



NEW YORK STATE SENATOR

Tony Avella

## Senator Avella Holds Press Conference Unveiling Legislation to Allow Homeowners Right to Decline City Trees From Being Planted on their Property

TONY AVELLA April 28, 2016



Queens, NY – Today, State Senator Tony Avella held a press conference to unveil legislation that would allow homeowners to opt-out of a plan that would have a tree or trees planted on their property as per their city's tree planting program. When homeowners are forced to have trees planted adjacent to their property, they are also being forced to burden a number of responsibilities.

As a result of forced tree plantings, homeowners are currently subjected to a number of liabilities by their city without a choice. Commonly cited issues include fallen tree branches, which cause property damage, tree root damaged sidewalks, which could further lead to personal injury, and fallen branches and leaves which clog drainage and cause flooding.

Under Avella's legislation, owners of a residential property, residential co-ops and condominium boards would need to be issued a notice of a tree planting by the City and be provided 30 days within which they can decline.

"It is remarkably unfair that cities can impose tree plantings on residential properties while homeowners are left with all the responsibilities that inevitably follow. It is equivalent to adopting a pet and leaving it on someone else's door step. I have countless homeowners requesting help because the City issues a violation for cracked sidewalks, even when its the City's own tree causing the damage. Even in NYC, where the Department of Parks and Recreation (DPR) can assess that damage was caused by a city tree and cover the repairs, years can pass before they act, leaving the property owners legally liable if someone suffers an injury in the interim. Homeowners, co-ops and condos should have a right to not be burdened by the costs associated with a tree on their property, and it's time we give them that choice," said State Senator Tony Avella.

As President of Glen Oaks Village, the largest garden apartment co-op in New York City, I can tell you that we love our trees on our 125 acres of property. However, there are times when it is simply inappropriate to plant a tree in a certain location. Whether the tree roots may damage a sewer line or sidewalk or simply create too much shade in a garden area, who is best to make the decision whether to have or not have a tree planted? Of course it is the homeowner who has a vested interest in the upkeep of his or her property. This existing policy whereby the nanny-state knows what's best and will force you to have a tree planted in front of your home over your objection must be stopped. Senator Avella's legislation puts

that decision where it belongs - with the homeowner, co-op or condo not with the City bureaucrats who can't even have our street trees pruned on a timely basis," said Bob Friedrich, President of Glen Oaks Village.

As a long time resident of eastern Queens, I realize the importance of having trees in our community. However, the homeowner MUST be given the option of having a tree planted in front of their property. Several years ago, the city came around to plant new trees in my community. I noticed a work crew, in front of my house, digging two holes to plant trees in front of my house. One was directly over my gas and sewer lines! I told them what they were doing and they only planted one tree in the other location. The roots from the tree they planted damaged my side walk! When that tree died ( along with two others on my street ) and after several calls, the city removed it but left a five foot "stump". It took even more calls to have that stump removed. When the city inspector came by to inspect the sidewalk damage caused by that tree, the inspector said: "But there's no tree here!" Thankfully I had photos and documentation to show that there was," said Michael P. Castellano, President of the Lost Community Civic Association.