

Futeran, Nancy

From: Opt Online <erubrum@optonline.net>
Sent: Sunday, October 25, 2020 5:39 PM
To: Futeran, Nancy
Subject: Mackey property

Very little is left from the historic past of this village. I grew up in East Hills and continue to leave here. It would be a tragic shame if this valuable piece of our history is not saved.

Sent from my iPhone

Futeran, Nancy

From: Ben Atlas <benatlas0@gmail.com>
Sent: Sunday, October 25, 2020 6:47 PM
To: Futeran, Nancy
Subject: John Mackay III House at 2A Melby Lane

To Whom It May Concern,

My name is Benjamin Atlas and I am an East Hills resident living at 31 Melby Lane. I am writing to comment on the proposed demolition of the John Mackay III House property at 2A Melby Lane. I am requesting that the property not be demolished, and that its beautiful features and history will be maintained and preserved.

When I am headed home on Vanad Drive, I turn onto Melby Lane instead of continuing on Vanad. There is a reason as to why I make a left instead of continuing straight, and why I drive the same way back out of the neighborhood. When there is no traffic coming from either direction, I slow down and pull over. I sit for just a few moments to admire the home and the surrounding trees that protect it with privacy. Its tucked away presence is so calming, yet so graceful at the same time. I would always look out the window passing by the house when I was younger. I distinctly remember peeking out and seeing a split second of what looked like a stone palace to my kid eyes. It would be such a shame to demolish this home because I do not believe the owners fully grasp an understanding of how much this home means to other residents who have never stepped foot on the property. I have taken architecture courses in my undergrad at Boston University, and I have learned to appreciate and fight to protect architectural works like this, as there are not many around anymore.

On a separate note, I would like to point out the safety hazards of creating four separate homes on this property. In front of the house to the left, Melby Lane takes a very sharp curve. When I said that I slow down to appreciate the home for a split second, I am also trying to protect myself from getting into an accident. I cannot even count the amount of times I have had to slam on my brakes, going in either direction, because someone else is completely driving over into my lane coming from the opposite direction. Adding three more families coming in and out of this one turn will increase the risk of our neighborhood residents getting into a car accident. That turn is already dangerous enough, and it does not need an increase of traffic driving in either direction.

I strongly hope that the Village of East Hills and the Roslyn Landmark Society will prevent the demolition of this home. Thank you for your consideration of this important issue.

Sincerely,
Benjamin Atlas



ANDREA TSOUKALAS CURTO
ATCURTO@FORCHELLILAW.COM

October 29, 2020

VIA E-MAIL & U.S. MAIL

Planning Board
Incorporated Village of East Hills
209 Harbor Hill Road
East Hills, New York 11576

**RE: Final Environmental Impact Statement
2A Melby Lane
Four-Lot Subdivision
Incorporated Village of East Hills, Nassau County**

Dear Chairman Kafka and Members of the Board:

We are in receipt of the Final Environmental Impact Statement (FEIS) for the above-reference project prepared by your consultant Nelson Pope Voorhis (NPV) on behalf of the Village Planning Board and accepted for filing on October 20, 2020 by the Village Planning Board. The State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617 provide for the public consideration of an FEIS. Specifically, Section 617.11(a) states:

[p]rior to the lead agency's decision on an action that has been the subject of a final EIS, it shall afford agencies and the public a reasonable time period (not less than 10 calendar days) in which to consider the final EIS before issuing its written findings statement.

The SEQR Handbook,¹ the guidance document prepared by the New York State Department of Environmental Conservation (DEC) regarding the SEQRA regulations, states that the minimum ten-day period is not a comment period, but is a period that, as noted above:

allows time for the involved agencies and any interested parties to consider the final EIS. While concerned parties, or other agencies, may comment in writing to the lead agency

¹ *The SEQR Handbook, 4th Edition* (March 2020), New York State Department of Environmental Conservation

on the final EIS, the lead agency has no obligation to respond to comments on a final EIS. (Page 137).

It goes on to indicate that although the lead agency is not obligated to address the comments:

[i]nterested parties or agencies may choose to submit comments on a final EIS to clarify points made earlier, or to identify comments that have not been satisfactorily responded to in the final EIS. These comments could influence the lead agency, or other involved agencies, in making findings and taking final actions (Page 137).

In light of this, we have reviewed the document, and on behalf of the Applicants Steven and Wendy Shenfeld, we offer the following comments:

Variations and the Zoning Board of Appeals

The Village Planning Board and its consultants assert in the FEIS that the Applicants have not applied to the Village Zoning Board of Appeals for variances for Alternate A-1 to allow for the creation of two flag lots while maintaining the existing house. This statement presumes that the Applicant had an obligation to apply for variances on a plan that it does not want to pursue. On the contrary, an Applicant is only obligated to pursue variances for a plan that is presented to the Planning Board for consideration. This is because a Planning Board cannot act on a plan that requires variances. In this case, the proposed four-lot subdivision does not require any variances. It fully complies in all respects with the Village's zoning ordinance and with the Village's comprehensive land use plan.

Furthermore, in the context of considering whether this variance application is needed as part of the SEQR process, SEQR regulations do not require an applicant to take onerous and unreasonable measures when trying to mitigate an impact to a house with some historic value. The regulations do not require an Applicant to file an application for variances on an alternative plan so that a Planning Board can fully assess whether it is a "prudent and feasible" alternative to the plan that has been presented for consideration. The Planning Board also does not have the authority within the context of a subdivision application to require an Applicant to apply for variances on an alternative plan to prevent the demolition of a house that has some historic value. In this case, the house is not landmarked and could be demolished with the Village Building Department's ministerial act of issuing a demolition permit. Furthermore, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) makes the determination as to whether all "prudent and feasible" alternatives have been explored, not the Planning Board.

Moreover, the term "prudent and feasible" is not defined by OPRHP's regulations. That said, courts have held that **this standard is not all-inclusive and does not require that all**

possible measures be taken to preserve historic structures. *Ebert v. New York State Office of Parks, Recreation & Historic Preservation*, 119 A.D.2d 62, 505 N.Y.S.2d 470, 34 Ed. Law Rep. 553 (3rd Dep't 1986). Instead, it is limited to considering prudent and feasible alternatives that would avoid or mitigate adverse impacts to the fullest extent practicable. *Sierra Club v. Board of Educ. of City of Buffalo*, N.Y. 127 A.D.2d 1007, 1008, 512 N.Y.S.2d 954, 956 (1987), *app. den.* 70 N.Y.2d 612, 523 N.Y.S.2d 496, 518 N.E.2d 7 (1987). Thus, this standard does not *prohibit* projects where there is no feasible and prudent alternative to demolition, it only requires that alternatives be fully explored. In this case, all reasonable and practical alternatives have been explored and contrary to the Village's assertions in the FEIS, the Applicants are not required to file for discretionary approvals that do not comply with the Village's comprehensive land use plan to satisfy this requirement.

Letter of Resolution

The Applicants would like to reiterate that the New York State Department of Environmental Conservation (DEC) has indicated that it is fine with proceeding with the Letter of Resolution (LOR) that would permit the demolition of the house with the incorporation of mitigation measures. Although OPRHP does not believe that the alternatives analysis was sufficient, it "will follow the lead of DEC. So, if the DEC feels the alternatives are sufficient, we'll not object."

The FEIS notes that Draft LOR was provided to the Village. The FEIS indicates that "no evidence of comment on the draft LOR by the OPRHP or the DEC has been provided to the Village" nor has the Village commented on the Draft LOR to the OPRHP or DEC. As a potential signatory to the Letter of Resolution, the Village is expected to provide comments regarding this document, and DEC and OPRHP are awaiting the Village's input before making a final determination on the LOR.

Flag Lot

In discussing the notion of flag lots in the Village, the FEIS under Zoning, Land Use and Community Character Comment 1, indicates the following:

*...two lots were created on the east side of Mimosa Drive with an access easement required for Lot 2 across a shared driveway from Mimosa Drive (**functioning similar to a flag lot**) to address access concerns from Harbor Hill Road. (emphasis added)*

While the driveway may function similar to a flag lot, it is, in fact, not a flag lot. Therefore, the Applicants continue to contend that there are no flag lots within the Village of East Hills, and the creation of such as would be required for Alternate A-1, is not in the character of the Village.

Alternatives Comment 1 – Updated Plans and Comparison of Alternative Table and Alternatives Comment 4 – Variances for Alternatives

In the response to this comment, the Village indicates that the analysis of Alternate A-1 does not factor in trees to be planted after grading and the impact on views from the adjacent properties. The Applicant notes that the DEIS (which is considered part of the FEIS), states the following in Section 4.2.6 regarding trees:

The removal of these trees and installation of a paved driveway would change the aesthetic character in this portion of the site. It is likely that additional trees would be planted in the future to regain the vegetated buffer in this area [along the Talley Road entrance].

Additional response text in the FEIS indicates:

Unlike the Proposed Action, the Applicants' assessment does not acknowledge for Alternative A-1 mitigating tree removal by planting additional trees after clearing and grading and driveways are constructed. Additionally, it has been demonstrated that Melby Lane sight distance is somewhat limited in one direction from the proposed Melby Lane driveway location (see response to Transportation and Parking Comment 5).

Therefore, while the number of trees was not provided, the DEIS clearly acknowledges the planting of new trees in this alternative and indicates that such planting would retain the vegetated buffer and views from neighboring properties.

Furthermore, with respect to the “somewhat limited” sight distance on Melby Lane, the accepted FEIS in Transportation and Parking Comment 5 notes the following:

*It has been demonstrated that although sight distance is somewhat limited in one direction from the proposed Melby Lane driveway location, **there is adequate stopping sight distance available**. Furthermore, Melby Lane and Talley Road are both low volume roadways within a limited access residential neighborhood and the potential for vehicular conflicts at either driveway locations are minimal. (emphasis added).*

Therefore, the claim regarding limited sight distance along Melby Lane noted in the previous FEIS quote is erroneous.

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October 29, 2020

Your cooperation in reviewing and giving consideration to these comments is appreciated. Thank you.

Very truly yours,

ANDREA TSOUKALAS CURTO

Andrea Tsoukalas Curto, Esq.
Partner, Forchelli Deegan Terrana, LLP



Gail A. Pesner, AICP
Senior Project Manager, VHB

ATC:GAP:rer

cc: Steven and Wendy Shenfeld

Futeran, Nancy

From: Andrew Karnovsky <akarnovsky@gmail.com>
Sent: Friday, November 6, 2020 4:25 PM
To: Futeran, Nancy
Subject: 2A Melby Lane Proposal -

As the owners of 7 Melby Lane, East Hills, we would like to submit the written comments below related to the 2A Melby Lane proposal. While this is in direct response to the announcement that the " Planning Board of the Incorporated Village of East Hills has completed and accepted the Final Environmental Impact Statement" our comments also relate to our views on the project as a whole. Our home is located directly across the street from 2A Melby and, arguably, could be impacted more than any other property by the proposed subdivision and construction.

To be clear - we continue to strongly object to this project. It is obvious at this point that the current property owners are "dug in" and committed to seeing this to completion nearly regardless of cost and true impact to their neighbors and the community. While we respect the right of any homeowner to try to generate a decent return on their investment, the proposed project is simply excessive in scope and potential impact to the surrounding properties. Nobody needs an expensive and professional environmental study to uncover the obvious: this is a massive undertaking that will certainly be a highly disruptive nuisance for years to come. No amount of engineers with PhD's could prove otherwise.

As far as the study itself let's be clear - this was commissioned to achieve a desired outcome. We have no doubt that VHB Engineering is a reputable firm, but their customers don't pay massive fees in order to be told "no." The study is long, dense and nearly impossible to respond to completely. It systematically rejects all opposing points raised and would have the reader believe that this project simply requires no variances and does no real harm.

Even if the village were to approve this project, the current situation in the area due to COVID-19 should impact the timing going forward. All aspects of life have changed - people are working from home, children are attending virtual school, and countless other events, projects and occasions have been cancelled or postponed. This simply is not the right time to begin a large-scale project.

A few additional specific points to highlight:

- A recurring theme throughout the study is the fact that variances are not required. Surely no one impacted by the proposal will be comforted that building 4 new houses simultaneously and adding a new road meets an arbitrary technical hurdle. The underlying issue for surrounding residents is avoiding chaos for years. Therefore, if a more reasonable or better solution requires a variance it should not be at a disadvantage for technical reasons

- It is extremely hypocritical to dismiss concerns related to potential detrimental impact to surrounding properties (see p. 25, response to E2-7) when this entire project is being pursued to generate an economic profit. Essentially, the owners of 2A Melby can play property developers, make millions of dollars in profits, claim to be adding to the tax base, but damage to our property value is not a real concern?
- This project is being pursued as a result of the inability of the current property holders to sell at a subjectively acceptable price. If this project is truly as viable and beneficial as the environmental study seems to imply, why didn't offers to purchase property reflect the ability to subdivide and build 4 homes? The apparent lack of such offers would seem to indicate that the existing owners are asking for special treatment from the village.

We simply don't have the time or the resources to respond to this entire study. Our objection is grounded in basic fairness and we ask for an alternative solution.

Andrew & Sheryl Karnovsky

7 Melby Lane

Futeran, Nancy

From: Corinne Kaufman <corinne_kaufman@yahoo.com>
Sent: Friday, October 30, 2020 6:21 AM
To: Futeran, Nancy
Subject: John Mackay House

Sent from my iPhone

Dear Board Members,

The Mackay Estate, Harbor Hill, is deeply rooted to my family. Clarence Mackay hired my grandfather as a herdsman and provided my Mother's family with a home on the estate. I grew up on George Street and in later years my grandmother, Catherine Mackney, who lived at 79 Red Ground Road was honored as East Hills oldest resident when East Hills celebrated 50 years.

I have watched the erosion of all the remaining elements of Harbor Hill.

All we have are two statues, deteriorated once beautiful entry gates, the Superintendent's house, and the Melby Lane property.

Although I do not live in East Hills any longer, I wanted the Board to know that demolition of the John Mackay house will further serve to wipe out the few historical elements we have left and I for one am against it. The plan to save the house and only split off two lots is more favorable from my viewpoint.

As you can see I am sorry that there is very little recognition of the importance of Clarence Mackay's role and influence in East Hills and Roslyn.

It is my hope that this last structure can be preserved.

Thank you for your time.

Sincerely yours,
Corinne Kaufman
516 840-0987

Futeran, Nancy

From: Howard Kroplick <Howard@kroplick.com>
Sent: Thursday, November 5, 2020 10:36 PM
To: Futeran, Nancy
Cc: Jennifer Lister; Jordan Fensterman; Aviv Fine; johnfsantos@yahoo.com
Subject: Comment for the Village of East Hills Planning Board Consideration: Proposed Four-Lot Subdivision 2A Melby Lane

Ms. Futeran:

The Final Environmental Impact Statement incorrectly **does not** list the following comment (L9) in 2.2 Comments in General Opposition of the Proposed Action. This comment was submitted on October 4, 2019 (page 8) as noted in the FEIS appendix.

The Roslyn Landmark Society strongly opposes the proposed four-lot subdivision at 2A Melby Lane, East Hills. The Applicant's proposed action would require the demolition of the historic John Mackay III House. There are prudent and feasible alternatives to retain this historic building involving allowing the Applicant to add one-two lots to the property. These alternatives would offer a reasonable rate of return while retaining this historic residence and asset to the East Hills community.

Thank you for correcting the record and noting that the Roslyn Landmark Society continues to strongly oppose this four-lot subdivision that would demolish the historic John Mackay III House.

Enjoy,

Howard

Howard Kroplick
President
Roslyn Landmark Society
<https://www.roslynlandmarks.org/>

Phone #: 1-516-625-0123
Cell #: 1-516-528-1149
Fax #: 1-516-200-5114

Email: Howard@Kroplick.com
Website: <http://www.vanderbiltcupraces.com/>

Futeran, Nancy

From: John Laurino <john.g.laurino@gmail.com>
Sent: Sunday, October 25, 2020 3:15 PM
To: Futeran, Nancy
Subject: 2a Melby

Hi,

My name is John Laurino and I live in the local area. I have not contacted the owner as I do not have there information but my family loves history and old world architecture and would be willing to buy the house and keep structure as is and not subdivide if I was able to work out a price with the seller. Let me know if you have any questions or if you would like to put me in touch with the buyer.

Thank you

John Laurino
516-639-0788

Sent from my iPhone

Futeran, Nancy

From: Josh <joshlevy13@gmail.com>
Sent: Friday, November 6, 2020 9:27 PM
To: Futeran, Nancy
Subject: 2A Melby Proposal

To Whom It May Concern

We are the property owners at 5 Melby Lane and are responding to yet another attempt to turn 2A Melby into a 4 house subdivision. The environmental impact survey is incredibly long and dense and we don't pretend to try and dissect it all. For us, it comes down to the fact that this proposal would benefit one family at the detriment of 20+ homeowners that surround that property. These families will have disruption surrounding them for many years. Why is this OK? Why does one family's desire for monetary gain allow them to disrupt so many others? Is this really what this community is about? Is there any comparison one can make to anything else to justify this? Has one house ever been taken down and four popped up in their place? Shouldn't there be a consideration for the many as opposed to the desire of one? I recall that there was discussion that it could be a 2 house sub division. We would think that is a fair & equitable compromise for all parties which would allow the property owners to benefit financially without causing as much disruption for everyone else. We would hope the planning board would agree that a compromise is best for all.

Sincerely

Jessica & Josh Levy

Futeran, Nancy

From: Howard Kroplick <Howard@kroplick.com>
Sent: Thursday, November 5, 2020 10:44 PM
To: Futeran, Nancy
Cc: Jennifer Lister; Jordan Fensterman; Aviv Fine; johnfsantos@yahoo.com; 'RobertBSargent@aol.com'
Subject: Comment for the Village of East Hills Planning Board Consideration: Proposed Four-Lot Subdivision 2A Melby Lane

Ms. Futeran:

Six people have posted comments on the Roslyn Landmark Society website in response to the FEIS of the proposed four-lot subdivision at 2A Melby Lane.

<https://www.roslynlandmarks.org/news/village-of-east-hills-holding-a-public-meeting-on-tuesday-concerning-the-demolition-of-the-john-mackay-house>

Carrie Kaplan

What I would do to see the original Mackay Estate!!! I grew up on Cedar Dr. , around the corner from the Dairyman Cottage in Country Estates. The only remains of the estate add so much history and CLASS to Roslyn. The Melby Lane house is breathtaking and NEEDS to remain there. There are enough homes now crammed into that part of Nob Hill, that house gives Roslyn, and all who have lived there, a magical look into what was once part of the Mackay Estate. The gate house owners should be ashamed that it is just wasting away, the property has been owned for years now and NOTHING. Keep the history ALIVE!!!

Sharon

There will be a time when no tangible history remains. Is there a way to preserve so that we remember what our community looked like and how things have changed?

Matthew Hartnett

So little remains of the Mackay estate The 2 Horsetamer statues are reproductions The Gate House is. getting worse day by day we must try to preserve some of these historic buildings.

Isabel Tiffen

Having moved to Northwood, East Hills, in 1955 when my Dad moved his business to Roslyn, I grew up on land that was part of the Mackay Estate. Country Estates was just being built. There is so little left of the history of the Mackay Estate and East Hills. I am saddened by the possible loss of this piece of our history. We need to preserve and respect what little remains.

Daniel Smith

if these properties are truly considered historical.
Shouldn't we hold on to history & share it with our children and grandchildren.

Susan Orange

I would hope that East Hills residents vote against this development scheme . The area is blessed with a rich history which gives it a unique atmosphere that will be a legacy to those lucky enough to live there.

Enjoy,

Howard

Howard Kroplick
President
Roslyn Landmark Society
<https://www.roslynlandmarks.org/>

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Email: Howard@Kroplick.com
Website: <http://www.vanderbiltcupraces.com/>

Futeran, Nancy

From: Jeff Rowe <j.d.rowe@att.net>
Sent: Monday, October 26, 2020 9:37 AM
To: Futeran, Nancy
Subject: comment - FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) PROPOSED FOUR-LOT SUBDIVISION OF 2A MELBY LANE

As a 17-year resident of Roslyn, I am opposed to the **demolition of the John Mackay III House. History is an important part of our larger village, and our historic buildings contribute greatly to the attractiveness of the village for all, not just those residing or working in such buildings. The house should be retained and if necessary for financial or other reasons, a smaller division of the property with one or two lots added to the property would be a recommended solution.**

**Jeff Rowe
Roslyn, NY**

Hon. Steven Kafka, Chairman and Planning Board Members
Incorporated Village of East Hills
209 Harbor Hill Road
East Hills, New York 11576

Re: Final Environmental Impact Statement
2A Melby Lane
Four-Lot Subdivision
Incorporated Village of East Hills, Nassau County

Dear Chairman Kafka and Honorable Planning Board Members,

As you know my wife Wendy and I are the applicants on the proposed subdivision at 2A Melby Lane, I wanted to take this opportunity to make some comments in respect of the FEIS that you adopted prepared by Nelson and Pope your consultant.

As I understand it, the Board in executing its duties will rely on the content of the FEIS and to make a determination in the finding statement it must weigh and balance the required factors including: the adverse environmental impact, means of avoidance or minimization, social, economic and other essential considerations. Let me discuss the various vectors in this objective.

First the notion of "balance". Throughout this multiyear process my wife and I do not feel that this process has been balanced. We have had to bear all the risk of delay both emotional and financial- while the public (sometimes including people who do not even live in the community) were afforded many opportunities to weigh in. There have been little or no boundaries in this exercise. The byproduct of which we have had to bear social and financial burdens all so that the issue could be heard and that political risk of this Board could be mitigated. Moreover after hiring our own consultants to prepare the DEIS; it was determined without any real ability to object- that the FEIS would be taken over by the village consultant. This added to our financial burden which we have no budgetary control over and in our discussions with counsel and others who have been thru similar processes- is uncommon. We sincerely question whether asking us to endure these delays and a near \$400,000 expense is balanced. We think not.

As it relates to the determination of an adverse environmental impact. I object to the notion that one necessarily exists. The FEIS relies on a legalistic definition of this as if it's an undeniable fact. We respect our home's history but query what evidence has been provided that its demolition or relocation (as we have investigated) will unquestionably have an adverse impact. The logic is because its old and it has a history its removal creates a negative impact. Let's assess this theoretical and subjective standard to the actual history we have with the house and its relationship to our allegedly deeply concerned neighbors. For years the commentary from organizations and individuals is that the home is very special to them and has historical importance. Really? In all the years that my wife and I have owned this home not one single person who has commented (in conjunction with our application) nor who we have shared this community wit- has ever asked to visit the home, interview us or the predecessor owners or verbalize to us their stake or interest in its history. We have owned the home for over 25 years .We respectfully ask the committee to consider the validity of this matter and weigh individual's deeds instead of their hypothetical statements and rhetoric. Why if it was so important to these individuals or organizations have we never been approached to tour, photograph or admire the home? Why when matters of how to

preserve it have none of these organizations come forward to offer solutions or offer resources to preserve it. Their interest in this matter is limited to that which WE can finance and endure on their behalf. In my humble opinion this lack of real interest, unwillingness to offer financial relief or gesture suggests there is no adverse impact in reality. In fact the only adverse impact we perceive is the one they seem to impose on us in limiting our ability to use our own property in our best interests.

To the question of minimization of the alleged impact. We have made offers to minimize this potential impact for many years since the project was proposed. We offered the home to the village or its materials for relocation. The response was to ask us to do research on how to do this. Our research suggested that it would be quite expensive. We got no response from officials to suggest they would really consider it, contribute to it or even share in the burden. How is the Board to measure their interest and discern a negative impact as their actions suggest that it has no value to them. Again the desire to preserve the house was and continues to be a responsibility that we somehow have to bear on everyone's collective behalf. If mitigation is so critical why have we never received any encouragement or offers to work together? The only thing I can surmise that it's not as valuable to them as they claim. The FEIS seems to criticize us for not seeking (again at our expense) variances for lots that do not conform to local regulations. Why is it logical to pursue a plan that does not conform to village rules when one that does seems so much more straightforward? Moreover we have no obligation to do so. As even the commentators suggest there are no guarantees that we would be granted this exception. Our conclusion was that pursuing a project that is consistent with current laws is more likely to be in keeping with the village aesthetic and look than a non-conforming plan. Lastly, the concept of "mitigation" is a veiled attempt to create a landmark status that does not exist in this town at the time or since we have owned it... It usurps the law and it is uniquely prejudicial against us and our property. There is no such body within our village that can create or deem our property as landmarked and restricted. The notion that mitigation will result effectively in the imposition of a prohibition that does not exist in our estimation is unfair and capricious. The mitigation of some perceived adverse impact is in fact the imposition of one on our family.

This brings me to social concerns. Now it's not clear even what this addresses but in my thinking on this, the building of four conforming homes is not of a long term social negative impact. Certainly there will be short term disruptions during construction. But most neighbors have lived thru this disruptions including my wife and family and in the long run they are positive impacts as it improves and upgrades the housing stock and creates economic activity in our community. East Hills as a community is thriving because new families come in and they invest and upgrade the housing stock and contribute. I see no evidence that there are social concerns whatsoever and frankly comments about our family's economic position or selfishness in some regard are the only aspect of this process which has been socially offensive and we are the victims of those ill-tempered and inconsiderate statements.

Lastly let's review the economic considerations. There is a concept that we are not entitled to anything other than a "reasonable return". First of all in who's determination is that figure? The mob of dissenters or the individuals who have invested their capital in the home. It's an odd concept in that the public should determine how much one should make on an investment and if seemingly too much in the public's estimation you should forfeit return. Moreover, now that this process has cost us nearly \$400,000 the calculation of that return is entirely different. The idea that we should sell our home at a price we deem unfair or too low so that others can continue to walk by and observe a home that beautifies their real or perceived benefit of looking at our property- is a bizarre notion. I don't recall having partners when

I bought the home or paid for its repairs or its insurance. It's an audacious notion that the public can control one of our family's most valuable assets. Does the village of East Hills or its planning board have the power of eminent domain to seize or diminish our asset for their purpose? What of those that support this project because as taxpayers those monies can provide services to the community? Is that not an economic benefit that deserves consideration? What of the goods and services the families the move into our development will bring in terms of the goods and service they will buy. What economic negative impact is the community going to suffer in the long run? I think the answer lies in the denial of the application not in its approval. If the broader community's interest is at heart including someone protecting our interest than if you deny our application you are protecting (only temporarily) the disruptive harm caused by our project only to those who live next to us who might want to sell. That is a minority of the community compared to our individual significant potential economic harm both already caused and the opportunity cost of this rejection and then that of the broader community who will in my estimation be injured too. Lastly as it relates to economic matter there is the academic and frankly illogical notion that this home should or will always stand on its current location. Whether its time, weather or just decay no one can guarantee that the home will be viable in fact in time. In fact it may have to be condemned. Certainly buyers who looked at the house when we were marketing the house voiced this concern. This "community asset" as alleged is an economic burden to the owner. Denying our application will not solve this matter it will simply injure us and defer the issue. Your rejection will do us irreparable harm and for benefits which are ethereal and not based in sound long term thinking or planning.

Thank you for reading my comments and giving me the opportunity to voice my concerns and objection to the content in the FEIS. I truly hope you do balance the needs in your decision making. I think if you do consider my positions and information that we have provided throughout the process you will see that the short term inconvenience to some (if you approve our application) will be modest compared to the short and long term damage to family and the broader community in the long run (if you reject it).

Respectfully submitted,



Steven Shenfeld

Applicant.

10/29/20