PUBLIC HEARING
OF THE
BOARD OF TRUSTEES
OF
EAST HILLS

PRESENT:
MICHAEL R. KOBLENZ, Mayor
EMANUEL ZUCKERMAN, Deputy Mayor
GARY LEVENTHAL, Trustee
CLARA POMERANTZ, Trustee
PETER ZUCKERMAN, Trustee

DATE:
April 30, 2012

TIME:
8:00 p.m.

PLACE:
VILLAGE HALL
209 Harbor Hill Road
East Hills, New York 11576

COUNSEL
REPRESENTING
VILLAGE OF
EAST HILLS:
WILLIAM C. BURTON, ESQ.

REPORTED BY:
JOANNE HORROCKS, CSR

J.H.
THE MAYOR: The purpose tonight is a public hearing, phase one, relating to the tree law, Chapter 186 which has been on the website, and copies were available tonight which some of you have picked up. And the purpose is to hear from residents as to areas of the tree preservation law tonight, which is Chapter 186 as to changes or recommendations or suggestions to that law.

Persons speaking will identify themselves by their name and their address. They will have three minutes to present their case, and the record will remain open two weeks after tonight. And anyone who feels they want to say more things or someone who wasn't here who would like to say more things can do so merely by submitting it in writing. It will be part of the record before the record is closed.

Okay, I have one letter that needs to be read into the record, and then the first witness can be called. This is from Hilda Yohalem, 76 Great Oaks Road, East Hills, New York. "Dear Mayor Koblenz and Village Trustees, as I will be out of the country, I ask that these written comments be included in the record of the public hearing on April 30th regarding tree protection laws.

"I urge the Village to revise the tree
protections laws to better protect East Hills and in particular Norgate's beautiful mature trees. In the meantime, I agree that a moratorium is needed until the laws are improved.

"I have been the president of the Norgate Civic Association for many years. I was a member of the Architectural Review Board and part of the committee that created the Architectural Review Laws as well as the tree protection laws.

"As you know, I have resigned from the ARB because I was opposed to the way the tree protection laws were being applied. As I told the ARB again on April 2nd, the tree protection laws were supposed to prevent healthy trees from being removed in order to protect the tree canopy for current and future generations as stated in the Village Code.

"At 37 Laurel Lane behind my home, two healthy trees were recently removed with the approval of the ARB. One was a beech tree about 50 feet in height, and one was an oak tree over 100 feet in height. Both were healthy and sound. They were removed only because the builder wanted a new home to occupy their space, and the ARB approved:

"I'm very disappointed this happened. I believe the law should be amended or whatever it takes
to prevent this from happening over and over again throughout the Village.

"Until that happens, no more trees should be removed unless they are clearly sick or dead. I appreciate your attention to this. Sincerely, Hilda Yohalem."

That will be part of the record.

Okay, first person wishing to address the Board?

MR. KANIS: Good evening, Mayor Koblenz, Board of Trustees and citizens.

THE MAYOR: You've got to identify yourself.

MR. KANIS: My name is Spencer Kanis. I reside at 105 Andover Road.

I am here tonight as a 30-year resident. I am also here as the current chairman of the Architectural Review Board which has responsibility for the Tree Review Board.

I'm here not as an architect. I am not here as an arborist. I'm here to state the facts. I have been an active member of the Architectural Review Board for over six years. I was here with some of the founding coworkers, and we put together the statute for the review board and also for the Tree Review Board. So I'm here to state the facts based upon my actual
experiences which can be verified by the colleagues that are sitting here.

There are two areas of responsibility for some of the tree issues that have faced this Village. One is current homeowners, and the other is new home construction. They are two different responsibilities that have had a serious impact on the tree canopy and should be addressed this evening.

Some of the key issues that face us are the environmental, the economic and the safety. The environmental, I don't believe there's anybody in this room that disagrees with the environmental impact of trees. We understand about mother nature, how it works. We understand about the organisms. We understand how it purifies the air. Economics, everybody's in agreement, trees are one of the most valuable as assets that this community has and must be maintained and protected. There is no qualm when it comes to the first two.

Amazingly enough, the third one, safety, never comes up in any of the conversations, never comes up in the Roslyn News in all the editorials that come out when safety is one of the major issues that the Architectural Review Board and the Tree Review Board review whenever it comes before us on a permit on a
tree. And safety of the tree comes from taking care of it, maintaining it, feeding it and making sure that its healthy.

All of us were amazed last August and September when one of the major storms came up the coast and came across Long Island, and we were amazed by the devastation that a tree can do to personal property, to wires, the electricity, the inconvenience. And fortunately, fortunately we have not had any serious injuries, at least that I know about, from the falling trees. But safety is a major element that this Village must address and does address.

The Architectural Review Board in the six years that I've been on it, safety is the number one reason for removal of a tree, and neglect is the number one cause of that tree being removed. The homeowner responsibilities, and a lot of people, believe it or not, do not really know how to take care of their trees. They do not understand pruning, deep root feeding, cabling, everything that is required to make sure that a tree is maintained. There's also poor quality of maintenance, and there's a lot of reasons for this. And I have some resolutions at the end that I'd like to present. Some of them are the cost involved in maintaining the trees.
Also there our so-called arborists and landscapers in the community that are not as professional as they should be. I have photographs that I have given you of trees that were supposedly pruned, and they were totally done unprofessionally to the point of hurting the trees, hurting their beauty, and people were paying for this type of work to be done.

There's also an apathy. I have heard many times mother nature is at fault. If mother nature put the tree there, mother nature will take care of it, and if mother nature decides that the tree shall die, so be it.

We have heard that leaves, pine needles are all reasons for trees to come down. We've heard the whole spectrum. And one of the ones that always stays in my mind, although I am not making light of it, a gentleman wanted a tree removed because the acorns were falling down on his Ferrari. Needless to say we did not approve it.

We've are going to hear about the responsibility for new home construction. The role of the Architectural Review Board is key in that because we review the plans, and we also review the landscape plan. Every house that is being designed or changed
has a landscape plan. That landscape plan is reviewed in detail by the trees being removed. It is inspected personally by every one of us. We know what it's being replaced with, the size and the type.

But what people have to understand is I've heard a lot where people say, Well, let's move the house 10 inches to the left, 10 inches back, 10 inches to the right, and we'll save trees. Anybody who hears that, it may sound totally plausible, it's totally illogical. It's also unreasonable. Just ask any builder in this community.

A lot of the trees that have been put into question over the past couple of months have been in the Norgate region in particular where the lots are 100 by 110. Everybody knows that there are zoning requirements, setbacks on side yards, backyard and front yards, and these are very important to the community. They should remain, and there are no issues with the zoning requirements. The zoning requirements not only set the setbacks but also the slope of the roof so that the sunshine can come down and hit the ground.

If you have 100 by 110 lot and you're putting a new home up and you put in a foundation, it is required that the foundation, the digging of the
foundation is usually two feet out of the perimeter
outside of this new foundation. When you do that and
you have a tree that's 20 or 30 years old, remember the
canopy of the tree is the size of the roots. That
means you will hit the roots. You will damage roots.
By damaging the roots, you can damage the tree. Many
times it is required to remove the tree so that the
construction can take place, because if you leave the
tree up, it will be dangerous, it will fall down during
a storm, it will cause damage to people and property.
And that is all acknowledged in how we act.

I've heard other things such as let's replace
it with bigger trees. It sounds nice. Personally I'm
putting a white birch in my front yard now, and it's
only 14 feet in height, and the cost is $1,500.

The one word that we hear in the
Architectural Review Board consistently is the word
budget. Everybody who works on their house has a
budget. If you increase the size and mandate 20-foot
trees, there will be in my opinion unintended
consequences. Everybody does a budget. If you spend
more on trees that have to be taller, there's less they
are going to put on flowering bushes, and we allow the
people the way the Architectural Review Board to pick
and choose how they wish to spend the money. But we do
require replacement of trees, but we do not do it in
such a way that it becomes exorbitant or a burden in
the budgeting in the process.

Also I heard of a moratorium being read into
the minutes. I'm very much against a moratorium at
this point in time. We are coming into the hurricane
season. There is a lot we have to do.

I know the Board is actively pursuing the
services of an arborist. I would like to pursue that
and allow the arborist to review whether a
moratorium is needed or not, because there's a lot of
work that needs to be done. If we waste time and we
call the moratorium, we will find ourselves into July
right before the hurricane season when trees need to be
pruned, they need to be cabled, they need to be deep
root fed to protect our properties.

So my suggestions are that we proceed with
the acquisition of the services of an arborist. It
also would help the Architectural Review Board because
when we have tree permits, we do require that an
arborist, a certified arborist do a letter to us
telling us their opinion whether the tree is ill and
why it's ill and what can be done about it. However,
we cannot verify his credibility or his credentials.
We have our own arborist. We know where he comes from,
and we know we can rely on what he says.

   Education is key. Like I said, a lot of people as they come before us really don't know how to take care of trees. There is an excellent newsletter that's put out periodically. The Village of East Hills puts out a newsletter. There's no reason there can't be a section in there by the arborist how to take care of the trees in the summertime, what to do in the wintertime and what to do before the storm comes on so that if you want to talk about cabling.

   The other thing that we can do is also sponsor services. We can have an arbor day event, an earth day event where people can come and speak to the arborist and talk about what the problems are on their property. They can also from possibly a nominal fee have the arborist visit their house and talk about what are the key issues facing that property and the danger.

   We also should have a publish -- we should also publish the suggested tree list. There is a publication with a suggested tree list for this community that when you take out a tree, it be replaced with a certain type. Because of environmental issues that we face today, many of the trees that we have will die, and I have a heard that from a number of arborists they cannot be saved. And when you replace them, you
should replace them with certain trees that are doing well and adapting to the new environment, and that should be published.

Penalties, I am for a review of penalties. I think they are on the low side. I think when somebody spends $150,000 on landscaping, a $1,000 penalty for not listening to the Architectural Review Board becomes meaningless. So I think that is another alternative to review.

In conclusion, this is not about a crisis. I can assure you. What it's about is a major amount of misinformation by less than a handful of people.

THE MAYOR: Thank you. Just for the record, now that we've authorized the hiring of that arborist that you have suggested from Garden City --

MR. KANIS: Fantastic. Thank you.

THE MAYOR: -- what we need to do is bring him in and set him down. It's the same guy that you suggested.

Okay, next person who wishes to address the Board on the tree preservation law? Nobody? Yes, sir? Step up.

MR. SCHEINBAUM: Charles Scheinbaum, 260 Revere Road. I have been a resident of East Hills for 45 years. I never argue with success. What we have is
a lot of failure. The number of trees that have been
removed seems excessive. There can't be that many sick
trees.

With respect to the building code, I'm not an
expert on building codes. I just see that too many
trees are being removed.

THE MAYOR: Thank you. Anyone else? Yes,
please stand up, identify yourself and your address.

MS. BRUMMELL: Sheila Brummell, 15 Laurel
Lane. I'm reading your replacement. This is number
186-6. Whenever a tree is removed, a replacement tree
shall be with a caliber of not less than three inches?
I mean this is three inches? Is this how trees are
replaced? Simply a question.

THE MAYOR: Do you have a recommendation?

MS. BRUMMELL: Yes. I recommend that when a
substantial tree is taken out, something substantial
should be --

THE MAYOR: When you say substantial,
residents have to take on the burden of replacing the
tree. What is the suggestion for the size of the
replacement?

MS. BRUMMELL: Certainly not more than a
twig.

THE MAYOR: Okay. But you don't have any
other suggestion in terms of the size, right?

MS. BRUMMELL: A foot.

THE MAYOR: Now I got it out of you finally. Thank you. No cross discussion, please, please.

MR. DRISTOLL: Very quickly. My name is Ken Dristoll, 66 Oakdale lane. I have been a resident for 23 years.

I just replaced two trees in the last week. A three-inch caliber tree -- and this is from -- it can be from the Cornell Extension. This is North Carolina State, their Forestry Department. The average height is 15 feet for a three-inch caliber tree.

Were you aware of that?

MS. BRUMMELL: No, I'm not.

MR. DRISTOLL: Do you know what the root ball weighs? It weighs 500 pounds. Do you know what a 20-foot tree, what the weight of the ball is? Almost a ton.

In order to dig that hole, you need 15 feet of circumference and six feet down. Six feet is kind of a weird number to pick. But in order to do that, you have to get involved with cesspools. You have to get involved with the building code of how far it has to be from foundation, and you're talking about the inability of a normal landscaper to replace that tree.
That requires a winch and a crane.

I think when you say three-inch caliber and it sounds bad, go to Martin Viette. Go to Hick's. I think we all know those two establishments. And they may be expensive, but they do a good job, and that's who I use. And they explain to you that in Matinecock and Locust Valley and to recommended a tree in Old Brookville, to replace a fallen tree is a three-inch caliber tree. And the reason is the size is appropriate for weathering storms and for survival. The chance of a three-inch caliber tree surviving to adulthood is about 90 percent with proper simple care. Once you go above that, every inch in caliber, the survival rate of that tree falls. And what you have to do is monitor that on a yearly basis which is hugely expensive.

We have one arborist coming on board?

THE MAYOR: Yes.

MR. DRISTOLL: So when you say only three inches, like everybody else in this room who thinks this way, make an effort to learn what it is.

MS. BRUMMELL: Thank you very much.

THE MAYOR: Anyone else who wishes to address us? Anyone? Yes, ma'am? Step up.

MS. PACE: Judy Pace, 105 Magnolia Lane. I
have been a resident for 25 years. I have several
trees on my property, and I'm a very avid gardener. I
grow fruits, vegetables, herbs organically. I do my
own composting. I'm very user echo friendly.

What I don't understand of the replacement is
that I have three trees that have been deemed diseased
and dead. I have gotten estimates from six to $8,000
to have them taken down. My big question is these are
trees that shouldn't be where they are in the first
place. They are too close to the street. And what I
am wondering if I do take them down, do I have to put
the tree in the same place? Because it doesn't make
sense to me that these trees were ever put there to
begin with.

THE MAYOR: You don't.

DEPUTY MAYOR E. ZUCKERMAN: No.

MS. PACE: And what about the expense? I
asked this many years ago. Is there any way that the
Village with this arborist could work something? I
mean who has $8,000 to spend taking down trees, and
then you have to buy three more trees?

THE MAYOR: Well, the Village doesn't have
the capability of providing that service. It just
doesn't. We don't have the equipment. We don't have
the men that know what to do.
All of us have retained tree people who come in with trucks and cranes and everything else, because that's what you need. We just don't have the capability.

MS. PACE: And I think there are so many dead and diseased trees. First the Norwegian maples which is the majority of the trees in our neighborhood, they are only supposed to live 50 to 60 years, and they are way past that. They are even older than me. But that's the problem.

People have many, many dead trees on their property, and they just say I can't afford to spend the money on something like this. It isn't a matter of being negligent. But it's a lot of money to put out on something -- it's not like you get a return. It's not like an addition to your house. And I know it's about --

THE MAYOR: The same is said about cesspools, my dear.

MS. PACE: I know.

THE MAYOR: There's no return.

MS. PACE: Well, there is a return. But anyway, so I just wanted to say that there are many people who in their hearts want to do the right thing by taking down the dead trees.
I've been pruning these trees for 25 years. But at this point, you know, $8,000 is an awful lot of money to take down trees. And then I'm assuming I'm going to have to spend another 8,000 to put in new trees. That's the price of living in East Hills.

THE MAYOR: Or Roslyn Estates or Roslyn Harbor or Old Westbury or Old Brookville. You can go on and on.

But what I have done to help the residents is we had -- we embarked on a tree cutting program with LIPA. They walked all our lines, and they have been in the process of taking we are talking about substantial trees away from the lines to protect us from another Irene. So that's been -- we have been doing that throughout the Village. It's a slow process.

MS. PACE: And yet my son misses the canopy on our road, on Magnolia Lane. And I said to them, yes, aesthetically it's beautiful like Paris, but it's a danger. Every storm I'm a nervous wreck that something is going to happen. Thank you.

THE MAYOR: Anyone else wish to address us? Yes? Please stand up and identify yourself and your address.

MR. BRUMMELL: Okay. I want to be able stand up here, and I would like to stand up here as well and
I would like to have as much time as he has.

THE MAYOR: You didn't identify yourself.

MR. BRUMMELL: My name is Richard Brummel. I live at 15 Laurel Lane. I am asking this hearing be held to consider a moratorium back in February for 37 Laurel Lane which was demolished.

I would to like the mention the reason I am taking photos is because last time I was able to get a photo into the Roslyn News which illustrated that there's a lot of interest in this issue. That's the sole purpose of my photo to give to the Roslyn News and also sometimes to put on my website to show that yes, there are people interested in this issue.

Now, I'd like to address some of the things that Mr. Kanis said. But the first thing I would like to mention is the tree law is very clear. It says that it is in the public interest to protect the tree canopy for current and future generations. The intended chapter is to prevent --

COURT REPORTER: I'm sorry, you're going too fast.

MR. LEVENTHAL: Can you give her a copy?

MR. BURTON: He's reading from the statute.

MR. BRUMMELL: Whereas it is in the public interest to protect the tree canopy for current and
future generations, the intent of this chapter is to prevent the indiscriminate destruction or removal of trees within the boundaries of the Village and to ensure the relocation or replacement of trees which may be removed or destroyed.

We have a little debate about three inches and up. That's sort of water under the bridge, because even though the chapter clearly states that every tree removed, quote, whenever a tree is removed, a replacement tree shall be planted with the sole exception when the tree warden feels that that site is not appropriate for unspecified supposedly or presumably ecological or the quality of the soil or whatever. But there's a very clear statement in this law that every tree that's removed is supposed to be replaced. That's not happening anywhere in this Village.

I have been through hundreds of the tree permits.

MEMBER OF AUDIENCE: That's not true.

MR. BRUMMELL: I have been through hundreds of the tree permits. I'll quote you a permit here.

THE MAYOR: Just let him speak, because people may want to address the Board.

MR. BRUMMELL: I was given an hour block of
time by the Village to go through. Many trees were not
replaced many times two trees were removed. One was
replaced. That law is simply not -- here's a permit,
220 Elm Drive, 10-25-11. Removed five trees. No
replacement required. I observed two locusts and two
Norway maples in the rear yard. All trees were alive
and in good condition but have significant surface
roots. Also observed a small locust, okay to remove
five trees, four alive, one dead, $400, no replacement
required.

So here's another one, removed six trees. I
observed six large beech trees as per amended
application. All trees were dead or in advanced state
of decline. Four trees were living during construction
were but killed when grade was raised and roots damaged
despite instructions to ensure survival at lower grade,
$400. That's the fee. Apparently there was no fine,
okay?

This is the way the law is implemented.
There's a tremendous problem the way this law is
implemented because we don't have an arborist.

THE MAYOR: We are having a arborist.

MR. BRUMMELL: We haven't had an arborist.
We haven't had a moratorium. I'm sure what the
arbiorist -- it's not clear what the arborist is going
to be doing that's different from the tree warden. Supposedly the tree warden was following the rules, but somehow the rules weren't followed.

I really want to address some of the things that Spencer Kanis said, but the bottom line is I would like to submit these comments for the record. May I submit them?

THE MAYOR: Of course.

MR. BRUMMELL: To whom should I submit them?

THE MAYOR: Right here.

MR. BRUMMELL: So Mr. Kanis said most of the trees --

THE MAYOR: Excuse me, the purpose of this hearing is to hear suggestions on the current statute, not to create a debate. His speech is on the record. His speech is on the record. And you are allowed to make any comments in terms of the -- in terms of improving this tree statute, not to have a counter discussion.

MR. BRUMMELL: I would like the attorney to judge during a hearing, am I allowed to make my statement or not? These people were having a dialogue whether trees can be replaced. Am I allowed during the hearing under law, may I continue my statement without being interrupted, without being censored?
MR. BURTON: Mr. Brummell, I am not here to address your issues. The chairman or the Mayor will answer you and interpret as he sees the rules.

Certainly I think there's an easy way to handle this, which is just tell your story. Don't talk about anything else. Tell what you want. Tell what you see, period.

MR. BRUMMELL: If these -- okay, fine.

THE MAYOR: Just talk about what you want to talk about.

MR. BRUMMELL: My understanding is that there were statements on the record that are inaccurate, and for the purpose of clarifying the record so the Board has a full basis to make a decision about the tree law, I would like to add my analysis of the facts to the record.

In the first place, most of the trees are not being removed for safety reasons. Many of the trees -- I can't say that most, but a large majority of the trees whose applications I have reviewed are being removed because they were interfering with the children playing on the lawn or they were observed to be leaning one way or the other without having an arborist evaluate that it was an unsafe condition.

I observed one application for 89 Finch Drive
for multiple trees were removed because they were too close to the house all of a sudden. And the tree warden made no judgment whether that was true or not. The ARB made a decision, but there was no clear evaluation that their proximity to the house was a danger. These were healthy trees according to the tree warden who characterized them as alive.

And from what I have seen the ARB, many of the -- most of the trees that they approved to be removed are not unsafe. They seem to interfere with the expansion of the house. These houses are being expanded by the choice of the builder, not because of any requirement of the Village or requirement of -- well, they are simply the choice builder to make a larger house. Now, if that requires trees to be removed or to keep the house the same size or use the existing foundation, it would seem that the ARB could make that judgment. But it never makes that judgment. Instead it allows the builder to extend the house, extend the foundation and then says, well, if the foundation is too big now, you can't have the tree because then you won't have the adequate setback. To me that's not upholding what the law says. The law says that it is meant to preserve the canopy. It is not meant to accommodate the builder who wishes to
destroy the canopy in order to benefit in a larger house and greater profits. Okay?

Let's talk about the current law. I think as I have said in my statement, in my written statement there, I think the ARB needs to be supplanted and replaced by a committee that specifically is dedicated to trees, to evaluating trees on scientific and ecological basis rather than balancing that with the profitability of the new houses and with any other criteria that the ARB is using. That's one issue that I would like the law to be addressed.

But I mean obviously I'm speaking to people who are not really open to these suggestions. You know, that's clearly the feeling I get. You don't acknowledge that there's a crisis. You don't acknowledge that many trees are taken down that shouldn't be taken down. You don't acknowledge that the ARB is allowing multiple trees to be taken down every time a new house is built and the site is cleared.

Every time you drive down a street throughout Country Estates, I know on Laurel Lane, those trees all were clear-cut. If I hadn't intervened and said listen, isn't there some way of changing the sewer system so you don't need to take the trees down, and
miraculously those trees weren't taken down.

Throughout the community, we're seeing trees being taken down throughout the sites, and this is by the action of the ARB without any kind of interference or oversight by the Village Board that prevents that from happening.

So it really seems that, you know, I don't think there's a good-faith effort to actually even follow your own law let alone to make better law.

But I'll mention a few other issues. There are many loopholes in the law. The Village can do whatever it wants. If the Village wants to cut down a tree, it doesn't have to justify it to anyone. It doesn't have to announce it to anyone. That to me is objectionable.

In the law it says if there's any reason for the ARB to grant extenuating circumstances or to simply ignore the law, they can grant a waiver. There's no criteria for under what circumstances they can grant a waiver.

There's also an exemption if there's a landscape plan. I saw one landscape plan that required 26 trees to be removed. Just to have a landscape plan -- and the landscape plans that I did see, they replaced huge old growth trees with ornamental trees,
little Japanese trees, you know, small trees that never grow up to be canopy trees. These are loopholes in the law that don't belong there.

The Village is -- you know, we have the people say it's not a crisis. It's not -- but people don't really know what's going on because the Village doesn't compile any lists how many trees have been taken down, how many trees have been replanted, how many permits have been permitted, how many permits have been denied, what's the reason for these permits. We need an annual report that allows the people to actually judge what's going on with this law if it matters to them which I believe it does.

We should also have an evaluation of what's going on in our community in terms of the flora and fauna, what is the ecological health of our community. That can be an annual report as well. That should be in addition to having a financial budget. We should have a quality of life budget, an ecological budget.

Of course, the fines obviously are not adequate.

I think this issue of having the Village invite LIPA in to come and do, you know, massacring the trees along Harbor Hill Road, we don't know exactly what the criteria of LIPA is. We see they are very
quick to cut off the tops of trees all over the place. I actually believe that if the Village permits LIPA to do large-scale cutting of trees that that comes under certain state environmental reviews for an environmental impact statement or things like that. I would like to see something done like that, whether or not it's in the tree law.

And but the largest -- the biggest issue that I see we are losing trees sometimes by bad choices, sometimes by bad policy, but sometimes it's more from age. And what we need to do is replant the tree and acknowledge the trees are going to die. And we have to have a program to replant in our community.

I know in my property, we have allowed many trees to grow, and we have trees that are six or eight inches in diameter by now, four to six inches in diameter over the course of maybe 30 years. I don't see other properties doing that, and I don't see the Village considers it an arbor champion or something. I don't see the Village encouraging any kind of large-skill replanting in the community.

What I would suggest that the fines that are taken, the fees that are taken from these trees that are removed should be reinvested in the community by having a replanting program.
But every resident should be encouraged and even given some kind of an incentive to plant trees on their property so that we have that.

But in the meantime, the canopy is unquestionably a loss. It's a loss to LIPA. It's a loss to reconstruction, oversized new building permitted by the ARB.

THE MAYOR: You are now repeating yourself, and you have exceeded Spencer's time too. And you do have the opportunity to submit written comments for the next two weeks. The record will remain open. Okay?

MR. BRUMMELL: I would like to wrap up my comments by saying that two months ago, this Board actually voted the purpose of this hearing would be on whether or not to have a moratorium on building and tree removals until the laws are being rewritten, and you said that you were forming a committee. I haven't heard anything new about the committee. I don't see any time deadlines.

I understand maybe hurricane season is coming and maybe you want to prune trees, you want to take away dead trees. But I would still urge a moratorium until the arborist is in place, until the arborist knows what he needs to do, until the Village decides to actually replace trees one for one as the law says,
until we decide whether these houses are being built
too large and that's destroying the area that's needed
for the trees to actually coexist. I would urge that
the purpose of this hearing which was to have a
moratorium be voted on in the affirmative so that we
have some breathing room and if there needs to be some
loopholes in the law to allow for safety removals or
preparation for the hurricane season. We are not
arguing against pruning trees, against cabling trees or
against feeding trees. We are against cutting down
healthy live trees that are part of the canopy, and
that's the issue to have a moratorium until the
committee is working, until the arborist is working and
until the law is improved.

And as I repeat --

THE MAYOR: I know.

MR. BRUMMELL: -- this hearing was supposed
to be vote on a moratorium. When I raised the issue of
a moratorium in February, the Board said we can't hold
a moratorium until we hold a hearing, and so therefore,
we are going to hold a hearing in April. Now, these
hearings have morphed into hearing about the tree law
and hearing about the building. That's fine. But in
the meantime what's needed to protect the character of
the community which is not being protected and the
canopy which is not being protected, and that's the issue is having a moratorium.

THE MAYOR: Thank you. Next, stand up and identify yourself.

MR. WEISS: Matthew Weiss, 105 Heather Drive. I have just two comments, one which I made at the March of Board meeting. But since we are on record on the tree issue, I would like to reiterate that I believe the penalties are insufficient currently under the statute. $1,000 per tree I think is very low, especially if you have multiple violations. People are spending $100,000 to renovate their home. $1,000 to knock out a tree for five trees is not much. I think it should gradually increase as each tree or each violation occurs.

Additionally, which hasn't been mentioned, Section 186-5, the process and determination, there's -- the tree warden under the current statute could bypass the ARB in its own determination, and there's no specific standard for when the tree warden should be able to do so. Certainly if the tree is diseased or dead, I don't think you should have to go through the ARB. But currently the statute doesn't -- is vague. It doesn't explain that the ARB could be bypassed.
THE MAYOR: Do you have a suggested wording you want to submit?

MR. WEISS: I am happy to do so.

THE MAYOR: Thank you. Anyone else?

MR. HUTCHINSON: I --

THE MAYOR: No, no.

MR. HUTCHINSON: Jimmy Hutchinson, 2 Woodgreen Lane. And I have been a Village resident for 1,035 days.

THE MAYOR: You actually counted.

MR. HUTCHINSON: And I guess there's a few points. I fully support increasing the fines for taking down trees. I think it's a great idea and using the proceeds from the increased fines for the Village to purchase trees I think which I think Richard kind of alluded to would be a great use of those proceeds if that was possible.

The other thing I think encouraging planting trees is a great idea in the Village. And I don't know this gentleman's name, but when he spoke, he suggested that. I think it's a super idea. One of the ways to do it is to proactively communicate with the community. And I think one of the things that from Matt's campaign, I hope he doesn't get upset me using it, you can proactively -- the reason I find out about board
meetings and I attend, he sends out proactive e-mail. That's how I actually find out about the Board. It's through Matt proactively communicated instead of reaching out to the website and doing some proactive communication. I think that would be very beneficial especially for the folks on the species of trees that the Village recommends planting because obviously planting quality trees that are long lived and are not fragile is going to improve the value of the community.

Trees cost a lot of money. That's a concern. They add a huge amount of value to the property. My property, I loved all the trees on my property, and that's one of the reasons I bought my house. And I understand people are upset about trees being cut down. I'm sure it's a problem. But for somebody who has only been here for 1,035 days, when I ride my bike around this community, I notice how big the trees are. I am not driving at 35 miles an hour. I'm riding at 10.

MEMBER OF AUDIENCE: Speed limit is 30.

MR. HUTCHINSON: There are a lot of good trees, and I think we should do everything we can to keep them.

So the only other point I would like to mention is three inches is actually pretty big and expensive. And in encouraging people to plant trees,
you don't need to plant three inch trees. You may want to do it for replacement. That seems reasonable. But to encourage people to plant trees, you can buy trees that are a solid species. You are better off buying a two-inch oak than a three inch, you know, ornamental tree. And we should encourage people to plant more trees by buying smaller, less expensive trees that are of a very good species.

THE MAYOR: Thank you.

MR. HUTCHINSON: The end.

THE MAYOR: Thank you. Bill, how many trees are we getting presently?

MR. BURTON: Forty or 80.

THE MAYOR: I believe we just negotiated with the Town of Hempstead. We got 40 trees which are being planted around the Village and on Glen Cove Road just so you're aware. We did get those trees.

Anyone else? Yes, sir?

MR. EMOUNA: Yes, my name Raymond Emouna.

THE MAYOR: Your address?

MR. EMOUNA: My name is Raymond Emouna. My address is 110 Old Country Road, Mineola, New York.

Before I talk about a tree law, before I talk about a tree law, I think we have to stiffen our -- the definition resident. The definition resident is really
vague in this Village. Isn't a resident somebody that
has just a mailing address in this Village and sleeps
in someone's house two nights a month, or a resident is
someone who lives here at least six months out of the
year?

THE MAYOR: Right.

MR. LEVENTHAL: Mineola?

THE MAYOR: I understand that, but that's not
the purpose of this hearing. It's restricted to the
tree statute.

MR. EMOUNA: I understand. I'm on a little
tangent. The other thing is one of my dearest friend's
mother passed away about 17 years ago in Village of
Great Neck. A big tree fell on her car as she was
driving by. It did not touch her steering wheel. It
exactly landed on the car and killed her.

Now, the fact that some people want to make
the tree law more strict, you know, when a tree falls
-- if a tree is on your house and they are saying you
have to give all sorts of permits to remove a tree,
what happens if a tree falls on people's cars or like
Mr. Spencer brought up, the safety of the people? If a
tree falls on someone's car or falls on somebody, who
is at risk over here? All the residents are at risk
over here. I believe if you have a tree law saying
that a tree law saying that the tree, certain tree
should come down and not come down, by the same time
you should have a tree warden reporting to the Village
to have certain trees cut down because go down on
Chestnut Drive, go down Harbor Hill Road. There is a
lot of trees. Wait until we get the next hurricane.
You are going to see, we are all going to be -- it's --
the road is all going to be closed off. It may fall on
someone's head or someone's car. Whose fault is that?

THE MAYOR: Thank you. Anyone else wish to
speak on the tree statute? Yes, ma'am?

I have a question not so much to help the outcome here.
But what percent would you say is just arbitrary taking
down versus that really need to come down?

THE MAYOR: Well, it's a good question. I
have not personally seen people just -- who live here,
I am not talking about developers, just taking trees
down for the sake of taking trees down. I have seen
people taking trees down for safety reasons because the
tree was too close to the house. It was destroying the
roof because of the leaves and everything. When that
happens, you can rot out your roof. If a tree is too
close, if the branches are too high, it can affect your
buyers, can affect everything else.
But I have not observed, quote, residents, not people that are just coming in, just wiping out the trees in the place, taking out trees that they felt were unnecessary. So I mean that's what I have seen.

And with my own neighbors, they got approval from the ARB to remove trees. They put in whole beautiful landscaping. They easily spend $50,000 with trees and everything else, and they are not gigantic trees, but they are trees, and they will grow in a few years. You would be surprised how fast trees grow.

I have five trees that are five years old that I planted from twigs, because I belong to the National Arbor Association and --

MEMBER OF AUDIENCE: I get those all the time.

THE MAYOR: But they work. And they have grown to major trees. So people can do that. I mean I have six now that are incubating. I call them incubating. It's being done. I mean I haven't seen the abuse.

I have seen abuses where developers come in, that's why they have to go to the ARB where properties are decimated, and that's a different story. You know, we are taking under advisement the issue of the fines and to what level to increase them.
You've got to balance that with the resident and what they -- what they are being faced with and the burden on them and financially. Our economy, if anyone hasn't noticed, hasn't gotten any better. So we have to take that into consideration as well.

Walter? Identify yourself. I know who you are.

MR. REID: You think I can remember? Walter Reid, 25 Primrose lane. And to respond to this gentleman here, I've been here more than 15,000 days.

The question that I have, I'm not sure, I've glanced through this. What happens when a tree is blown over like in Irene? You need a permit to remove it?

THE MAYOR: No. They are emergencies.

MR. REID: The other question is I have been fortunate in that trees have sprung up on my property, and, you know, sometimes they are saplings, and somebody mentioned they had a three-inch thing. I think I have a foot tree. In fact, I remember that when my daughter was 16, the tree didn't exist. It's now a massive tree, and it's from its own.

I have another tree, that pine tree that from the little seedling I planted. Now, am I responsible for getting a permit to take down that tree if it
becomes a nuisance?

THE MAYOR: It's your tree. No matter how it happens, it's your tree.

Anyone else who hasn't been heard?

MS. GOLDENBERG: Janet Goldenberg, 90 Oak Drive. I want to talk about fines. I know that somebody has discussed about raising fines. I am opposed to raising fines for the reasoning being that it's not going to bring the trees back. I mean people are going to cut down the trees because they think that they are above it all or whatever. Raising fines will not do anything to bring back the trees. To make them replant trees and make it a big deal about them putting back the trees, that's one thing we should do, not raising fines because we live in an affluent community is a reason to be raising fines.

So I'm very opposed to raising the fines. What is that going to do? I understand, yes, it will bring more money to the Village. We are not holding a lottery. We are not going to be planting more trees so that the lines will come down from LIPA. I mean it makes no sense to me. So in all honesty to raise the fines is not going to deter a builder from knocking down more trees because they want to knock down the trees when they build a house. So I am totally opposed
to that.

The other thing I have to say is talking when Mr. Brummell talked about him looking at some of those tree permits, I know for a fact being the tree chairman of the ARB, there are landscape plans that go along with those tree permits that are not attached because it's part of the ARB, and we are very cognizant to know that we do make trees be put up in place of those trees that are being taken down.

So, you know, facts have to be known before people speak about things, because I do my due diligence, and I just don't say to somebody, absolutely, take down a tree. Go right ahead. Because we get people that come to the ARB, and they'll say, and we've had this, I'd like to take down 40 trees, and we've all gone as a group. But it's not trees they are taking down. They are literal sticks in the ground that are not -- it's not a tree. So it's not 40 trees that are coming down. It's 40 sticks in the ground that they still need approvals of. So if you are going to count that as a tree, that's not a tree.

So, you know, people really have to understand what is really going on here before they can speak. You can go through boxes at the Village and think you're reading through things and you think you
are reading through a tree permit and you think you are understanding what's going on. I do my homework. I am at that Village every day, okay? I know what's going on. I don't do it -- I don't get paid. I do my research. I do my homework. So if everybody wants to do their research and do their homework and know what's going on, then we have every reason to say what should be going on. But if you don't do your research and don't do you homework, then you can't speak. That's what I have to say.

THE MAYOR: Anyone else who has not been heard? This is not a debate. I told you you can submit whatever you want in writing on the record.

MR. BRUMMELL: I would like to add to my comments.

THE MAYOR: No. You're done. We're waiting for anyone else who wishes to speak.

MR. BRUMMELL: If you received information that contradicts my statement --

THE MAYOR: You can. The record is open for two weeks. You can submit whatever you want for two weeks. That's more than adequate.

MR. BRUMMELL: I would like to speak that you know without having to read the record.

THE MAYOR: I will read the record.
MR. BRUMMELL: I will state into the record so everybody actually hears it. I think I should have a right. If my words were contradicted, I should have a right --

THE MAYOR: This is not trial. This is not a debate.

MR. BRUMMELL: It's a public hearing to take facts.

THE MAYOR: If you have something you wish to submit, I'm more than happy to receive it. But we have the rest of the meeting to do, and if no one else wants to speak on it, we have asked people to write -- we've asked people to write amendments if they wish to the current statute. We've asked them to submit in writing whatever they want. Anyone who isn't here can submit in writing their views on the tree statute. That's more than adequate. We are going to move forward.

MR. BRUMMELL: I am not sure you are actually going to read through the record.

THE MAYOR: We do, and I certainly read it. Okay? So we are going to move. On unless someone else has anything to say, we want to move on with the regular hearing.

Anyone else who hasn't been heard wish to address the Board on the tree statute? Okay.
So what we're doing is we are going to keep the record open for two weeks, and we will receive written comments from anyone who wishes to submit them. And we will analyze it, and then we will reconvene again. And we will make certain decisions and based on the recommendations we receive tonight, okay?

MR. LEVENTHAL: So moved.

THE MAYOR: Second?

DEPUTY MAYOR E. ZUCKERMAN: Second.

THE MAYOR: All in favor?

MR. LEVENTHAL: Aye.

MS. POMERANTZ: Aye.

MR. P. ZUCKERMAN: Aye.

DEPUTY MAYOR ZUCKERMAN: Aye.

THE MAYOR: Aye. Thank you.

(Time noted: 9:15 p.m.)

This is certified to be a true and accurate transcript of my stenographic notes taken in the above-captioned matter.

Joanne Horrocks, CSR
Official Court Reporter

J.H.