

Trees that are proposed to be removed should be evaluated for the presence of nests and dwellings of wildlife and dealt with accordingly.

Dozens of trees appear to be being removed in East Hills each month. These are large mature trees protected by the Tree Law (Village Code Chapter 186) whose removal is being permitted by the Tree Warden, the Architectural Review Board (ARB), and/or the Zoning Board of Appeals (ZBA).

For all the benefits the trees provide -- shade, air, soil health, aesthetics, privacy and sound buffering, as enumerated in the Village's Tree Law -- the one issue that is largely ignored by Village agencies but is most compelling is the fact the trees are habitat to our indigenous birds, squirrels, raccoons, opossums, and other animals.

When trees are cut down, these animals and any of their young offspring are rendered homeless or killed or injured outright.

One can only imagine the terror of a mother animal and her young as their solid and tranquil home is suddenly assaulted by chainsaws and gradually ripped apart from under them.

I have repeatedly urged the Architectural Review Board on a monthly basis, verbally and in writing, and I urged you in March, 2015, if not earlier, to make sure that all tree removal requests are accompanied by a professional determination of whether or not animals live or nest in the tree at issue, and what plans are made for the protection of these animals. Such an analysis should also affect the decision of whether or not to permit the tree to be destroyed.

As you know many many trees are permitted to be removed for expansion of backyards, construction of new driveways or patios, and other reasons that have absolutely nothing to do with the safety of the homeowner or public, but everything to do with self-indulgence and profit.

I have attached two recent applications that were approved, for 5 Palm Court (partial approval for 6 trees) and 15 Poplar Drive (about 26 trees) illustrating the issue. At 5 Palm Court, approved by the ARB in July, several magnificent Tulip trees were approved for the grading of the property and the construction of a patio; at 15 Poplar Drive almost 30 trees -- all large and small mature hardwoods -- were permitted to be removed by the ZBA to build a pool and expand a backyard.

In both cases the provision of the Village Architecture Law (Village Code Section 271-185 (A)(4)) requiring that "topography" be respected in rebuilding projects was clearly ignored.

The time of year is also an important factor as squirrels have babies in the early fall and late winter; destroying the nests kills the offspring -- leaving them to die of exposure.

I urge you to provide at least a minimal level of protection for our resident wildlife, which provides many of us pleasure but more importantly is part of the natural ecosystem that should be respected, by requiring (a) information on wildlife living or nesting in a tree be determined and (b) such information be considered in the deliberations and (c) provision must be made for the protection of the wildlife when the tree is allowed to be removed.

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(2) Protection of the Tree Canopy:

Village laws staff and procedures are clearly not adequately or effectively protecting

our trees and upholding our laws.

As indicated in the documents related to Palm Court, Oak Drive discussed above, many many trees are being removed in East Hills, many under questionable permissions.

I again urge you to (a) provide a public annual report on all tree removals conducted with Village authorization, indicating enough detail for the public to determine whether Village policy is effectively protecting tree and the tree canopy as established in the Tree Law; and (b) to fully publicize online all proposed tree removals -- whether under authority of the Tree Warden, the ARBN, or the ZBA to allow the public to weigh, comment, and have a role in the decision-making.

I note that there are serious flaws in the process currently:

(i) Absence of Tree Warden Reports.

There is never any Tree Warden Report accompanying proposals before the ARB or ZBA. These reports were designed to raise larger ecological concerns, which are sadly missing;

(ii) Lack of Credentials of Tree Warden.

The Tree Warden is as far as I know not trained in arboriculture and does not holds any educational or professional certification in it, yet he makes regular determinations that trees are sick and un-salvageable that lead him to issue tree destruction permits on his own authority.

My analysis of dozens of such permits two years ago indicated very serious flaws and failures in the process, the analysis is available online at www.planet-in-peril.org/easthills/tree-permits.html.

I am deeply pained at some recent tree removals apparently performed with only Tree Warden permission such as at Deerpath and Thornwood Drive where a Beech tree was removed despite its apparent health. I passed this tree on foot several times a week and saw its canopy while losing leaves was far from dead.

Arborist Richard Oberlander, who was member of the ARB, and was cited by the Mayor in the Roslyn News as a prime author of the tree law, has repeatedly told me trees in East Hills have borers and must be treated, but do not need to be removed. This Beech was one such tree.

The illness of many trees in East Hills is another issue that needs to be professionally addressed to determine how to heal the trees rather than cut them down and lost forever.

The lack of training of the Tree Warden -- who is basically a Building Inspector by Village title -- leads to uninformed decisions where scientific questions of tree health are concerned, and has in my analyses also led to many unjustified removals (see the analysis

cited.)

(iii) Inadequate Flawed Reviews by the Contract Arborist:

The contract arborist has been providing analyses to the ARB that are seriously flawed and lead to erroneous conclusions and actions.

When the arborist at the most recent meeting used his professional judgement to support the removal of healthy trees for, for example, construction of a pool, lawn and retaining wall at 80 Birch Drive, this determination took no account of ecology or tree health. It was simply a confirmation that the project would destroy the tree. As such the determination does not form a sound basis for the ARB to discharge its duty to fully evaluate the issues surrounding a proposed set of tree removals. In this case most trees were allowed to be destroyed, and the only reason a massive Oak was preserved was that for the time being the owner lacks a pool special permit from the ZBA.

As further example, the written ARB testimony of the Village contract arborist for proposals at 41 Great Oaks Rd --near my home -- stated that three trees intended to be removed to switch the location of the driveway were in poor health; the Village arborist claimed in writing that three trees were in "poor shape"; yet the two-trunk next-generation mature Beech tree is in perfect condition, with no visible flaws whatsoever, and the other two trees were determined by Richard Oberlander in written testimony to be in good health. Yet the ARB also allowed these trees to be removed -- for a driveway change of location.

(iv) Excessive, Unnecessary and Destructive Pruning:

It has become an urban legend that all tree branches must be removed from the vicinity of homes. Yet without

a professional evaluation of the health of the large boughs and branches to be so removed the actions tend to weaken the trees and destroy parts of the canopy recklessly.

It is well that established removal of limbs weakens a tree by depriving it of nutrients and that opening the tree canopy such that the sun beats down on the interior of a tree's trunk is unhealthy for the bark, causing "sunscald". (see: <https://extension.tennessee.edu/publications/Documents/SP549.pdf>).

Village law requires pruning not be deleterious to trees (Village Code Section 186-2 "Substantial Alteration"; Section 186-4(A)(2)).

Yet such pruning is rampant. Last month I photographed and reported such an occurrence I happened upon at the SW corner of Deerpath and Great Oaks Rd. But nothing was done by Village staff to halt the actions.

I urge you to address this by instructing staff to halt improper pruning that removes important limbs and clarify the law if needed. Please also make available to them documents such as the one cited above regarding the dangers of pruning.

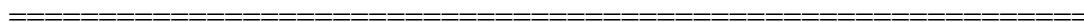
(v) Curable Diseased Trees Not Treated or Being Destroyed:

It appears many trees are being removed for disease; I have observed it and heard about it in East Hills. It appears this situation is accelerated this summer.

Richard Oberlander who practices extensively throughout Long Island has noted the presence of borers that can be treated with bark-injected pesticide in East Hills and elsewhere resulting in sparser crowns.

Staff told me many Beeches are sick. I observed several Beeches removed on Deerpath and Wickham Rd. These are extraordinary trees, graceful beautiful and their seeds are an important food source for animals.

It is critical that East Hills determine the sicknesses affecting our trees and shrubs and mandate that an effective solution be undertaken to preserve the trees and protect the canopy as it remains.



(3) Online Posting of ZBA and ARB Documents:

Residents are not properly, lawfully, efficiently or adequately informed about proposed tree destruction and house demolition and re-building.

State law requires that all agencies, including this Village, make a good faith effort to use your website for the purpose of making available relevant documents to be addressed at public meetings (Public Officers Law, Article 7, Open Meetings Law, Section 103(e)).

I visit many residents prior to ARB meetings to encourage their participation and help in preserving trees around their street and preventing the construction of over-size new homes.

Almost uniformly they tell me they had no idea the scope of the tree removals or the mass and appearance of the proposed new house. Either the letter provided by the ARB was too vague, or they did not receive one, or they did not have time to see the documents at Village hall from 10:30 - 3:30 on weekdays a week before the meeting. The hours are not the only impediment, and web access would largely address the access issue.

I have recently taken it upon myself to post some excerpts of the files on my own website (<http://planet-in-peril.org/easthills/arb-september-2015.html>) but I really cannot guarantee I will have the time to do it consistently as it involves a visit the Village office, copying the documents, assembling them in online format, composing the web-pages, etc. And my work is purely voluntary.

Furthermore some extremely important issues escape my attention -- such as the

removal of 30 trees at 15 Poplar Drive, because I was working and could not get to the Village office at that time with many other obligations, and no clear idea that so many trees were at risk.

Therefore I urge the Village to use some of the same energy used to publicize and document on its website fireworks displays, pool closing activities, Halloween celebrations, etc. and to post key documents related to the ARB and ZBA hearings on the website, at least including visual renderings of proposed homes, ARB Applications, Tree Removal Permit Applications, arborist reports, Tree Warden Reports, and if such a Tree Removal application is not filed -- as in the case of 15 Poplar Dr., from my inspection of the file this week -- a list of the size, type, and reason for proposed removal of all trees at issue in an application.

I appreciate your assistance, and I am available to meet to discuss these issues.

Respectfully,

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cc Roslyn News, Roslyn Times