

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----X

PUBLIC HEARING
OF THE
BOARD OF TRUSTEES
OF
EAST HILLS

-----X

PRESENT: MICHAEL R. KOBLLENZ, 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

1 THE MAYOR: The purpose tonight is a public
2 hearing, phase one, relating to the tree law, Chapter
3 186 which has been on the website, and copies were
4 available tonight which some of you have picked up.
5 And the purpose is to hear from residents as to areas
6 of the tree preservation law tonight, which is Chapter
7 186 as to changes or recommendations or suggestions to
8 that law.

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

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

25 "I urge the Village to revise the tree

1 protections laws to better protect East Hills and in
2 particular Norgate's beautiful mature trees. In the
3 meantime, I agree that a moratorium is needed until the
4 laws are improved.

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

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

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

24 "I'm very disappointed this happened. I
25 believe the law should be amended or whatever it takes

1 to prevent this from happening over and over again
2 throughout the Village.

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

7 That will be part of the record.

8 Okay, first person wishing to address the
9 Board?

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

12 THE MAYOR: You've got to identify yourself.

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

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

19 I'm here not as an architect. I am not here
20 as an arborist. I'm here to state the facts. I have
21 been an active member of the Architectural Review Board
22 for over six years. I was here with some of the
23 founding coworkers, and we put together the statute for
24 the review board and also for the Tree Review Board.
25 So I'm here to state the facts based upon my actual

1 experiences which can be verified by the colleagues
2 that are sitting here.

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

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

20 Amazingly enough, the third one, safety,
21 never comes up in any of the conversations, never comes
22 up in the Roslyn News in all the editorials that come
23 out when safety is one of the major issues that the
24 Architectural Review Board and the Tree Review Board
25 review whenever it comes before us on a permit on a

1 tree. And safety of the tree comes from taking care of
2 it, maintaining it, feeding it and making sure that its
3 healthy.

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

13 The Architectural Review Board in the six
14 years that I've been on it, safety is the number one
15 reason for removal of a tree, and neglect is the number
16 one cause of that tree being removed. The homeowner
17 responsibilities, and a lot of people, believe it or
18 not, do not really know how to take care of their
19 trees. They do not understand pruning, deep root
20 feeding, cabling, everything that is required to make
21 sure that a tree is maintained. There's also poor
22 quality of maintenance, and there's a lot of reasons
23 for this. And I have some resolutions at the end that
24 I'd like to present. Some of them are the cost
25 involved in maintaining the trees.

1 Also there our so-called arborists and
2 landscapers in the community that are not as
3 professional as they should be. I have photographs
4 that I have a given you of trees that were supposedly
5 pruned, and they were totally done unprofessionally to
6 the point of hurting the trees, hurting their beauty,
7 and people were paying for this type of work to be
8 done.

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

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

21 We've are going to hear about the
22 responsibility for new home construction. The role of
23 the Architectural Review Board is key in that because
24 we review the plans, and we also review the landscape
25 plan. Every house that is being designed or changed

1 has a landscape plan. That landscape plan is reviewed
2 in detail by the trees being removed. It is inspected
3 personally by every one of us. We know what it's being
4 replaced with, the size and the type.

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

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

23 If you have 100 by 110 lot and you're putting
24 a new home up and you put in a foundation, it is
25 required that the foundation, the digging of the

1 foundation is usually two feet out of the perimeter
2 outside of this new foundation. When you do that and
3 you have a tree that's 20 or 30 years old, remember the
4 canopy of the tree is the size of the roots. That
5 means you will hit the roots. You will damage roots.
6 By damaging the roots, you can damage the tree. Many
7 times it is required to remove the tree so that the
8 construction can take place, because if you leave the
9 tree up, it will be dangerous, it will fall down during
10 a storm, it will cause damage to people and property.
11 And that is all acknowledged in how we act.

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

16 The one word that we hear in the
17 Architectural Review Board consistently is the word
18 budget. Everybody who works on their house has a
19 budget. If you increase the size and mandate 20-foot
20 trees, there will be in my opinion unintended
21 consequences. Everybody does a budget. If you spend
22 more on trees that have to be taller, there's less they
23 are going to put on flowering bushes, and we allow the
24 people the way the Architectural Review Board to pick
25 and choose how they wish to spend the money. But we do

1 require replacement of trees, but we do not do it in
2 such a way that it becomes exorbitant or a burden in
3 the budgeting in the process.

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

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

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

1 and we know we can rely on what he says.

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

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

18 We also should have a publish -- we should
19 also publish the suggested tree list. There is a
20 publication with a suggested tree list for this
21 community that when you take out a tree, it be replaced
22 with a certain type. Because of environmental issues
23 that we face today, many of the trees that we have will
24 die, and I have a heard that from a number of arborists
25 they cannot be saved. And when you replace them, you

1 should replace them with certain trees that are doing
2 well and adapting to the new environment, and that
3 should be published.

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

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

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

16 MR. KANIS: Fantastic. Thank you.

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

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

23 MR. SCHEINBAUM: Charles Scheinbaum, 260
24 Revere Road. I have been a resident of East Hills for
25 45 years. I never argue with success. What we have is

1 a lot of failure. The number of trees that have been
2 removed seems excessive. There can't be that many sick
3 trees.

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

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

9 MS. BRUMMELL: Sheila Brummell, 15 Laurel
10 Lane. I'm reading your replacement. This is number
11 186-6. Whenever a tree is removed, a replacement tree
12 shall be with a caliber of not less than three inches?
13 I mean this is three inches? Is this how trees are
14 replaced? Simply a question.

15 THE MAYOR: Do you have a recommendation?

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

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

23 MS. BRUMMELL: Certainly not more than a
24 twig.

25 THE MAYOR: Okay. But you don't have any

1 other suggestion in terms of the size, right?

2 MS. BRUMMELL: A foot.

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

5 MR. DRISTOLL: Very quickly. My name is Ken
6 Dristoll, 66 Oakdale lane. I have been a resident for
7 23 years.

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

13 Were you aware of that?

14 MS. BRUMMELL: No, I'm not.

15 MR. DRISTOLL: Do you know what the root ball
16 weighs? It weighs 500 pounds. Do you know what a
17 20-foot tree, what the weight of the ball is? Almost a
18 ton.

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

1 That requires a winch and a crane.

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

17 We have one arborist coming on board?

18 THE MAYOR: Yes.

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

22 MS. BRUMMELL: Thank you very much.

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

25 MS. PACE: Judy Pace, 105 Magnolia Lane. I

1 have been a resident for 25 years. I have several
2 trees on my property, and I'm a very avid gardener. I
3 grow fruits, vegetables, herbs organically. I do my
4 own composting. I'm very user echo friendly.

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

15 THE MAYOR: You don't.

16 DEPUTY MAYOR E. ZUCKERMAN: No.

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

22 THE MAYOR: Well, the Village doesn't have
23 the capability of providing that service. It just
24 doesn't. We don't have the equipment. We don't have
25 the men that know what to do.

1 All of us have retained tree people who come
2 in with trucks and cranes and everything else, because
3 that's what you need. We just don't have the
4 capability.

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

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

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

20 MS. PACE: I know.

21 THE MAYOR: There's no return.

22 MS. PACE: Well, there is a return. But
23 anyway, so I just wanted to say that there are many
24 people who in their hearts want to do the right thing
25 by taking down the dead trees.

1 I've been pruning these trees for 25 years.
2 But at this point, you know, \$8,000 is an awful lot of
3 money to take down trees. And then I'm assuming I'm
4 going to have to spend another 8,000 to put in new
5 trees. That's the price of living in East Hills.

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

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

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

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

24 MR. BRUMMELL: Okay. I want to be able stand
25 up here, and I would like to stand up here as well and

1 I would like to have as much time as he has.

2 THE MAYOR: You didn't identify yourself.

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

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

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

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

22 MR. LEVENTHAL: Can you give her a copy?

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

24 MR. BRUMMELL: Whereas it is in the public
25 interest to protect the tree canopy for current and

1 future generations, the intent of this chapter is to
2 prevent the indiscriminate destruction or removal of
3 trees within the boundaries of the Village and to
4 ensure the relocation or replacement of trees which may
5 be removed or destroyed.

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

18 I have been through hundreds of the tree
19 permits.

20 MEMBER OF AUDIENCE: That's not true.

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

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

25 MR. BRUMMELL: I was given an hour block of

1 time by the Village to go through. Many trees were not
2 replaced many times two trees were removed. One was
3 replaced. That law is simply not -- here's a permit,
4 220 Elm Drive, 10-25-11. Removed five trees. No
5 replacement required. I observed two locusts and two
6 Norway maples in the rear yard. All trees were alive
7 and in good condition but have significant surface
8 roots. Also observed a small locust, okay to remove
9 five trees, four alive, one dead, \$400, no replacement
10 required.

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

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

22 THE MAYOR: We are having a arborist.

23 MR. BRUMMELL: We haven't had an arborist.
24 We haven't had a moratorium. I'm sure what the
25 arborist -- it's not clear what the arborist is going

1 to be doing that's different from the tree warden.
2 Supposedly the tree warden was following the rules, but
3 somehow the rules weren't followed.

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

8 THE MAYOR: Of course.

9 MR. BRUMMELL: To whom should I submit them?

10 THE MAYOR: Right here.

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

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

20 MR. BRUMMELL: I would like the attorney to
21 judge during a hearing, am I allowed to make my
22 statement or not? These people were having a dialogue
23 whether trees can be replaced. Am I allowed during the
24 hearing under law, may I continue my statement without
25 being interrupted, without being censored?

1 MR. BURTON: Mr. Brummell, I am not here to
2 address your issues. The chairman or the Mayor will
3 answer you and interpret as he sees the rules.

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

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

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

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

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

25 I observed one application for 89 Finch Drive

1 for multiple trees were removed because they were too
2 close to the house all of a sudden. And the tree
3 warden made no judgment whether that was true or not.
4 The ARB made a decision, but there was no clear
5 evaluation that their proximity to the house was a
6 danger. These were healthy trees according to the tree
7 warden who characterized them as alive.

8 And from what I have seen the ARB, many of
9 the -- most of the trees that they approved to be
10 removed are not unsafe. They seem to interfere with
11 the expansion of the house. These houses are being
12 expanded by the choice of the builder, not because of
13 any requirement of the Village or requirement of --
14 well, they are simply the choice builder to make a
15 larger house. Now, if that requires trees to be
16 removed or to keep the house the same size or use the
17 existing foundation, it would seem that the ARB could
18 make that judgment. But it never makes that judgment.
19 Instead it allows the builder to extend the house,
20 extend the foundation and then says, well, if the
21 foundation is too big now, you can't have the tree
22 because then you won't have the adequate setback. To
23 me that's not upholding what the law says. The law
24 says that it is meant to preserve the canopy. It is
25 not meant to accommodate the builder who wishes to

1 destroy the canopy in order to benefit in a larger
2 house and greater profits. Okay?

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

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

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

1 miraculously those trees weren't taken down.

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

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

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

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

21 There's also an exemption if there's a
22 landscape plan. I saw one landscape plan that required
23 26 trees to be removed. Just to have a landscape
24 plan -- and the landscape plans that I did see, they
25 replaced huge old growth trees with ornamental trees,

1 little Japanese trees, you know, small trees that never
2 grow up to be canopy trees. These are loopholes in the
3 law that don't belong there.

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

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

20 Of course, the fines obviously are not
21 adequate.

22 I think this issue of having the Village
23 invite LIPA in to come and do, you know, massacring the
24 trees along Harbor Hill Road, we don't know exactly
25 what the criteria of LIPA is. We see they are very

1 quick to cut off the tops of trees all over the place.
2 I actually believe that if the Village permits LIPA to
3 do large-scale cutting of trees that that comes under
4 certain state environmental reviews for an
5 environmental impact statement or things like that. I
6 would like to see something done like that, whether or
7 not it's in the tree law.

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

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

22 What I would suggest that the fines that are
23 taken, the fees that are taken from these trees that
24 are removed should be reinvested in the community by
25 having a replanting program.

1 But every resident should be encouraged and
2 even given some kind of an incentive to plant trees on
3 their property so that we have that.

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

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

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

20 I understand maybe hurricane season is coming
21 and maybe you want to prune trees, you want to take
22 away dead trees. But I would still urge a moratorium
23 until the arborist is in place, until the arborist
24 knows what he needs to do, until the Village decides to
25 actually replace trees one for one as the law says,

1 until we decide whether these houses are being built
2 too large and that's destroying the area that's needed
3 for the trees to actually coexist. I would urge that
4 the purpose of this hearing which was to have a
5 moratorium be voted on in the affirmative so that we
6 have some breathing room and if there needs to be some
7 loopholes in the law to allow for safety removals or
8 preparation for the hurricane season. We are not
9 arguing against pruning trees, against cabling trees or
10 against feeding trees. We are against cutting down
11 healthy live trees that are part of the canopy, and
12 that's the issue to have a moratorium until the
13 committee is working, until the arborist is working and
14 until the law is improved.

15 And as I repeat --

16 THE MAYOR: I know.

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

1 canopy which is not being protected, and that's the
2 issue is having a moratorium.

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

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

16 Additionally, which hasn't been mentioned,
17 Section 186-5, the process and determination,
18 there's -- the tree warden under the current statute
19 could bypass the ARB in its own determination, and
20 there's no specific standard for when the tree warden
21 should be able to do so. Certainly if the tree is
22 diseased or dead, I don't think you should have to go
23 through the ARB. But currently the statute doesn't --
24 is vague. It doesn't explain that the ARB could be
25 bypassed.

1 THE MAYOR: Do you have a suggested wording
2 you want to submit?

3 MR. WEISS: I am happy to do so.

4 THE MAYOR: Thank you. Anyone else?

5 MR. HUTCHINSON: I --

6 THE MAYOR: No, no.

7 MR. HUTCHINSON: Jimmy Hutchinson, 2
8 Woodgreen Lane. And I have been a Village resident for
9 1,035 days.

10 THE MAYOR: You actually counted.

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

18 The other thing I think encouraging planting
19 trees is a great idea in the Village. And I don't know
20 this gentleman's name, but when he spoke, he suggested
21 that. I think it's a super idea. One of the ways to
22 do it is to proactively communicate with the community.
23 And I think one of the things that from Matt's
24 campaign, I hope he doesn't get upset me using it, you
25 can proactively -- the reason I find out about board

1 meetings and I attend, he sends out proactive e-mail.
2 That's how I actually find out about the Board. It's
3 through Matt proactively communicated instead of
4 reaching out to the website and doing some proactive
5 communication. I think that would be very beneficial
6 especially for the folks on the species of trees that
7 the Village recommends planting because obviously
8 planting quality trees that are long lived and are not
9 fragile is going to improve the value of the community.

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

19 MEMBER OF AUDIENCE: Speed limit is 30.

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

23 So the only other point I would like to
24 mention is three inches is actually pretty big and
25 expensive. And in encouraging people to plant trees,

1 you don't need to plant three inch trees. You may want
2 to do it for replacement. That seems reasonable. But
3 to encourage people to plant trees, you can buy trees
4 that are a solid species. You are better off buying a
5 two-inch oak than a three inch, you know, ornamental
6 tree. And we should encourage people to plant more
7 trees by buying smaller, less expensive trees that are
8 of a very good species.

9 THE MAYOR: Thank you.

10 MR. HUTCHINSON: The end.

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

13 MR. BURTON: Forty or 80.

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

18 Anyone else? Yes, sir?

19 MR. EMOUNA: Yes, my name Raymond Emouna.

20 THE MAYOR: Your address?

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

23 Before I talk about a tree law, before I talk
24 about a tree law, I think we have to stiffen our -- the
25 definition resident. The definition resident is really

1 vague in this Village. Isn't a resident somebody that
2 has just a mailing address in this Village and sleeps
3 in someone's house two nights a month, or a resident is
4 someone who lives here at least six months out of the
5 year?

6 THE MAYOR: Right.

7 MR. LEVENTHAL: Mineola?

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

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

17 Now, the fact that some people want to make
18 the tree law more strict, you know, when a tree falls
19 -- if a tree is on your house and they are saying you
20 have to give all sorts of permits to remove a tree,
21 what happens if a tree falls on people's cars or like
22 Mr. Spencer brought up, the safety of the people? If a
23 tree falls on someone's car or falls on somebody, who
24 is at risk over here? All the residents are at risk
25 over here. I believe if you have a tree law saying

1 that a tree law saying that the tree, certain tree
2 should come down and not come down, by the same time
3 you should have a tree warden reporting to the Village
4 to have certain trees cut down because go down on
5 Chestnut Drive, go down Harbor Hill Road. There is a
6 lot of trees. Wait until we get the next hurricane.
7 You are going to see, we are all going to be -- it's --
8 the road is all going to be closed off. It may fall on
9 someone's head or someone's car. Whose fault is that?

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

12 MS. MANDELBAUM: Mina, M-I-N-A, Mandelbaum.
13 I have a question not so much to help the outcome here.
14 But what percent would you say is just arbitrary taking
15 down versus that really need to come down?

16 THE MAYOR: Well, it's a good question. I
17 have not personally seen people just -- who live here,
18 I am not talking about developers, just taking trees
19 down for the sake of taking trees down. I have seen
20 people taking trees down for safety reasons because the
21 tree was too close to the house. It was destroying the
22 roof because of the leaves and everything. When that
23 happens, you can rot out your roof. If a tree is too
24 close, if the branches are too high, it can affect your
25 buyers, can affect everything else.

1 But I have not observed, quote, residents,
2 not people that are just coming in, just wiping out the
3 trees in the place, taking out trees that they felt
4 were unnecessary. So I mean that's what I have seen.

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

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

14 MEMBER OF AUDIENCE: I get those all the
15 time.

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

21 I have seen abuses where developers come in,
22 that's why they have to go to the ARB where properties
23 are decimated, and that's a different story. You know,
24 we are taking under advisement the issue of the fines
25 and to what level to increase them.

1 You've got to balance that with the resident
2 and what they -- what they are being faced with and the
3 burden on them and financially. Our economy, if anyone
4 hasn't noticed, hasn't gotten any better. So we have
5 to take that into consideration as well.

6 Walter? Identify yourself. I know who you
7 are.

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

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

15 THE MAYOR: No. They are emergencies.

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

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

1 becomes a nuisance?

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

4 Anyone else who hasn't been heard?

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

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

1 to that.

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

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

22 So, you know, people really have to
23 understand what is really going on here before they can
24 speak. You can go through boxes at the Village and
25 think you're reading through things and you think you

1 are reading through a tree permit and you think you are
2 understanding what's going on. I do my homework. I am
3 at that Village every day, okay? I know what's going
4 on. I don't do it -- I don't get paid. I do my
5 research. I do my homework. So if everybody wants to
6 do their research and do their homework and know what's
7 going on, then we have every reason to say what should
8 be going on. But if you don't do your research and
9 don't do your homework, then you can't speak. That's
10 what I have to say.

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

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

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

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

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

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

25 THE MAYOR: I will read the record.

1 MR. BRUMMELL: I will state into the record
2 so everybody actually hears it. I think I should have
3 a right. If my words were contradicted, I should have
4 a right --

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

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

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

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

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

24 Anyone else who hasn't been heard wish to
25 address the Board on the tree statute? Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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