



**INCORPORATED VILLAGE OF OCEAN BEACH**

**Public Working Session – Tree and Vegetation Protection Ordinance**

Minutes of the Meeting of the Public Working Session for Tree and Vegetation Protection Ordinance for the Incorporated Village of Ocean Beach, Suffolk County, New York held on December 1, 2023 at the Boat House, 625-632 Bayberry Walk, Ocean Beach, New York and is also being conducted via Zoom.

There were present:

- |                        |  |
|------------------------|--|
| Mayor:                 | James S. Mallott                       |
| Trustees:              | Marco Arment                           |
|                        | Dawn L. Hargraves, via Zoom            |
|                        | Ian Levine, via Zoom                   |
|                        | Jennifer Moritz                        |
| Village Counsel:       | Kenneth Gray                           |
| Village Administrator: | Joseph DiFrancisco                     |
| VOBEC:                 | Camille Giugliano, Co-Chair            |
| VOBEC:                 | David Lipsky, Member                   |
| VOBEC:                 | Beth Jacobwitz, Secretary              |
| VOBEC:                 | John Armentano, Pro Bono Legal Counsel |
| VOBEC:                 | Emily Wicks, Member                    |
| VOBEC:                 | David Lieber, Co-Chair                 |
| Contractor:            | Vincent Fazio                          |

No motions or resolutions were acted upon in the Working Session. Working Session was closed at 11:03AM by Mayor Mallott. The motion was seconded by Trustee Levine, upon call the following voted:

- |                   |           |
|-------------------|-----------|
| Trustee Arment    | Voted Aye |
| Trustee Hargraves | Voted Aye |
| Trustee Levine    | Voted Aye |
| Trustee Moritz    | Voted Aye |
| Mayor Mallott     | Voted Aye |

**Mayor Mallott:** All right, let's open this meeting. Please stand for the Pledge of Allegiance. Good afternoon everybody.

**Ken Gray:** Good afternoon. This is a work session of the Village. Ocean Beach Board of Trustees. So it's not one of its regularly scheduled meetings. It's a it's a special board meeting, what's known as a working session. Um, so we're not following the standard agenda, uh, that we established for regular board meetings. So there will be no hearing of the citizens. Um, the board has invited one of the committees, the Village Ocean Beach Environmental Committee, to come and work with them over some proposed legislation in which we had opened a public hearing, um, at the last board meeting. So we wanted to the board wanted to meet with the board to go over some proposed changes. So there again, there is no hearing of the citizens and therefore no public participation. You're allowed to be here, obviously, to observe the workings of the board. Um, so you can understand what they're doing and you can observe what they're doing. Public comment will be at the next board meeting when we reopen. Uh, the public hearing that was adjourned from the last board meeting concerning this proposed legislation. So with that said, um, if we can just have our tech board members introduce themselves.

Members introduced themselves

**Ken Gray:** Okay. So what? What every. Yeah. What everybody here in person has been given are three versions of the proposed legislation. One is the one that. Uh, was drafted by Mr. Armentano, which was circulated, and I'll call that the Boebert version. Then Trustee Jen had put together and circulated a copy. And then I think yesterday there was a what I'll call draft number three. What's that? Right. Which. Right. Right. So. Right. Call that draft number three, which is a combined draft version of one and two. And that I believe was circulated to everybody by email. So I want to make sure that we're all working off of the same document.

**Trustee Moritz:** This one. Right here. It says findings on it. **Beth Jacobwitz:** Version number three. That's the one we're working off of. **Ken Gray:** It doesn't say version three on it. **Trustee Arment:** It's the one that says Incorporated Village on the top and is not all underlined. **Trustee Moritz:** Yeah, it's not under. **John Armentano:** Local law six I believe this is what happened. **Ken Gray:** Yes that's correct. **Trustee Arment:** It is numbered up top. **Ken Gray:** The one that says proposed local law number six. So yes, that's what we're looking at. If Um So mean. Go ahead, Jen, you want to go through it? **Trustee Moritz:** Yes. I think that we should go down. What do you think about paragraph by paragraph and, you know, have our opinions heard? **Beth Jacobwitz:** Sure. I just I do want to say that, I mean, I received this in the car on the way here today, so I've kind of tried to go through it, but I haven't really. I figured. **Trustee Moritz:** That's why it too. **Beth Jacobwitz:** Quickly. So I mean, I've looked at it pretty quickly, so I just want to. **Trustee Moritz:** Sorry about that. But Bunny's been out sick for and I. Yeah. Put it together last night.

**Beth Jacobwitz:** Yeah. No, no no worries. I'm just saying like, all, like I, I do want to say that I would like the opportunity to read it more carefully after this is all over like that, whatever our comments are like, like a small window of time where we can say, wait a minute, we missed something. This is in this context, it's a little hard to make sure that we're not missing something.

**Trustee Arment:** And to be clear, like we have time, that we don't need to pick one of these three today as the version we don't have a ton of time. Like we're going to need to probably put that together, what, in about a week?

**Trustee Moritz:** We have about yeah, yeah. So we can address what we agree upon. We can go down and what we agree upon that goes through. And then we can work on what we need to discuss. And we are going to miss some things and going to have to add things with the loopholes and right that we find later on as well.

**Trustee Levine:** I have a question, guys. We had a public hearing on let's say, uh. Document number one. Okay, which was the one submitted by VOBEC. The other two have not been submitted to the record or anything like that. And this is a work session on that document. So should we be discussing a new document or should we be working off of document number one and just adding things to it?

**Ken Gray:** Well, that's what document number three is. Document draft number three is things that have been added to draft number one. So the only issue here is if you're going to amend it, which you're free to do because nothing's been adopted. We just have to make sure that we have a final draft. In the hand of the hands of the trustees. Five days before the continuation of the next board meeting. And then, if anything changes dramatically at the next public hearing. We're going to have to adjourn it again because that's the requirement you have to have. It has to be in the hands of the legislators five days prior to the public hearing, before it can get adopted, and if there's any substantial change to it. At the public hearing. Then you have to, you know, you have to adjourn it and continue it. So that's what the purpose of this meeting was. That's why we adjourned the meeting. Public hearing from the last board meeting to give us

the opportunity to amend the proposed local law. And that's what this is. Draft three is an amendment to the proposed local law.

**Trustee Levine:** So is what you're saying, Ken, that if we make any changes at the next village meeting, we cannot vote on it. We have to then postpone it for another month if. **Ken Gray:** There are substantial changes. I mean, if there's a typo, you know, you know, let's say somebody didn't capitalize the T in the first word of a sentence. That's not a substantive, substantive change. So you can make typographical corrections but not substantive changes at the next board meeting. **Trustee Levine:** And my last question on this issue, since Beth and her board or the board submitted the proposal, are they then the ones that will be submitting the new proposal, or can anybody submit it. **Trustee Moritz:** To submit it together? Correct. **Ken Gray:** They made a recommendation to the board. The board or one or a couple of the board members thought that there needed to be some additional information included in it. So that's the purpose of this is to work out what the proposed legislation is. Any anybody can submit a proposed legislation to the board, and the board can ignore it. They don't have to do anything with it. It's the board action. That's the final action. So VOBEC made a recommendation. The board is it appears amenable to accepting it, but not as presented. They want it tweaked. And that's the purpose of this work session I agree. **Trustee Levine:** Thank you very much. Ken Gray: no problem

**David Lipsky:** Is the sum total of the tweaks. Basically creating a tree committee I no it's not. **Ken Gray:** So my understanding and let's be clear I didn't draft draft number one. I didn't draft draft number two. And I didn't draft draft number three. It's my understanding that the main issue and Jen, correct me if I'm wrong, was to create a tree committee, which is made up of two members of year round residents. The village administrator, a village trustee, and who else? **Trustee Moritz:** The building inspector. **Ken Gray:** And The building inspector. Inspector who will make recommendations on when permits get issued and don't get issued. But the the other main portion of Jen's version that was incorporated into draft number three is the Jen wanted to address. Village property. I believe your draft. Focused on trees and vegetation, on private property and what residents can do. If they, you know. So to avoid clear cutting and to make sure trees get replanted. Et cetera. Et cetera Jen incorporated in Village property. What? What should happen with village property or not? So with that said. **Trustee Moritz:** That's basically what's happening. No, he's watching it. So I guess we'll go down through the whole entire thing. Vin, do you have a copy? Yeah. The draft three. Yeah. Okay, there's number six, and you want to go down the whole thing.

**Trustee Moritz:** Okay, so the board of trustees. Okay. Don't want to have. We don't have to read the whole entire. **Trustee Arment:** We don't have to read. The whole thing has not changed. **Trustee Moritz:** You're changing all in agreements with the changing. **Beth Jacobwitz:** The definitions of the way the change is. **Trustee Moritz:** Right. The definition. Let's start. **Trustee Arment:** There. Right. **Trustee Moritz:** So we're going to lead up at the front. Okay. So the adjacent property owner we're going to we're going to take some of that out.

**Beth Jacobwitz:** Don't need we don't have streets where like you know what I mean. This is like we have a sidewalk. And then the thing in the middle, we don't have that.

**Trustee Moritz:** Well, the only thing I'm talking about is this is for for public. Like, let's say, just for instance, there's a don't. **Ken Gray:** Don't use a specific example. **Trustee Moritz:** Example. I'm not going to, um, there's a home that there's a tree blocking the view and they want to trim it and they go and they trim it. This is saying the adjacent property. That's the only definition. It's only a definition.

**Ken Gray:** I'll give you an example. This happened in Brooklyn off of the the parkway that leads to the Verrazano Bridge. There was a number of trees that were, you know, separating the Western. We call it the Parkway. What parkway is the parkway? Thank you. The Bell Parkway and the view to the Verrazano

Bridge and the bay. And some property owner whose view is blocked came and chopped down six trees. Right.

**Beth Jacobwitz:** Yeah. That's no different than the dune, right? Exactly. **Trustee Moritz:** That is exactly what we need to enforce. Tree grows in. **David Lipsky:** Brooklyn. Yeah. Yeah. **Ken Gray:** I used the Brooklyn reference. I didn't want to use a reference. **Trustee Moritz:** That is what it does. But but from there, we can go stop from Village Street and we can erase all the rest, because it doesn't really matter. The following on the end of. Yeah. So that doesn't erosion.

**David Lipsky:** Whether there are any public trees other than in the village lawn and on the dune on the south side, north side of the dune. It was. **Trustee Moritz:** Well, we hope to be. **David Lipsky:** More. **Beth Jacobwitz:** Well, the delivery lanes of the school. **Ken Gray:** The school is not in the building. **Trustee Moritz:** You know what I mean? But, um, when swept, if we plant anything there, you know, things like that, like all our properties, which the board intends to plant more trees. The committee

**Trustee Arment:** Legally speaking, for the delivery lanes, when those are purchased by the homeowners, I assume we have an easement to keep using it in some form. Right. How does that work with trees on the. **Ken Gray:** Well, on the deeds we have, we built in an easement so that we can have access to the utility lines. **Trustee Arment:** Do we own the trees? Still, if the homeowner has purchased that strip of delivery lane. **Ken Gray:** But not everybody's purchased delivery lane, right. **Trustee Arment:** But so it's, you know, this, you know, probably mish mash, you know. So how does that work with tree ownership for this purpose? **Ken Gray:** It would be their tree. **Trustee Arment:** Okay.

**David Lipsky:** If they just thought it was not their tree would not be their tree. **Trustee Moritz:** I don't think it would be their tree. Do you. **David Lipsky:** Think **Beth Jacobwitz:** Because I think it's the same as, like that space in front of your house, between your fence and the curb? If there's a tree there, that's not really your tree. **Ken Gray:** In my opinion, if you purchase delivery lane, you own it. You own the tree. We just have an easement to an easement of necessity to access the sewer, water line and whatever it happens to be back. **Trustee Arment:** And then the power company can trim the trees for the lines and things like that. Okay. Right. **David Lipsky:** But when they.

**Trustee Levine:** Walk into the microphone.

**Mayor Mallott:** Have to be voice. Look at. Have to get. Delivery Lanes right. If the tree needs to come out of the way, it needs to come out of the way. The tree roots.

**Beth Jacobwitz:** Who does that? You do that or the homeowner does that?

**Trustee Arment:** That's right. That's a question.

**Trustee Levine:** And will the homeowner be responsible for replanting that tree someplace else?

**Trustee Arment:** Yeah. Who?

**Mayor Mallott:** Replants it. Get it out of there. I mean, well.

**Trustee Moritz:** There may be coming to contact the cost.

**Trustee Arment:** Well, I think in the wording of this, if the village forces the removal of a tree in the delivery lane, replanting is not required by the same mechanism. Right. **David Lipsky:** Right.

**Trustee Arment:** And we hope people would replant, but it wouldn't be required technically. **Trustee Moritz:** Okay. Was there any other definitions? **David Lipsky:** Yeah. Um.

**Beth Jacobwitz:** We don't really need the. Well, the diameter, breast height. We used circumference. And this is talking about diameter. I'm not sure that's an intention. **Ken Gray:** Actually somebody pointed that out during the board meeting. **Beth Jacobwitz:** But this is a new addition. Now like we we knew the in our proposal that that was a typo that we use diameter once but now this is a whole definition.

**Trustee Moritz:** So then that needs to come out then. **Trustee Arment:** So, the only place diameter breast height is referenced in the document is in the definition of tree measurement which basically defines it as diameter breast height. So we so the thing is like, yeah, I mean, we should probably merge that into tree measurement, but also we should, you know, I'm not sure what standard definitions are or like what arborists use, but we still within this document, we still use diameter and circumference in different places. And obviously those are very different measurements. And so we should figure out what are the standard ways that arborists and professionals refer to these sizes and make sure we're aligned with that I would think. **John Armentano:** I believe it's the diameter at breast height that's the standard. **David Lipsky:** Sorry diameter. **John Armentano:** Diameter at breast height. **Trustee Arment:** Diameter is the is the standard? **John Armentano:** Yeah. Is the standard tree. That's how many codes are written. Diameter at breast height is considered. **Beth Jacobwitz:** So then we should change the other places where it says circumference to diameter. Yeah.

**Trustee Moritz:** The diameter. Breast height. **Trustee Arment:** Yeah. And we don't have a lot of circumference references. There is one in the definition of tree. It's a trunk circumference of four inches or greater. So. Well but that's a much bigger reference. That's a much bigger size though. If it's four inches in diameter, that's a much larger.

**John Armentano:** Correct. Right. We'd have to modify it to be. If you're going to consider it to be a circumference, then you have to back the math into whatever that circumference would turn into a diameter. Right. I think that would be the other. We have to use one as the model. If it's for guess I'm four inches that circumference, we could convert it to diameter. But if that measurement is not what people want to use, then we have to just agree as to what is the diameter at breast height that's going to be considered. A tree, I think is the best way to look at it.

**Trustee Arment:** By the way, that's only it's about an inch and a quarter. If that's the. **Trustee Moritz:** If we can. **Trustee Arment:** That's the equivalent. **Trustee Moritz:** We were asking Vinny, because. (inaudible) **Trustee Levine:** Please talk into the mic. We can't hear you. Yeah. **Trustee Arment:** Vin, can you come up to the mic? Actually, you. **Trustee Moritz:** Should just come sit here.

**Vinnie Fazio:** If I go by nursery stock. This done by caliper of the tree. **Trustee Arment:** That's diameter right. Like you take a cone.

**Vinnie Fazio:** Like from here to here. The width of the tree. That'd be a 3.5in caliper, which probably a ten foot tree. And you go circumference on that same thing. It's probably 12in, right. Or more. You know what I mean? Just to let you guys understand. **Trustee Arment:** Do you have an idea of, like what? What people consider a tree. Minimum diameter.

**Vinnie Fazio:** You mean we can buy them two and a half? But that's pretty much on the lower side. It's a young tree, a weak tree. The thicker the caliper, the more oomph, right. You know what I mean. **Trustee Arment:** So at retail, they tend to start around two to 2.5in. **Vinnie Fazio:** Yeah even smaller you can get one one one inch but it's a twig right. Okay. If you're going to plant it over here you want something established. **Trustee Moritz:** It should be three inches. **Vinnie Fazio:** 3 or 3 And a half is the minimum.

**Trustee Arment:** Well the the lower we make this, the more restrictive the law is like the more trees it covers basically. And so we might this is actually a pretty this is a pretty important just. **Vinnie Fazio:** A maple tree planted here this year. Right. 3.5in caliber.

**Trustee Arment:** What about like do we have an idea I mean, you know this better than I do. Like what do we have out in the wild? Like what's out there now in terms of like, what people would consider a tree that we would want to preserve? How what kind of size does that tend to be? **Vinnie Fazio:** Well, the eastern. Red cedar and stuff like that, anywhere from two and a half to three inches young. You know, but the bigger ones, you know, you got you got cheaters out there this round, you know. Well, I'm talking about the minimum.

**Trustee Arment:** Yeah, yeah. Like what would we want to protect. Yeah. Does VOBEC have an opinion on this. **Beth Jacobwitz:** Mean four seems large. Yeah. Yeah, that seems too big. The trees that we have here. That's why I think I was saying maybe three is better. **Trustee Hargraves:** I agree with three. It's done a.

**Vinnie Fazio:** Lot of varieties that don't even get that big. **David Lipsky:** Right? Right. **Vinnie Fazio:** Blueberries, ink, berries, stuff like that. **David Lipsky:** Shrubs. **Vinnie Fazio:** Right, right.

**Trustee Arment:** And we have a. **Vinnie Fazio:** Separate very important to the survival of everything.

**Trustee Arment:** Else. Yeah. And we have separate definition of vegetation. And that is defined basically as pretty much anything that's at least five feet tall. So, if it's something thin that's that happens to be really tall, that would still be protected in most places in the law.

**Trustee Moritz:** So that closes that loophole. **Trustee Arment:** Yeah. Yeah. **Trustee Arment:** Right.

**Trustee Moritz:** This is what we're doing closing loopholes. Yeah. **Trustee Arment:** So we're looking at for the tree definition. We're basically thinking we said three inches or two, **Trustee Moritz:** 3 Yeah. No diameter. Breast height for a tree should be three measuring three inches or less

**Trustee Arment:** three inches in diameter. **Ken Gray:** Yeah. Well I mean it says here a caliper at six inches. **Beth Jacobwitz:** Yeah. What does that mean. Tree. **Vinnie Fazio:** Let's say this is a tree. Yeah.

Let's say this is your tree microphone. **Ken Gray:** That's your caliper. **Vinnie Fazio:** Yeah. **Trustee Arment:** That's diameter. **Vinnie Fazio:** Yeah. Straight across. **Trustee Moritz:** Diameter.

**Beth Jacobwitz:** No but. **Trustee Hargraves:** But hey Nance. (inaudible)

**Trustee Moritz:** Tree trunk, in diameter, measuring in inches, with a caliber of six inches from grade.

From the grade. **Trustee Levine:** But there are trees guys that that have much smaller calipers that could be 12, 13, 14ft tall like a river birch. I mean that could be like two inches diameter. Depends on the tree that we're that, you know, we're talking about to determine, you know, what the measurements are going to be. I don't want to take away river birches. They suck up a lot of water and they're good for the environment.

**John Armentano:** That's why the vegetation height is that contemplates that I believe. **David Lipsky:**

The caliper is the measuring tool. **Trustee Arment:** Yes, but it's. **Trustee Moritz:** The caliper is just a measuring tool. **Trustee Arment:** Yeah. Right. And they're using it as a trade name to refer to a way to measure diameter.

**Trustee Levine:** So we're going to use. **Trustee Moritz:** We can't hear. **Trustee Arment:** All right.

**Trustee Levine:** We're going to use diameter and height or height and or height. **Trustee Arment:** Sorry. Can you repeat that, Ian? The freight boat just came in. It was pretty loud. Can you repeat that?

**Trustee Levine:** We're going to use diameter and or height of the tree. **Trustee Arment:** It's two different definitions. The height refers to the. The height qualifies the vegetation definition. And the diameter of the trunk qualifies the tree definition. And in most cases, in most places in the law, we refer to

trees and vegetation or trees or vegetation. **Trustee Levine:** So only because like a tree, like a river birch, you know, is a very small diameter or caliber, you know, but they could be 14, 15ft tall, you know, with that caliber, they're not going to be three inches. They could be less. I mean, it does drink a lot of water.

**Trustee Arment:** So obviously this is a trade off between being too aggressive and requiring permits for every little thing. And protecting trees would say two inches be too aggressive or would that do you think that would be what we intend here with tree protection? **Trustee Levine:** I think it should be changed to and/or height. **John Armentano:** I think it should be or. **Trustee Levine:** Okay, that's even better.

**Trustee Arment:** Well, if it's if it's. Or do we have a weird issue of vagary? Because then something could qualify as both a tree and vegetation. Guess we have that now. **John Armentano:** I think the stricter version is how you would apply it. **Trustee Moritz:** What did you suggest, John? **John Armentano:** It would be the stricter of the two. **Trustee Arment:** Vegetation includes trees. Never mind. **David Lipsky:** Okay (inaudible) **Trustee Moritz:** So so we're going to change that from four feet above grade. **Trustee Arment:** No, that we're talking about height. So what we're talking about is basically defining **Trustee Moritz:** the height 4.5ft.

**John Armentano:** But to that question you measured diameter at breast height at the at considered the breast height is four feet high. That's where you take that measurement you measure. That's the measurement. That's where you begin to measure the caliber. That's where you measure the caliber **Trustee Moritz:** okay. That's how you're measuring okay. **Trustee Arment:** So, we're so when talking about the minimum diameter of a tree. Uh, are we saying three inch diameter or a certain height minimum for a tree? And what should the height minimum be? You know, we define it as five feet for vegetation. Should it also be five feet here?

**Trustee Levine:** I think it should be bigger. It's a five foot tree is nothing in any type of tree. It's a weak tree like Vinnie described. All right, you want something substantial? **John Armentano:** I think the essence of VOBEC's boys was vegetation protection, including trees. The idea is that there are many stunted trees, as you say. And that's. That's why we had a height cap to just capture. You know, this is not strictly a tree ordinance. It's a vegetation clearing ordinance which has a focus on trees. But the vegetation concept was there to prevent just clearing of vegetation.

**Trustee Moritz:** Okay. **Beth Jacobwitz:** Jen. Do you know if this definition appears anywhere else in the legislation? Because it wasn't in VOBEC and I didn't hear. **Trustee Moritz:** Hold on. Besides. **Trustee Arment:** Which you're talking about the tree definition. **Beth Jacobwitz:** The that we're discussing, the tree definition. **Trustee Moritz:** I think it's just general too. **Trustee Arment:** It doesn't. The only place to refer to is in the definition of tree measurement. And then. That's how free measurement itself is referred to. Nowhere and tree is defined with its own similar definition. **Beth Jacobwitz:** So I'm just saying don't think we need this definition of DVH because don't think we use it anywhere. And it's just adding confusion because of the whole discussion of caliber and where you're measuring and above grade and don't think we're using it anywhere else in the legislation.

**Trustee Arment:** I think that's right. Do the lawyers, do you know if that's right? Mean a simple, fun and or simple find on the document. I don't see it. Use it anywhere. **John Armentano:** VOBECs legislation did not have a DBH it was a circumference and a height on vegetation. **Trustee Moritz:** DBH Is in here and believe it's in your. **Trustee Arment:** I didn't see didn't try the abbreviated version. That's also not referred to in this revision, as far as I can tell. **David Lipsky:** Not seeing it in our. **Beth Jacobwitz:** No, it's not in ours. **Trustee Moritz:** Well, let's put it let's put a circle around that and then we'll come back when we go through the rest of it. Yeah. **Trustee Arment:** I mean, I think we can probably eliminate that. Let's do that and then just define it in the tree definition where it already is.

**Beth Jacobwitz:** Right. That's what I think we should do. **Trustee Arment:** Yeah. So all right. Well well do you want to finish the tree definition before we leave this. Since we're on it now. So just. **Trustee Moritz:** Is there anything going down. **Beth Jacobwitz:** A living woody perennial plant being either deciduous or evergreen, having a trunk diameter of three inches or greater, measured at a point four feet above the ground level. **Trustee Arment:** Yeah, but **Beth Jacobwitz:** that seems just simpler than what. **Trustee Arment:** Yeah But then Ian wants us to have an or a certain minimum height. So measuring three inches or greater in diameter or a height of vegetation. No talking about trees still the definition of tree. Ian, what do you think that height should be? **Trustee Levine:** 10- 12ft. What do you think? Vinny? Vinny. Vinny sells a lot more bigger trees than I do. **Trustee Moritz:** Trunk circumference of four inches. **Beth Jacobwitz:** We're going to change that. **Trustee Arment:** So what do you think? If we're trying to set an alternative definition for tree as defining it by height, like a minimum height for a tree to be protected? Or to require replacement.

**Vinnie Fazio:** (inaudible) **Trustee Levine:** Can you guys have Vinnie come up to the table so he can always be mic'd when he talks because we can't hear him and he's referring he's talking a lot. **Trustee Arment:** So if you grip that middle part it moves. Yeah. **Vinnie Fazio:** that's okay. We're good. **Vinnie Fazio:** We're good, we're good but. **Trustee Levine:** thank you. **Vinnie Fazio:** The tree. Regardless if it's a big tree or a little tree is eventually going to be a big tree.

**Trustee Arment:** Yeah, just for the purposes of this, we have to figure out, like, what's the minimum size that we're going to require, you know, protection or replacement of, you know, if you set it too low, obviously it could be burdensome, you know, but if you set it too. **Vinnie Fazio:** If you're asking me (Yeah), I'm going to tell you all of them because. **Trustee Arment:** So what does that mean? What size. **Vinnie Fazio:** All of them. If you don't have to take it out, it shouldn't be taken out. **Trustee Arment:** But, I mean, we have to set a minimum size, just so you know. **Vinnie Fazio:** Somebody within the footprint of the house, if you.

**Trustee Arment:** Rip up like, you know, a six inch tall little weed and sapling out of your ground, it's obvious. But you know. **Vinnie Fazio:** The variety of the tree. **Trustee Arment:** So what's the level. **Vinnie Fazio:** Trees here that just go wild, that you can't even buy on the mainland, such as a black cherry? **Trustee Arment:** Sure so. **Vinnie Fazio:** we can't buy them. **Trustee Arment:** We have to define like what is like how? How can what do we set that minimum at to protect what we want to protect. **Vinnie Fazio:** I would say anything 4 or 5ft that's growing. That's a healthy tree. If it's a scrub brush or if it's shot from floods or whatever, yes, it's got to go **Trustee Moritz:** . So it's four feet above ground level. **Trustee Arment:** But we already defined vegetation at five. You want to just use five also. That way it matches. **Vinnie Fazio:** You know it's going to come down to a building inspector, committees or whatever. Then you can look at it, you can make that decision. **Trustee Arment:** But if it's smaller than this limit, it won't come before those decision makers. That's what we're like. This. This limit sets basically what this law would even protect. **Vinnie Fazio:** Right. Which comes out to brush clearing. That's what it comes down to. Is there anything small you the average person could set a brush not knowing that that tree is going to be a one time forever, (right) You know what I mean? All right. **Trustee Arment:** So five feet five feet. So we'll say part of the tree definition. So you know diameter four inches or greater as measured four feet above the ground level or a minimum height of five feet. That sound good Ian? **Trustee Levine:** Yeah I mean I think it should be bigger, but that's fine. I mean we want plants that and trees that are substantial. You know, I was when I spoke with the VOBEC board, you know, I was on the impression that if we took down a 20 foot tree, we're going to plant two ten foot trees. I mean, so

**Trustee Arment:** Just to clarify, Ian, we like that we that is still to be determined. We're going to argue about that in a little bit. This is just a definitions of like what a tree to be replaced or protected in the first place. **Trustee Levine:** Thank you. **David Lipsky:** Do we need to define height of a tree. Is it from do



**Vinnie Fazio:** Didn't we just do that. **Trustee Moritz:** We just did it. **Trustee Arment:** Yeah well no you're right though. No you're saying define how we measure height. Yeah. Is there because we measure you know, we measure. **David Lipsky:** From the base, from the base of the tree. **Beth Jacobwitz:** A minimum of five feet from ground level to the crown of the tree.

**John Armentano:** I would not say crown. I would just say. **David Lipsky:** Top **Trustee Moritz:** What did you say, John? **John Armentano:** I would just say, you know, five feet from the existing grade or ground, however you want to define that. **Trustee Moritz:** Existing grade. (Yes) Okay. So vegetation. **Trustee Arment:** Wait. Hold on. I don't even think we need that because vegetation defines it. Says more than five feet tall and it doesn't specify from where. So maybe we can just keep the language simpler so, you know, leave it. Leave it less open to an unexpected challenges. **Beth Jacobwitz:** Five feet tall.

**Trustee Arment:** Yeah, tall. Okay going back applicant to destroy. **Beth Jacobwitz:** Right. Or discipline or dripline. **Trustee Arment:** Yeah. Going back to. Yeah. Drip line and destroy. Yeah. And is there anything substantial? **Trustee Moritz:** No there's not that. That pretty much describes itself. Destroy nuisance park public places. Is the village of Ocean Beach. Obviously. **Trustee Arment:** But yeah.

**Trustee Levine:** We're talking about applicant. Right. You have the word leasee in there. If somebody's renting a house, do they have say over whether or not a tree can be cut down. Shouldn't it be the homeowners? **Trustee Moritz:** Where are you now? You're on. **Trustee Levine:** We're on applicant now. **Trustee Moritz:** No. **Trustee Arment:** Okay, well, well, yeah, we just breeze past it, but that is a good question. I mean, I don't know, like John, do you know, like, how do, like, how is this typically enforced. Because I mean normally rentals.

**Trustee Moritz:** I rent a commercial property. Yeah. You know that's considered that could be considered a. **Trustee Arment:** Yeah but if I rent a house on the mainland, I think I'd be I'd be a lessee, but I don't think I would be in charge of landscaping in most cases. Right. **John Armentano:** Well, I would just say the applicant is the applicant for the tree clearing permit. Whoever that person is, the owner, the landscaper or the way this is written, it says who is the tenant of the property? They are able to I don't know why that's there as an ability to bring an application. **Trustee Arment:** I guess whether they then take whether a renter or an owner does it is kind of between the renter and the owner. Right. **Trustee Moritz:** So we can take leasee out. No. **Beth Jacobwitz:** Or you can leave it in. It's that's between the person. If the owner gives the lessee the right to do the landscaping and they want to apply. **Trustee Arment:** Yeah. I think that's right. **Beth Jacobwitz:** Thank you. **Trustee Arment:** So leave it out.

**John Armentano:** Yeah I would just add the owner agent you know, owner or agent. You know agent could be whoever's applying for the permit in case it's not the owner doesn't you don't want to have an owner's. **Trustee Moritz:** Duly authorized agent it says and. Okay. **John Armentano:** Gotcha. See? I'm sorry. Yep. You're right. **Trustee Levine:** Well, how about lessee at owner's request or with owner's permission or something like that? We don't want renters coming in and saying, want to take down a tree, you know, and we give them permission. You know it. We don't do that now. I mean, when when a contractor files a permit, the owner of the house has to be on there also.

**Trustee Arment:** Yeah, but I mean, that's between the owner and the renter that's, you know, as long as they are an authorized agent. Right. I think that would. **Ken Gray:** That that will be taken care of as part of the permit process. When we have we will put in a sheet if, if it's not the owner who's making the application, there'll be another sheet that has the owner's authorization on it. Right. **Trustee Arment:**

And can we change his to their because it isn't 1950 anymore? **Trustee Moritz:** Oh, yes. **Trustee Arment:** Thanks. Uh. Let's see. **David Lipsky:** If you specify male holly trees versus holly trees.

**Trustee Moritz:** Okay. So we're is there anything else really on on the definitions. Basically there is. **Beth Jacobwitz:** Yeah there is on substantial clearing. We had a number of trees in addition to the 20%. We had a number of trees in addition to the 20%. And the revised version just says removing 20% of the vegetation without including the number of trees. Okay. **Trustee Moritz:** So then that's when Bunny rewrote that part and we. **Trustee Arment:** Wait hold on before we I'm sorry. Before we move on to that, we define public tree with a different diameter as the other trees. Is that intentional? And different measurement.

**Beth Jacobwitz:** That's part of the additions. We didn't do that. That definition. **Trustee Moritz:** Which do. **Trustee Arment:** We want to align that with? The definition of. **Trustee Moritz:** No, it's a public tree. **Trustee Arment:** But it's but we're calling it at least 2.5in in diameter at six inches above grade, which is a totally different measurement than we're measuring other trees. So, I mean, could we technically under the definition of tree, anything that's the definition of tree doesn't specify ownership. So can we just say any tree located on municipal property instead of woody plant. And then we can get rid of all of the having at least one well-defined trunk, blah blah, blah, blah, blah, and having all of that. So it would basically end at right of way would be any tree located on municipal property or within the municipal right of way, period.

**Trustee Moritz:** Wonderful. Okay. Yeah. **Trustee Arment:** Can you tell I used to be an editor? **Trustee Levine:** Are we still on substantial clearing? **Trustee Arment:** No, that was just a quick diversion to public tree. **Trustee Moritz:** Okay, so on your substantial clearing, when the underlying you did not just to say, copied what was on yours. **Beth Jacobwitz:** It says I have the one here and it says. **Trustee Moritz:** That's the only there must be some kind of (okay) missing. Yeah. So that we can change that. **Beth Jacobwitz:** We talk about that somewhere else. And substantial clearing, we say, includes clearing more than three trees in any year.

**Trustee Levine:** Guys. We have properties in the village that are not built on as of yet. Okay. And those properties, when you know someone's going to put a house there, you know they're going to they're going to clear more than 20% and they're going to clear more than three trees. So, I think we need to take that into consideration as well. **Trustee Arment:** Well, I don't believe we are prohibiting substantial clearing. We're just saying it has to be replaced to a certain standard. Right? Isn't that **Trustee Levine:** We're saying that you can't cut more than three trees in a year. **Trustee Arment:** Um, I believe that is open to the approval board's discretion. **Trustee Moritz:** It would be up to the committee to decide to go over that with them. New construction. Okay, but substantial clearing.

**Beth Jacobwitz:** Okay, so then leave it at just 20% okay. **Trustee Moritz:** I would. **Trustee Arment:** Is that defined by square footage? It doesn't really specify here, is that. **(Speaker9):** Wouldn't it be 20% of the account? Of trees. **John Armentano:** It's 20% typically of the land area. That's whatever the property is. It's you're clearing of the land. So, it is a square footage okay. **Trustee Moritz:** Square footage. Okay. **Trustee Levine:** Can we put in there that? That you can, but you just need special permission. Because to me, I'm reading it as you can't do it if you're cutting more than three trees or more than 20%. **Beth Jacobwitz:** Right now, we're just on the definition we haven't gotten to. **Trustee Moritz:** We haven't gone through the legislation yet. But yeah.

**John Armentano:** But to just answer that question because there's an appeal process, the way VOBEC's was written, was you taking a you can appeal that to the Zoning Board of Appeals for a variance of this tree of this limitation. So you would be seeking and it's like a setback. You can only have, you know, three feet setback. If you want to be tighter to the setback, you go to the zoning board. That's how this

was drafted. So there was an appeal process at the time. It was either to the trustees or to the zoning board. **Trustee Levine:** But that makes sense. Thank you. **Trustee Moritz:** Okay, so substantial alteration is the only thing that I'm worried about that is it doesn't really it's very vague when we go through the legislation. **Trustee Arment:** I mean, I think it's probably for the best.

**Trustee Moritz:** Well because someone could say, though, this is a substantial what is the definition of substantial? What are you going to consider that. You mean? **John Armentano:** That's like if you lop the top of the tree off, that's more than. That's substantial. Because that's not. It's more than normal and customary. Mean? Yes. Is it vague? But it's a hard thing to say. But, you know, tree trimming is up to the art of the landscaper. But if you're going to top it off, you essentially are trying to kill it. **Trustee Arment:** Well, and topping is a separate definition, which we'll get to in a second. This is a substantial alteration. I just wanted to I mean, I think it would probably be good to leave that kind of up to the decision makers as to what qualifies as substantial, because substantial is itself a vague term.

**Vinnie Fazio:** Well, just cut it down to 20% of the vegetation that's on the property. **Trustee Arment:** And what are you talking about? **Beth Jacobwitz:** That is substantial clearing. **Trustee Moritz:** That's substantial clearing. **Trustee Arment:** Sorry. We just. We briefly hopped up to a substantial alteration. **Trustee Levine:** They're talking about an individual tree. How much can you top off? I mean, there are trees that get hard cut and there are trees that don't get hard cut. You mean.

**Trustee Moritz:** It depends on each. **Trustee Arment:** Right. That's why I think it's. **Vinnie Fazio:** it's up there You know Storm damage **Trustee Moritz:** So, that'll be left up. **Trustee Arment:** So I think that's that's good to be left. **Vinnie Fazio:** That's just about every day now. Right. You know. **Trustee Arment:** Um, so topping to leave limbs larger than three or, you know, basically flat limb holes larger than three inches in diameter. Is that too big? That felt too big to me. **Trustee Moritz:** No.

**Trustee Arment:** Know what I'm saying? Like what should be the minimum diameter of cutting off the top of something to qualify as topping? Like it's **Vinnie Fazio:** three inches to whatever. **Trustee Arment:** So it's three inches that number. I mean, that feels. That feels pretty big to me. So like, for instance, if you look at what was the trees that were topped on the dune by, by Surf View, I don't know if they were three inches at the top. They I think they might be thinner than that. Just eyeballing it. **Vinnie Fazio:** Right? Yeah. **Trustee Arment:** So so under this definition that wouldn't count as topping. Now granted that's a different crime right. **Trustee Moritz:** Right. But anything on the public but. **Trustee Arment:** So but should that have assuming that was on someone's land, should that count as topping. Because if so this is too big of a definition to include that. **Vinnie Fazio:** Right.

**John Armentano:** No, I believe this this definition was pulled from a more, you know, a mainland type of ordinance where that would be. That's a tree. When you top a big that's a tree for the mainland. I mean, you may want to reduce it because you have different trees. You could do that. **Trustee Moritz:** We have big we have big trees here that you top. Yeah. **Vinnie Fazio:** The shaping and pruning and then especially. **Trustee Arment:** Right. No, it's just what I mean. **Trustee Moritz:** And explain it to them, because we do have large trees. **Vinnie Fazio:** The average resident whatever isn't going to go up, climb their trees and do what you got to do. You're going to kill yourself up there. **Trustee Arment:** Right, Yeah. No one's arguing that.

**Vinnie Fazio:** Yeah. So anybody's going to do that is going to be a professional pruner. Somebody who knows how to prune. (You hope) Yeah. One one would only hope. You know but. **Beth Jacobwitz:** But Vinnie, I think the point is that we don't want people to be able to use that in a way to kill the tree. (Right). So we're trying to think of what is the wording. **Vinnie Fazio:** You need a guy who knows what they're doing up there. **Trustee Moritz:** No. **Trustee Arment:** That is what we're arguing. **Trustee Moritz:** To stay on track here. **Trustee Arment:** It's just yeah, it's just a question of like, how how big of

a diameter does the the topped stump need to be for it to count as topping for the terms of protection? So I mean right now it says three inches. That's kind of big. I'm thinking maybe two.

**David Lipsky:** Topping the main stem of a tree. Not every branch when. **Vinnie Fazio:** When you just crown it right out. I mean, you know, when usually when we top a tree, we prune the entire tree. And the reason you do that is to keep it in context with itself. But one side doesn't get heavier than the other. But stay straight. **Trustee Arment:** Well, this this defines it without explaining. **Trustee Moritz:** If you top it, it's killing the tree. So that's just basically telling you not allowed to do it right. This is just not. **Trustee Levine:** How about topping it to the point that it can damage or kill the tree. **Vinnie Fazio:** Yeah. How's that? **Trustee Arment:** I think that actually might already be covered in other kind of alteration definitions. **Trustee Moritz:** Stopping right. Tree lawn, we know.

**Trustee Arment:** I would feel better if this was two inches, because the rest of the definition, you know, it's not saying the main limb, which is good because, you know, there could be multiple at the top, you know, and it's not it just says. Severe cutting back of limbs to the definition within the crown to remove the normal canopy and disfigure the tree. So I think that leaves a good amount of interpretation. Case by case, you know. But I would feel a lot better with that being two inches. Is there any reason why we can't do that? Anybody object?

**Trustee Moritz:** No. It's fine. Great. So we'll go down. I think everything else has been in. **Ken Gray:** I'm sorry. What did you just say? **Trustee Moritz:** We're going to go back just to 2 to 3 here. **Trustee Arment:** I'm recording it. Don't. **Trustee Moritz:** Yeah. No. Two inches in diameter. Okay. Thank you. **Trustee Moritz:** This is what this is for utilities with clear definition vegetation. We both all agreed upon. Benny, you wanted to add a couple vegetation. What did you say it was? That you thought the vegetation. **Trustee Arment:** Right below that vegetation. This is where we get the five foot tall without any minimum. (Ink Berries) **Trustee Moritz:** Berries. Ink, berries. **Vinnie Fazio:** The lower vegetation. Yeah. **Trustee Arment:** It's regulation that does not qualify as a tree. Definition. **David Lipsky:** Yeah. **Trustee Moritz:** You can sit up here.

**Vinnie Fazio:** Yeah. You've got like, all, like all the natural stuff that grows at like like the hip rose. You got the Dusty Millers, all the perennial stuff, you know, I mean that grows, that's actually protected federally. You know, that just grows wild. That should all stay within reason. It can be pruned, shaped, kept in control. Yeah, I'm all for it. **Trustee Arment:** But the good thing is this says including but not limited to, so we don't have to define a list and have it be all inclusive. All right. **Trustee Moritz:** Great.

**Trustee Levine:** Can I ask you guys to go back one more time because I thought this was going to be under the hours, but it's under the severe root pruning you have in there, cutting back the underground tree roots inside 1.5 times the drip line. The drip line is from the base of the tree to the end of the canopy, so 1.5 times would be more than the distance from the drip line to the canopy. That's I don't understand what the 1.5 means. **Trustee Moritz:** Severe root cutting. Inside 1.5 times the dripline. **Trustee Levine:** The drip line. The drip line is from the tree to the end of the canopy. So 1.0 would be the whole length. That's 1.0. 1.5 would be two on the other side of the tree, wouldn't it? Am I reading this wrong? Yes.

**Trustee Arment:** You're reading it you're reading it as a diameter. It's really a radius. So it's so it's basically saying that whatever the overall width of the canopy of the tree is, it's 50% larger by radius or by total. **Trustee Levine:** So we're talking about the diameter. We're not talking about the. We're talking about the circumference not the diameter. **Trustee Arment:** No it is diameter based but it's talking about the width of that circle. So it's saying if you go from the middle of the tree and the tree canopy extends out ten feet, it'll be a 15 foot radius around the tree.

**Vinnie Fazio:** Right.

And that's. And what would that be done for. **Trustee Arment:** That would be that's defining the boundaries of of severe root pruning. So that would be. So **Mayor Mallott:** we're chopping those out of there. Yeah. Something else. **Trustee Arment:** We're qualifying severe root pruning as cutting back the underground tree roots within that radius. So again 10 foot canopy means a 15 foot diameter or 15 foot radius circle from the middle out **Mayor Mallott:** around the tree. Yeah.

**Trustee Moritz:** Okay, so now we all can agree the village is fine. All right. So now we're going to go to Tree Ordinance chapter. Anyone have any objections to Tree Ordinance chapter right below the definitions. The proper planting of new trees and the health and maintenance of existing trees within the public right of way. Aid in maintaining property values in the village of Ocean Beach. Implement the design and environmental goals of comprehensive plan and promote the general welfare of Ocean Beach residents. **Trustee Arment:** Yeah, we don't have to go through all, don't. **Trustee Moritz:** We don't have to go through.

**Trustee Arment:** So the let's go to the tree committee establishment one because that's substantive here. So this is basically, you know, the idea is to form this committee to approve these things and, you know, kind of regulate these things and who is on it. That's what this is defining who is on the committee.

**Trustee Moritz:** So, so the establishment of membership terms, Ken, do you want to do that? What we were talking

**John Armentano:** Before we go too far. I mean, that is in a tidal section. The purpose? No, this is the this is going to be a point of contention. Um, you know, the tree committee from VOBEC's position and I'm sure they will amplify my statement is that I believe the tree committee should be limited to the public parks and areas and not be involved with the private property. That is a I don't think there should be a committee to review private property tree removal that should be done at the administrative level of the of the permit that we come to, to define later. I think the tree committee is great, but that should be focused in my opinion, and I believe VOBEC will agree that that should be limited to the. Villages, trees. It makes sense. I don't think the injection of a tree committee on private property. Tree clearing is a good idea for a variety of reasons, not the least of which would be just to have these things, not wait for a committee to convene. And so that's something we should talk about. And that is in the title section. And it's also further down in the law. But I just want to kind of tee that up.

**Ken Gray:** All right. Thanks, John I appreciate that. Um, but it's interesting to note that VOBEC, which is a village committee, is proposing legislation concerning private property. So why wouldn't a committee be able to review applications on private property? It seems a little inconsistent. **Beth Jacobwitz:** It's not about not being able to can. It's about the fact that it's going to become administratively too burdensome to handle, like we don't. If anytime someone wants to make an application to cut down a tree and this committee is only meeting four times a year, that means that they're going to have to wait three months in order to. **Trustee Moritz:** Go ahead.

**Ken Gray:** It's it's at least four times a year, but they can meet I mean, what's being proposed, they can meet more often than that. Of course they can. Um, I think one of the concerns was. That the current. The building inspector we have. It's only a part time building inspector. He's got a thousand other things that he he's got to be doing. And the concern was that this may not end up being a priority. So, if we put the onus on a committee, they can individually go out and look at the properties and mean the committee's made up of the building, the village administrator, the building inspector, as proposed, I should say, and two year-round residents. So we're thinking there's more eyes looking at it to bringing it. **Trustee Moritz:** Bringing it o the committee to. **Ken Gray:** Bring it in and to come up with what the recommendation and what the approval would be. But just to. **Trustee Arment:** Clarify, I don't think year round is specified on the resident. **Ken Gray:** It's no hand wrote it in. **Trustee Arment:** Oh, okay.

**Trustee Moritz:** Because it's a year round thing. Because most of the most of everything that's done is in the spring and the fall. I mean. **Trustee Arment:** But we know from the seashore, defining what a year round resident is might be a little hairy for us to get into here. Do we need to be doing that year round? **Mayor Mallott:** Let's not make it year round. **Trustee Moritz:** Let's make it resident then. In general, **David Lipsky:** other committees that are not entirely. **Trustee Moritz:** But this is something that's going to help the building inspector and get these things. You know, look at landscaping plants like they go for a permit. And let's make sure that they follow that landscaping. **Ken Gray:** John, can you do me a favor? Can you articulate exactly what the objection to the committee overseeing residential properties for?

**John Armentano:** Again think it's from a practical point of view, and also think for an expedient point of view too. To that point, the reason would be, you know, the. That they're having these permits wait in a bin to be reviewed however many times they meet. You're still involving the building inspector. You said the village administrator and etcetera. Think the building inspector or whoever else you want to appoint can review the plans. And the application is you can clear trees. Of whatever we come up with is that can be done, or how many or the percentage, right? So if you're clearing 20% of the property and it's of the trees that we think is appropriate, that's a that's almost like a akin to a building permit. It's just a tree clearing permit. If there's any reason why it has to be, it can't be approved. The real decision maker should be the Zoning Board of Appeals or the Board of Trustees, not a committee, because I think you run into just, you know, listen, somebody says no, then you need to have another board or who are you going to sue? I mean, just don't make it too litigious, for one. And I also don't think it benefits the residents to have to go through this process. That's why I think, in my opinion, the idea of a building permit period or review is the mechanism traditionally done for other all other construction in the village. And if there's if you don't meet the requirements of the permit, your relief is to go to the zoning board. So you take away another layer of a committee, which I have found in the past to be more cumbersome. And I don't know of any tree ordinance that has a committee reviewing a standard tree clearing permit, and that's the baseline for why would say the.

**Ken Gray:** Yeah, you make some valid points. I understand, John, it's been my experience that villages have a village arborist, one person who makes these decisions, and then they have the appeal process in case they don't agree with the arborist opinion. Is that been your experience?

**John Armentano:** Yes. You can do that. That's what I'm saying. You know, it doesn't have to be the building inspector. I understand that he is part time. If there is, the village wants to hire a village arborist, and we do that in many of our villages on the North Shore. Yeah, that's a that's a possibility to have him be the gatekeeper as the tree guy, basically tree person, um, to make that determination. And then the appeal process is contained to the zoning board or whatever board you want to be the relief valve for conditions, right? **Trustee Arment:** Yeah. A couple of things.

**Trustee Levine:** I have a comment. First of all, I think VOBEC think their mission is education, not enforcement. That's their mission statement. And I don't think we should be asking them to to fight with neighbors or anything like that. I think it's a cumbersome task that we're asking to have when we have either an arborist or a committee, only because an arborist is going to cost money, and now we're putting someone who has a tree that they want to cut down. So now it's going to cost them hundreds of dollars, you know, and if we have to have a hearing, they have to have a court stenographer and all kinds of stuff. Our permit for the ZBA is \$1,000 for a homeowner to cut one tree. That's kind of cumbersome. And by having a committee, we're taking this plan that we're putting together today, which is objective. The building inspector looks at it and says, this is what you're allowed to do. Sorry. You're not happy with my decision. You go to the ZBA. They're the ones that are allowed to be subjective, not a committee of our peers. You know, looking at our house and saying, yeah, that tree is nice. You shouldn't be cutting it. You know, I believe that a committee and I don't even know if we have a consensus to vote, to have a committee, you know, as for this situation. So, you know, I think it's inefficient to have a committee. I

believe the building inspector, if we give him a good set of policies or laws on the books, can do the job without a committee, without an arborist and think will be a lot happier in the long run.

**Trustee Arment:** Just to clarify, also, Trustee Hargraves is having some technical issues, but she said that she agrees with John and does not want a committee either. And I think the. The committee idea sounds good in theory, but I think in practice we would regret it. It would be very burdensome and would, would create problems. And so I think the, the idea of, of the building inspector not having enough time is, is a real concern. But the building inspector would be on this committee also. So, I don't know how that addresses that. I think the, the biggest advantage to a committee situation would be if the building inspector is not an expert in this area and we want to consult with people who do. But I think the arborist idea, I think is better. Ian, to your point about cost, having, you know, the cost of having a committee and having meetings and all the requirements of that, I think would be probably higher than the cost of an arborist consultation. Um, I would be very in favor of proceeding with the arborist idea over the committee, because I think that is simpler, and it avoids a lot of problems and would probably result in similar, if not better outcomes.

**Trustee Levine:** Okay. I believe we should have an arborist. If our building inspector can't come up with a decision. I don't think we need to have an arborist looking at every tree that needs to be cut down, whether it's dead, whether it fell on the house, whether it's too close to the wires. These are all we're putting together a policy here, you know, and this is what we're going to live with, to have an arborist come in, you know, and pay them \$500 for the day to come and look at a tree that's dead or that's fallen or that needs to be moved and relocated. We have all the rules that we're putting together here. We're making the legislation for this to have a battle over, you know, what people can do on their property. I don't think this is the right way with an arborist or a committee. I think the building inspector can do the job if he's told what he can and can't do.

**Trustee Arment:** Well, I mean, just to be clear, the building inspector is not free either. You know, there is a cost to building inspector hours as well. So, I think the cost difference, once you factor that it might be smaller than we think, but I just honestly, I don't know, you know, the requirements of being a building inspector in New York state, I don't believe require you to be an expert in trees, do they? **Trustee Levine:** That's why we're putting a policy here together so that he doesn't have to be an expert.

**Trustee Moritz:** If I can interject Ian for one second. Okay. The building inspector is overworked already. And his part time physician. This having a committee is additional eyes and aiding him into making decisions about the landscaping going forward. We're not there to enforce it. They're there to advise. And the building inspector is the enforcer. So, that what's happening. Because if he's not out here for three days out of the week, they can't cut anything down for those three days because they can't get him out there to look at the permit. It's to help the process and to have more eyes and ears out there, seeing that everyone's following the rules and the laws.

**Trustee Levine:** I think. I think we can always. **Trustee Moritz:** For a board to for the public as well as a private. It's just beneficial. **Trustee Arment:** Also, Trustee Hargraves says she agrees with the arborist idea. **Trustee Moritz:** Yes, and we should have a consultant. **Trustee Levine:** I think we can always add that. **Trustee Moritz:** Consultant. **Trustee Arment:** Well, I think that's we're talking about two different things.

**Beth Jacobwitz:** I just wanted to raise one thing. I mean, we don't we don't really know how burdensome this is going to be yet. And we I'm not sure that it I think it could be helpful if we put it in place without a committee for a year or year and know, see how many permits come in, see how burdensome it is, and if it becomes an issue. We put in a committee to help him out. But in the first instance, if we try to minimize it because every layer of committee you add makes it more and more bureaucratic and harder and harder

to manage. I'm not sure that there's a downside to trying it first without the committee. If it becomes too unwieldy, we you, as the trustees can easily amend this to form a committee to have it be done.

**Trustee Levine:** Yeah, I agree with that. **Trustee Moritz:** Can we easily amend it? **Trustee Arment:** Just like this. It's the same process. **Beth Jacobwitz:** It's the same process. You put it in, you'd have a public hearing. **Trustee Moritz:** I think we should add committee for the public for definitely. **Trustee Arment:** I don't I don't think we have enough support for a committee. Honestly. I think you have you have me and Dawn saying arborist. Ian, I believe you're kind of on the arborist train, too. Is that. **Trustee Levine:** Absolutely, I think we should do what Beth just said. Let's try it. Let's see if our building inspector can handle it. If he can't handle it, then we can get him help. **Trustee Moritz:** So you think we should hire an arborist for our public property? **Trustee Arment:** No. For both. The idea would be the arborist. So

**Trustee Levine:** I think. I think at first we should try letting the building inspector handle it. Once the building inspector determines that he can do it or he can't do it, then we make either an arborist or a committee decision. But I think just going letting the building inspector manage it, see if he can do it would be sufficient. **Trustee Arment:** I mean, do we know. **David Lipsky:** Are the landscapers out here certified arborists? **Trustee Levine:** Nope. We don't have any arborist on the beach. **Trustee Moritz:** Well Vinnie is a horticulture, has a degree in horticulture. **Trustee Levine:** But he's not an arborist. **Trustee Arment:** So do we. Do we know you know VOBEC, Vinnie, Ian, do we know roughly how many significant trees get cut down every year in Ocean Beach? Like just ballpark of how much we're dealing with here? **Trustee Levine:** I have, I don't know. **David Lipsky:** Well, for. **Trustee Levine:** If I cut 3 or 4 trees a year, or five trees a year in Ocean Beach, that's a lot.

**Trustee Arment:** Well. And David, you bring up a good point for new construction. It might be a large number, but that's kind of one incident, like you wouldn't have an arborist come out five times for five trees on a new construction lot. You'd have them come out once. **David Lipsky:** And the current regulation, which is still not really being well enforced, is for a landscape architect. It could be a landscape architect or an arborist or. An independent. A consultant or to the village who's not necessarily work on the property. Yeah.

**Trustee Moritz:** Okay. So we're **Ken Gray:** So I'm sorry. **Trustee Moritz:** Go right ahead. So we're talking about the private sector with the not having the committee. We need a committee for the public sector to come up with a plan for all our public property and have that in place. **Ken Gray:** Could that be. Couldn't that be VOBEC don't know. I don't know if that's something you would want to undertake. Yes. **Trustee Arment:** You're referring to, like if we're changing the trees on the green or whatever, like that kind of.

**Trustee Moritz:** Planting and, and having a budget for going forward. Did anybody read. I don't know if anybody read the actual establishment member terms and go down what the committee would do. **Beth Jacobwitz:** I read it when you proposed it the first time? Not in this one. And really felt like I wasn't sure why the village needed that. Everything with the green seemed to be going great, but they are in a better position to know that, like I'm not. I'm not privy to any problems you might have had on the public property. So.

**Trustee Moritz:** Well the public property really does need a landscaper, a trained landscaper, and yeah, we did, but the chamber had paid for that. Now that money is running out and we need to put a budget in there and have a plan. Like in front of windswept. There's no bushes, there's nothing there. **Trustee Arment:** Is the code the right place for that. **David Lipsky:** Come up with a plan for the village green. You. You know. **Trustee Moritz:** A committee did that. **Ken Gray:** We mowed it. **Trustee Moritz:** from the chamber. **David Lipsky:** I mean, were you have a design competition or.



**Trustee Arment:** Yeah. I mean, Jen, I agree with the need for committees to inform what we do with the village public land. I worry, though, if it's part of a code that we're making here that might tie our hands for future, you know, in some small details that might make it harder to do what you, I think are actually looking for. **Trustee Moritz:** Okay, that's what you think. We'll try it your way. Fine. **Trustee Moritz:** But I really think that the building inspector will be overloaded.

**Ken Gray:** All right, so what I'm hearing from the majority of the board is they want to eliminate the issue of a tree committee. Put this on the building inspector with like any other issue at the building inspector has. If he needs. Additional expertise, whether it be from D&B engineers or Cameron engineers. **Mayor Mallott:** Or an arborist. **Ken Gray:** Or an arborist. He's free to come to the board and say, we have a special circumstance here. I need to approve, you know, a work order, you know, for X arborist or whatever the case may be. And that's what I'm hearing. **Trustee Moritz:** So, **Trustee Arment:** So, wait wait wait, hold on, hold on. Does it have to go to the board or can we just have a certain budget for it every year that we don't have to approve piecemeal? Every single one.

**Beth Jacobwitz:** We had something in our legislation originally saying that if he got stuck, he could also come to VOBEC and ask for an opinion as to what was happening. You know, what their opinion was to see if that was helpful to him. I don't know if that helped you at all in the discussion, but

**Ken Gray:** So to answer your question, Mark, um, we could. Get a proposal from an arborist to be on call. **Mayor Mallott:** A consultant. **Ken Gray:** a consultant. Exactly. Get it approved. Says okay. You know, if he gets approved, you know he's going to get paid X amount of dollars or whatever. And we kind of ask the building inspector to not dip into that pool all that often. But there'll be a budget and it'll be approved. So, it wouldn't have to wait until the next board meeting. Right? You know, on an individual application, it would be kind of like an annual appointment or we get the proposal approved, that he's going to hold his fees for the next 2 or 3 years, whatever it might be, if it's an hourly rate or something like that, and we ask the building inspector to use it gingerly.

**Trustee Arment:** Honestly, I wouldn't even ask that. Okay. I mean, because, again, how many of these are we even dealing with? It's not that high of a volume, I would say use it whenever you feel that you need to. And, you know, I was just. **Ken Gray:** Trying to be conservative.

**Trustee Arment:** Right. But like I agree with, you know, the concerns that we've heard from a lot of people, including members of the board, are that we don't want to make this a process that takes forever when somebody has to, has to modify their land. And that would be both impractical and very unpopular, probably. And so what we're trying to do is protect the trees and a way that actually works in practice. So I think the smoother we can make this process, the more likely it is that we can keep it and enforce it and keep it working in the ways that matter more.

**Trustee Moritz:** I was looking at the committee to be helpful for the building inspector. That was the only way to move things along for people and have extra guys. That's the only reason why I wanted the committee. **Trustee Arment:** What if **Trustee Moritz:** because things are happening out there we don't even know about. And. More eyes on it would be better.

**Trustee Arment:** Well, I don't, I don't think this precludes that. I mean, this, you know, when somebody is doing unauthorized construction, they report it to the village and we, you know, we have people deal with it. This would be a similar process, but.

**Beth Jacobwitz:** We get phone calls and emails regularly. When someone cuts down a tree, they're always reaching out to VOBEC. What can you do? Yeah, you would know. That's kind of what prompted this is that up until now, we've been saying there's nothing that can be done. So at least if there's tree legislation, okay. If we get those emails, we know that we can reach out to the building inspector and say, hey, we hear that this tree is going down and don't know that there's a permit.

**Trustee Arment:** Would there be any value in having an arborist look at issues first before the building inspector, or is that impractical? **John Armentano:** Because there's no trigger. Don't know what would be the trigger. **Vinnie Fazio:** I don't care if it's an arborist or whoever, but he's got to have the knowledge of the beach. What grows here. You know what I mean? He's going to be looking at a tree. He has no idea what kind of tree it is. And he should, being an arborist. But an arborist from over there deal with 70 foot maples, sycamores, oaks, stuff like that. You know what I mean? They're going to come up. Yeah. They're not going to be looking over here at, you know, 20 foot river birch. You're going to say, what are you talking to me about?

**Trustee Arment:** Is there is there a different type of, you know, title or, or qualification that we could use that would include local talent in a way that wouldn't cause, right, but in a way that wouldn't cause weird conflicts of interest. That could be a problem for us.

**John Armentano:** I mean, you can vet who you want to be, that arborist. I mean, think an arborist, like anything else, has a degree in horticulture and I mean the trees, right? He's going to understand I understand the distinction you have in the coastal areas. But I do think, you know, the arborist you pick, you could have him have a strength in that area, but don't think there are certified coastal arborist versus certified or, you know, regular arborist for lack of a better word.

**Mayor Mallott:** Sure. They would know more about the trees and the indigenous trees and what's what. **Vinnie Fazio:** Nothing is indigenous just the grass. **Trustee Levine:** I think we're spending all this time here putting together a policy or a legislation that pretty much clear, clearly says what you can and you can't do. If the building inspector, whether it be Mike Mandarino or somebody else has a situation which is outside of that, they can reach out to VOBEC, they can reach out to an arborist, they can reach out to other people. But up until that point happens, I think it should be the decision of the building inspector who does all the building inspecting stuff now, this should be just part of his job.

**Trustee Arment:** I like that in theory. In practice, do we have the faith that that would actually be done? **Trustee Levine:** Well, that would be our job to make sure it's getting done. You know, whether we have an arborist or a committee, we're going to need to make sure that the job is getting done. The building inspector clearly will be tasked with it. He needs to be objective, not subjective. He needs to make sure that that what he's doing is what the what our wants are. You know, as the village board, we need to make sure that it gets done and that if he can't do it, we need to just give him the option that he can go someplace else. But to have that as the rule, like you said, it's going to be cumbersome. It's going to be expensive, whether it be expensive to the to the homeowner to cut down one tree and go with an arborist or to the village, it's an undue expense that we don't need at this time. Let's see how it goes. Like the board just said, see how it goes and then we can take it from there. Give it a year.

**Trustee Arment:** And just to be clear, also mean don't know how the rest of the board feels about this, but I feel pretty strongly that a proposed change that we really need that would benefit the village if it causes a lot more work for the building inspector. I don't consider that a fatal flaw. And if it's too much for a part time building inspector to take on, then we should have a full time building inspector. I don't consider those valid counterarguments. Oh, we. We shouldn't do this thing that we really need because it would be time consuming to enforce. Well, no. Then we should look at the enforcement.

**Trustee Levine:** Well, what's the difference between having him do it and having him participate on the board, the committee to do it? He's still working on trees. **Trustee Moritz:** He would be enforcing it. They would be. He's a code enforcer, and. **Trustee Levine:** Then he wouldn't be on the committee. He would be taking the committee's advice and enforcing. They would be different than what's saying in the paper. **Trustee Moritz:** It would be aiding him. **Trustee Arment:** All right, well, it sounds like we need to table the committee idea for now because it doesn't have enough support. So, we're looking at building inspector primary consulting with arborist as needed. Is that where we landed? Consensus. Yeah. All right, let's move on.

**David Lipsky:** Do we have any control of business entities doing landscaping in the village of Ocean Beach in terms of requiring them to. A maybe give them training on what this new regulation will be and requiring them to adhere to these regulations if they're doing business and if they're driving carts in the village.

**Ken Gray:** The answer, I think the answer to your question, and if I didn't understand the question, I apologize, is that I'm assuming I think a good practice would be if we if and when this legislation gets adopted, we circulate it to everybody who's doing business in the village and obviously to all the homeowners is, you know, posted on the website as you often request. But we've done that with, let's say, the real estate agents, when we've adopted legislation where we've actually incorporated into the legislation that they have liability if they don't do certain things, rental permits, advertise and stuff like that. But we can certainly, you know, send it to all of the businesses that we know do business here and say F.Y.I, this is the law and you're going to have if you don't follow it, you're going to have some liability issues. Vinnie, would you disagree with that?

**Vinnie Fazio:** I'm good with it. But, you know, no. But contractors, landscapers, all of them plumbers the works. **Ken Gray:** So I think that's really the best we can do is to make sure we certify, we circulate it to everybody.

**Trustee Moritz:** Well, I'd like to go to penalties for offenses. So that's where we're at. That's because I think it's very weak. Someone's going to bill buy a \$2 million property and knock it down and build a house. What's \$1,000? **Beth Jacobwitz:** \$2,000 and replanting. That's the way.

**Trustee Moritz:** It should be More. (Yeah) You shouldn't limit that. It should be high where it can be the judge's discretion, because we told you to plant this tree for three years and you haven't done it, so whatever. That should be a **Beth Jacobwitz:** Whatever for sure. **Trustee Arment:** Do we have? I mean, is it like, Ken, is it legally possible to force someone to plant a tree? Is that is that weird in any way?

**Ken Gray:** A court can enforce that? A court can. Absolutely. It's so what happens is sometimes you get conditional discharges, meaning that we're going to take care of the case and you have certain conditions that you have to comply with. Sometimes the for DWI, the conditions are you have to install one of those devices in your car, okay. This is a condition I'm going to direct you to plant a tree. And if you don't, then you'll be subject to us bringing you back to court for violating the court order. So yeah, I think that's I think that's a viable, um, um, penalty for lack of a better word. Okay.

**Trustee Arment:** I mean, because I, I like the idea of making the fines high to whatever degree that we reasonably can, but ultimately, like what? I mean, the replacement is much more important because, like, look, again, if you're building a whole new house for \$2 million and, and we talk about raising the fine from \$1,000 to \$2,000, that's not going to make any difference at all. That's, you know, somebody doing that who doesn't care about the trees would consider that just the price, not the fine. So ideally, the replacement is much more important than the fine itself.

**Trustee Moritz:** Right and if they don't replace it every year they get fined every year. **Trustee Arment:** Can we do that? **Trustee Moritz:** No. Think so. **Trustee Levine:** I think you can only. Well, if they're not doing it. **Trustee Moritz:** Let's talk to Ken about this. **Trustee Arment:** Late fees.

**Ken Gray:** So again I'm not the village prosecutor. I'm not the judge. But a lot of our code and codes everywhere says that for every day that you're in violation, every day is a recurring violation. **Trustee Arment:** Okay. That's mean. It would probably be in.

**Trustee Moritz:** (inaudible) There for every day. **Trustee Arment:** Oh, and Trustee Hargrave suggests we could also hold back the CO if it's part of the building permit, but mean. But with this law, it wouldn't always be part of a building permit. **Trustee Levine:** And we revoke a CO? **Trustee Moritz:** Well, you're talking about new builds, Dawn, correct? **Trustee Arment:** Yeah. In that case, that would be. Yeah. **Trustee Levine:** But can we revoke a CO on an existing house that's already built if they they don't follow.

**Ken Gray:** If the CEO was issued improperly. For instance, the building inspector made a mistake and didn't read the drawings correctly and he issued the CO. There is a process that you can revoke a CO. **Trustee Levine:** But what about Ken if they were supposed to put in trees and they elapsed a year without putting in trees, can we stop them from renting their house? Can we revoke the CO in some way because you have to have a to rent the house. **Ken Gray:** What I would recommend is that they issue a temporary CO until such time as they come into compliance with all the requirements, and if they and that temporary CO would be revocable for noncompliance.

**Trustee Levine:** Thank you. **Trustee Moritz:** (inaudible). **Trustee Levine:** Can I change the topic or are we? Are we done with this topic? **Trustee Moritz:** No. Where are we at? We're down here. **Beth Jacobwitz:** The replanting, the replanting. We had said originally 50% of the circumference of the tree is removed. Is that good? Is everyone's still good with that?

**Trustee Moritz:** Yeah, I think so. We're still going to add all that. The public. **Trustee Arment:** We all we skipped all those. **Trustee Moritz:** Things without the committee. Am I correct. We're going to give it a try for a year and see how it goes. And if it doesn't, we're going to have to go back to the table because he's going to be overworked, I really do. **Trustee Arment:** I mean, the reality is we don't have the support for the committee right now, and I would rather get this passed in some form than no form. **Trustee Moritz:** It's not going to be passed today, but we'll but go through this. **Trustee Arment:** If we do this right, we can get passed. **Trustee Moritz:** What we just agreed, and then we'll work on the committee for later on when we if we need. I think hopefully, I hope, truly hope that this will be enforced. Because that's where it's going to fall short in the village office is if it's not enforced. **David Lipsky:** So one other thing that you've added. Is that the village adopts the agro cultural specifications and standards of practice of the International Society of Arborists. **Trustee Moritz:** That's pruning. **David Lipsky:** So, do we know what those standards are?

**Trustee Moritz:** It's pruning. It's basic pruning. It's. You can look it up. It's. It's any landscaper that is a qualified landscaper knows exactly what it is. It's pruning. Like you don't prune a tree. Down to the bottom. Right. **David Lipsky:** A lot of times these standards (inaudible) but I haven't read them. **Ken Gray:** I Had never heard of them either to be honest with you. **Trustee Moritz:** It's about pruning. **David Lipsky:** Follow the ISA entered for Abro culture specifications. **Vinnie Fazio:** You either know how to prune. You don't? **Trustee Moritz:** That's basically what it is. You know, you see someone cut the tree. **Trustee Arment:** I have a feeling the ANSI standard might be a little longer than that. **David Lipsky:** Your not establishing heights and (cross conversation inaudible) **Trustee Arment:** That's a good question. **David Lipsky:** Vinny are there any establish safety requirements? **Vinnie Fazio:** You have to refer. to OSHA for those.

**Trustee Moritz:** Yeah. OSHA is different. That's actually where we should talk to further. When the qualifying papers have contract. **David Lipsky:** There's a lot of vices going on. **Trustee Moritz:** But let's go to penalty of offenses Ken. So, we're going to do no more than \$5,000 or we should just cap it at \$10,000. **Beth Jacobwitz:** Well no but if we're going to do it, if we're going to, if we're going to do it so that it's \$1,000 per tree per day. Are you going to cap it? **Trustee Moritz:** Thousand dollars per. **Trustee Arment:** Per day might be a little a little aggressive. **Beth Jacobwitz:** I mean per week? Per month. **Trustee Moritz:** So when we can go. **Beth Jacobwitz:** From well per month. **Trustee Arment:** Well so we have there is a question of like what if a tree is out of season to plant. Like, you know, I think I think it has to it might have to be like a year because of the seasonality of planting. Right? **Joe DiFrancisco:** Yeah. Planting it off season. Yeah. **Vinnie Fazio:** There's a time to plant and a time not to plant. **Trustee Moritz:** Sorry **Beth Jacobwitz:** That is a loophole. You're right. **Vinnie Fazio:** There's a time to plant and a time not. **Trustee Moritz:** okay. There's too many talking. What did you say, Joe?

**Joe DiFrancisco:** I said that's a loophole. If the law requires me to replant the trees, I'll plant them off season. They'll die in a month. I've satisfied the requirements. I've planted them. **Trustee Moritz:** Right. **Vinnie Fazio:** Off season. Is the time to plant them. **Trustee Arment:** Would someone. Would someone spend enough money to replace the trees? Right. **Trustee Moritz:** Did they so they should be planted and maintained. Correct. That wording should be mean. **Trustee Arment:** Well do we have a definition of like neglect. I mean that's kind of a vague thing to enforce for a tree. I would imagine. **Mayor Mallott:** Neglect.

**Trustee Moritz:** Now we should put something like he's he's exactly right. So they planted a tree. It died. So they, they there's their job is done. But it needs to be maintained. **Camille Giugliano:** Yeah. And it has to survive so they would have to plant another one. **Trustee Moritz:** So we don't have that in there. **Trustee Arment:** Should we put in some kind of like minimum. **Trustee Moritz:** Something in here. **Trustee Arment:** Like it has to survive for two years or something. **Trustee Moritz:** John do you suggest anything? **Vinnie Fazio:** Yeah. I wouldn't go that far unless, you know, you got to, you know, push out floods, hurricanes, storms. You get floodwaters, you're pushing saltwater on these trees, right? New tree isn't going to make it.

**Trustee Arment:** Yeah. I mean. I think this gets into a very hard to enforce thing. **Vinnie Fazio:** You know within, you know, parameters like, you know. **Trustee Arment:** Well **Vinnie Fazio:** Like when I plant a tree, it's guaranteed for a year. Except we have a storm, right? I can't, I cannot control the floodwaters. I can't control the wind. **Trustee Moritz:** Act of God. **Trustee Arment:** I mean, do you think it's plausible that a substantial number of homeowners would waste the entire cost of replacement trees out of spite? **Vinnie Fazio:** Yup. **Trustee Arment:** Yeah, Really?

**Beth Jacobwitz:** Well or lack of knowledge. **Vinnie Fazio:** That's why it looks the way it does. **Trustee Levine:** Hey, guys, don't we have a policy in place already that we spoke about? **Vinnie Fazio:** No rooftops. Huh? You know what I mean? **Trustee Levine:** Yeah, we talked about this already. If somebody plants a tree and it dies, they're going to remove it. They have to plant another tree, you know? So, it's already in there. We're talking about it already. It's not like they're going to plant a tree. It's going to die, and they're going to take it out. And they don't have to have the tree anymore. It's a revolving process. **Trustee Moritz:** But it's a loophole. **Trustee Arment:** Theoretically, though, if it doesn't grow much when you plant it, the rate that you'd have to replace it, the diameters go down by about half every time. Right. So, you could kind of asymptotically approach zero trees. No math joke.

**Trustee Levine:** Equivalent. It's the equivalent. Equivalent size. **Vinnie Fazio:** Three years for a tree to die. (Okay) unless it's really abused. **Ken Gray:** Is that why you're only guaranteeing for one year?

**Vinnie Fazio:** Yeah. So (inaudible). **Trustee Arment:** See also every warranty on everything, ever. Yeah **Vinnie Fazio:** But, you know, if it's not painted correctly, it's got no shot. It'll die. **Trustee Arment:** Does it grow a lot in those three years in the before it dies, though? I mean. **Vinnie Fazio:** It takes time for them to acclimate. Because they're coming from the mainland. **Trustee Arment:** Right? So in the first year, probably not getting a lot of growth. **Vinnie Fazio:** You have to plant what grows here.

**Trustee Arment:** Right? So. Well, anyway, I think I think what Ian said is though I think that's a good point, that that's this, this possible loophole is probably well covered by the replacement criteria for dead trees removal. Right. And we do have that issue of the size being reduced each time. But I think, I mean, how long is someone going to keep doing this pattern? **Beth Jacobwitz:** Okay, but maybe we can just say in the landscape plan, like when we say replacement trees to be planted in the appropriate season or something like that, **Trustee Moritz:** Maintain and maintain.

**Beth Jacobwitz:** Right and just to say something like that so that someone doesn't plant their tree in July and then, you know, it's no way. **Trustee Moritz:** We can write and maintained. **Trustee Arment:** Yeah. Should we make it more broad, say like responsibly planted or something like that, that would just encompass any other factors that a tree would need to be, you know, planted well and survive. Like what other factors go into it besides seasonality? **Vinnie Fazio:** Soil water, fertilizer. **Trustee Moritz:** Yeah, I've seen landscapers just plant trees and sand. **Vinnie Fazio:** And how are you getting it here and. **Trustee Moritz:** Expect it to grow?

**Vinnie Fazio:** If it's coming over on a boat. I deal with it all the time. They come from the nurseries to the dock. They sit on the pavement. They're the last thing to get loaded on the ferry dock. On the ferry boats. They come over here. They're the last things to come off. Virtually sit in the heat all day with no water. **Trustee Levine:** Damaged by salt spray. **Trustee Arment:** Yeah, but this I mean, this is all a really hard to enforce can of worms, though. **Joe DiFrancisco** So hold on to. Our existing code. Our existing code for landscaping says all existing shrubs must be, uh, must be shown on the inventory and maintained. There is a there is a thing in here about maintained uh, in terms of. **Trustee Arment:** That's only during construction though. **Joe DiFrancisco:** An application with new construction and substantial renovation. **Trustee Arment:** Right. **Camille Giugliano:** Getting back to the penalty that you might want to reinstitute every month or whatever that decision is, maybe put a pause on it when it's not a good time to plant. And we know that ahead of time, months and those six months. So, people aren't planting trees at the wrong time of season just in order to meet the requirement and, you know, not get not get penalized. Right. There's a pause during the bad times to plant trees. Then it will encourage people to plant trees during the.

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**Trustee Moritz:** Within a six month period of time. So six months would be six months. Six months is a good period of time. **Mayor Mallott:** She's right. **Trustee Moritz:** Yeah. So I think six months is a good. Okay, so we are in agreement. **Trustee Levine:** How about we just say within a reasonable amount of time and not just **Trustee Moritz:** No, that's a loophole. What is a reasonable amount of time in two years? **Trustee Arment:** Do we need one. Do we need one full year to account for all the seasons? **Trustee Levine:** That would be all the seasons. **Vinnie Fazio:** I think nine months would cover all seasons.

**Trustee Moritz:** Nine months, then nine months. So then. Then it's nine months and then you start getting fined. If you first initially get the fine, then you get a repeat and then you get a repeat in nine months. Okay. If it's not followed by I believe that's a good one. And enforcement we all agreed upon. That's fine. And. All right, so everything is adopted except for the committee.

**Trustee Levine:** I have two more points I want to bring up. One. Um, we talk it talks about utilities two different ways. In the first section where it talks about the utility companies. It talks about that there is a permit required. Um, I don't think there should ever be a permit required for the utilities if or the phone company is coming here, or DPW is doing work in the in on the utilities. They should never be required to get a permit, especially if it's an emergency situation. PSE&G responds to broken wires and some a lot of time have to trim trees, have to remove trees to get back to the poles and stuff. So that should be eliminated. And I think we should talk to the fire department before we pass anything. We have changed our legislation a few years back that when somebody raises their house, they can put a ramp in the setback area. So, if the ramp is taken up four feet and they only have another four feet, planting trees in that area could be a problem for the fire department. And they should be made aware of this situation and think we need to have a timely, a good timeframe. When somebody puts in an application to remove a tree in an emergency, that it should be responded to quickly and not cause any further damage, whether it be a tree leaning on a house, a tree and wires or anything like that, or a dead tree that that could possibly fall and do damage to either property or somebody in the street. Those are issues that need to be sorted.

**Trustee Arment:** I think it doesn't the exceptions paragraph on the very last page, I'm pretty sure that covers all of the conditions that you were just citing. **Trustee Levine:** Yeah. But the utilities earlier in the in the paper it talks about that the utilities need to get a permit. **Trustee Moritz:** That's a definition. **Beth Jacobwitz:** It's no under in section. **Trustee Moritz:** And if a. **Trustee Levine:** It's number of B I'll tell you where I see it. **Trustee Arment:** I see what you mean. It's like to B on page. **Trustee Levine:** It's on the top of one of the pages. **Trustee Arment:** Yeah. The top of the page says regulated activities. **Trustee Moritz:** That's the definition of what it is.

**Trustee Arment:** But I think but I think the exceptions clause at the end there I would assume would override that. Right. **Trustee Moritz:** Yes. The utility is PSE&G. Yes. **Trustee Levine:** Yeah. But I think in the exceptions it talks about an emergency when they're doing their regular maintenance. I don't think they need to get a permit. **Trustee Arment:** I believe exception A covers their regular maintenance. Yeah. Exception. B is the emergency. But exception A is regular maintenance. Also we should talk about exception. C is the removal of a dead tree. Which kind of makes what we said earlier invalid.

**Trustee Moritz:** Normal unnecessary horticultural trimming and cutting of trees by utility company to maintain utility lines and cables. No permit. **Trustee Levine:** Yeah, but they're not talking about where it says the removal of a tree. They're not talking about the utilities, are they? They're just talking about a dead tree. Period. **Trustee Arment:** Well, there's two different things. So exception A, covers routine maintenance and trimming by the utility companies of the trees. Exception B, I think covers your concerns with emergency, you know, removals and things like that. But we do probably need to talk about exception C the removal of a dead tree. Because we were saying earlier that we'd have to replace dead trees. But this I think exempts that. So we might.

**Trustee Moritz:** Remove that if it's I think the removal of a dead tree, if it if it causes safety issues like, like let's say like that's why I put it in. **Trustee Arment:** Well that would be covered by B, right. **Trustee Moritz:** Yeah. This here on this one right here. **Beth Jacobwitz:** Yeah. That's covered by B. **Trustee Arment:** Yeah. So the question is, if a tree is merely dead and nothing else is at play here, if it just is dead, under this current exception, you can take it out and not replace it. Is that required for pragmatism here or because I think it kind of goes against what we want to do. **Beth Jacobwitz:** I think it goes against what we want to do as well. **Trustee Moritz:** I think it does too. **Trustee Arment:** What do you think, Vinny? **Vinnie Fazio:** I mean, even if it's dead, it should. It should within reason. **Trustee Arment:** I think. Yeah, I think you're right. **Vinnie Fazio:** Especially if you're not planting. Should be planting. Right. That's a big factor. **Trustee Arment:** So let's strike exception C. **Trustee Moritz:** C should come out because it. Can take data permit to take down a dead tree. And then they'll have to end

the permit process. Replace it? **Trustee Arment:** Yeah. Dawn also said she agrees with replacement. Yeah. All right. **Trustee Levine:** Will there ever be a situation where there's just so many trees on a piece of property that there's no room to put a tree if they have to, if they want to put in a swimming pool, but they already have ten trees on their property and there's no place to put a new tree. Are we not going to let them put in a swimming pool? Because there's no place to replace the tree that they cut down, but there is adequate amount of trees on the property.

**Trustee Arment:** I mean, I think some people would consider that a feature, not a bug, but I mean, I would say our, our area regulations about how much of your lot you're supposed to be covering leave a lot of leeway for that. I mean, I don't know if any step out for a second, but I mean, have you seen that Ian with like, landscaping jobs? Have you ever seen a lot?

**Trustee Levine:** I had a conversation with the building inspector this morning, and that was one of the points that he brought up. I mean, would that be something that would then go to the ZBA because it doesn't meet this requirements for a, you know, board of the Board of Appeals, you know? **Trustee Arment:** Well, I think it would fall under the other provisions of this law of like the building inspector possibly consulting with an arborist and possibly with VOBEC if we want we talked about earlier, like the building inspector would be able to make that call, but it would not. The homeowner would not be able to just cut down trees, not go through this process and say, well, I had nowhere to put them. That's that. That wouldn't be a valid exception.

**Trustee Levine:** I agree with that. Okay. **Trustee Moritz:** Okay. So, now that we're at the end. So, we've agreed to make the most of the changes. But the regarding the public. Is everything. The enforcement will be through the building inspector. All the public ordinances. And when we'll revisit it in a year, if it's not working the way we want to. **Trustee Arment:** Yeah, I think that's good because we want to get this on the books ASAP, I think. **Trustee Moritz:** Yeah, definitely. Do you agree, Jim? **Mayor Mallott:** Yeah. **Trustee Moritz:** Okay, so we'll go. **Trustee Arment:** All right, Dawn and Ian any final comment? **Trustee Moritz:** We'll send it out to you.

**Trustee Levine:** I would just like to thank the members of the of the VOBEC, Beth and Camille and David for their time and putting this application, this, this document together. I think they did a great job. And for Vinnie, for his input as well. I think we made really good progress today. And I think this is something that we can all agree upon and put our backing behind. So thank you guys.

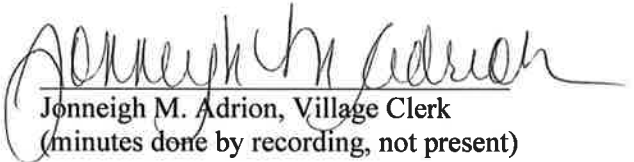
**Camille Giugliano:** And would like to give a big shout out to Beth Jacobwitz because. **Trustee Moritz:** Yes. **Camille Giugliano:** She was she has been the point person on this project and she has put in innumerable hours and made sacrifices. So thank you Beth. **Trustee Levine:** And also John, our pro bono lawyer. Thank you John. **Trustee Arment:** Yes, thank you everyone. Dawn also expresses her thanks to VOBEC and Vinnie. Thank you very much. And I think this is actually very productive.

**Trustee Moritz:** Yes, for working forward on this and making it work because we got to keep the trees. **Trustee Arment:** Vinnie, you missed everybody thanking you we are closing out. **Trustee Moritz:** Thank you for all your input and help. **Trustee Arment:** Everyone. Thank you for yeah we're closing up. Thanks for everything. Yeah. **Vinnie Fazio:** (inaudible) **Trustee Levine:** Thank you guys. **Ken Gray:** Motion to close. Motion to close the meeting. **Trustee Arment:** So moved. **Trustee Levine:** Second. **Ken Gray:** All in favor? **Ken Gray:** Motion carries over. Meeting is over, thank you everybody.



ADJOURNMENT: Trustee Arment moved to close the meeting at 2:06 PM. Trustee Levine seconded this motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

  
Jonneigh M. Adrion, Village Clerk  
(minutes done by recording, not present)