

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PARKS AND RECREATION

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November 10, 2021  
Start: 11:04 a.m.  
Recess: 11:14 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: Peter Koo  
CHAIRPERSON

COUNCIL MEMBERS:  
Carlina Rivera  
Mark Levine  
Eric Dinowitz  
Kevin Riley  
Mark Gjonaj  
Fernando Cabrera  
Francisco Moya  
James F. Gennaro  
Jimmy Van Bramer  
Robert F. Holden  
Selvena N. Brooks-Powers  
Eric A. Ulrich  
Darma V. Diaz  
Justin Brannan  
Joseph C. Borelli

A P P E A R A N C E S (CONTINUED)

2 [background comments]

3 [gavel]

4 CHAIRPERSON KOO: Good morning. I'm Peter  
5 Koo, Chair of the City Councils Committee on Parks  
6 and Recreation. Today, the committee will vote on  
7 proposed Introduction 957-A, sponsored by my  
8 colleague, Council member Borelli. This bill will  
9 limit the number of replacement trees that are  
10 required Parks Department to be planted by  
11 individuals and entities who apply to lawfully remove  
12 trees during construction projects in certain lower  
13 density residential areas. Specifically, the bill  
14 will require the number of [inaudible 00:02:09]  
15 replacement trees should be no greater than two  
16 inches-- no. I'm sorry. Should be no greater than  
17 two times the number of [inaudible 00:02:21] interest  
18 removed in aisle one, aisle two, and aisle three  
19 zoning districts. I think Council member Borelli for  
20 introducing this bill and I will now invite him to  
21 offer any remarks on this legislation. After his  
22 remarks, I would like to invite the clerk to call the  
23 roll call. Thank you and welcome.

24 COUNCIL MEMBER BORELLI: Thank you,  
25 Chairman Koo, and thank you for your partnership on

2 this issue, specifically. I want to be just clear  
3 about what this bill does and doesn't do. This bill  
4 still shows that New York City cares about preserving  
5 its trees and its canopies. This bill does  
6 incentivizes tree removal by allowing tree  
7 restitution fees. This bill allows for tree  
8 restitution fees to grow based on the size and number  
9 of trees you remove. So, it doesn't really change  
10 the goal of the initial local law that was passed  
11 over 15 years ago. We are here, though, because  
12 there are group of unelected bureaucrats at the Parks  
13 Department who have refused to act reasonably on this  
14 issue and throughout my time trying to negotiate this  
15 bill, they've never been able to explain to me why a  
16 bus operator or a teacher or a nurse or any other  
17 middle-class family in my district or in some of the  
18 other low density districts around the city should  
19 pay upwards of \$100,000 to remove the tree that they  
20 must remove in order to comply with other sections of  
21 zoning code and the building code. We all agree we  
22 need sidewalks, right? Unfortunately, you can't have  
23 a tree and the sidewalk in the same spot no matter  
24 how hard we try. The problem is that the Parks  
25 Department uses a formula that they say is an

2 international standard-- and it is-- but it is not  
3 used by every city. If you look right across the  
4 river at Jersey City, they use a formula that we are  
5 trying to put into law now where they actually look  
6 at the caliper number of trees and base your  
7 restitution based on that. The Parks Department  
8 inefficiency and incompetence in delivering large  
9 tree restitution trees is also part of the problem  
10 here. We have a formula, but the multiplier of that  
11 formula is the cost to plant a three inch tree. We  
12 have had hearings ad nauseum on this issue and the  
13 Parks Department's fees have only gone up and up.  
14 Why does it cost \$2800 to plant a three inch tree in  
15 New York City when it cost \$500 to plant the same  
16 tree in Jersey City? So, we have a system where we  
17 have acted unreasonably. So, we are still protecting  
18 trees. We are still allowing for restitution fees.  
19 We are still protecting larger and the quantity of  
20 trees on properties. We are just taking away the  
21 Parks Department ability to hold homeowners with a  
22 sense of gunboat diplomacy because they are  
23 threatening them with hundreds of thousands of  
24 dollars in tree restitution's. I just showed my  
25 colleague Jim Gennaro here next to me a case in point

2 where we have one specific homeowner who is tied up  
3 in legal discussions with the Parks Department since  
4 2020 over whether or not the Parks has jurisdiction  
5 over single tree. A family is renting a house and  
6 waiting to close on their house that they purchased  
7 last year only because the Parks Department refuses  
8 to even negotiate on a restitution fee. This is an  
9 example. If the restitution was \$10,000, the family  
10 would be in the house by now. But the restitution is  
11 10 times that and it is impossible. So, thank you to  
12 my colleagues for supporting me on this bill. I  
13 understand that, you know, some people might have  
14 objections to it and have concerns, but remember it  
15 doesn't do the things that you think it does and it  
16 still allows for restitution in the preservation of  
17 our tree canopy. Thank you.

18 CHAIRPERSON KOO: Any members have any  
19 comments or want to say something about this bill?  
20 Seeing none, the clerk will take the role call.

21 COMMITTEE CLERK: William Martin,  
22 Committee Clerk. Role call vote Committee on Parks  
23 and Recreation. Proposed Introduction 957-A. Chair  
24 Koo?

25 CHAIRPERSON KOO: I vote aye.

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2 COMMITTEE CLERK: Moya?

3 COUNCIL MEMBER MOYA: Aye.

4 COMMITTEE CLERK: Cabrera?

5 COUNCIL MEMBER CABRERA: Aye.

6 COMMITTEE CLERK: Council member Cabrera

7 votes aye. Van Bramer?

8 COUNCIL MEMBER VAN BRAMER: Aye.

9 COMMITTEE CLERK: Brannan?

10 COUNCIL MEMBER BRANNAN: Aye.

11 COMMITTEE CLERK: Holden?

12 COUNCIL MEMBER HOLDEN: I vote aye.

13 COMMITTEE CLERK: Darma Diaz?

14 COUNCIL MEMBER DIAZ: I vote aye.

15 COMMITTEE CLERK: Riley?

16 COUNCIL MEMBER RILEY: I vote aye.

17 COMMITTEE CLERK: Gennaro?

18 COUNCIL MEMBER GENNARO: I vote aye and

19 I wish to be associated with the remarks of Council  
20 member Borelli.

21 COMMITTEE CLERK: Brooks-Powers?

22 COUNCIL MEMBER BROOKS-POWERS: I vote

23 aye.

24 COMMITTEE CLERK: Borelli?

25 COUNCIL MEMBER BORELLI: Aye.

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2 COMMITTEE CLERK: By a vote of 11 in the  
3 affirmative, zero in the negative, and no  
4 abstentions, the item has been adopted by the  
5 committee.

6 CHAIRPERSON KOO: We are going to keep the  
7 floor open for five minutes? 10 minutes?

8 [background comments]

9 COMMITTEE CLERK: Continuation role call,  
10 the Committee on Parks and Recreation. Proposed  
11 Introduction 957-A. Council member Gjonaj?

12 COUNCIL MEMBER GJONAJ: I vote aye.

13 COMMITTEE CLERK: Final vote. Committee  
14 on Parks and Recreation is 12 in the affirmative,  
15 zero in the negative, and no abstentions.

16 CHAIRPERSON KOO: Thank you, all members.  
17 The meeting is adjourned.

18 [gavel]

19 COMMITTEE CLERK: William Martin,  
20 Committee Clerk, we are reopening the role call the  
21 Committee on Parks on Proposed Introduction 957-A.  
22 Council member Ulrich?

23 COUNCIL MEMBER ULRICH: I vote aye. Thank  
24 you.

25

2 COMMITTEE CLERK: Final vote now on  
3 proposed Introduction 957-A 13 in the affirmative,  
4 zero in the negative, and no abstentions. This  
5 hearing is closed.

6 [Background comments]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 6, 2021