



NEW YORK STATE SENATOR

Tony Avella

## Queens Ledger: Queen's homeowner wants city to 'make like a tree and leave'

TONY AVELLA January 15, 2015

A Whitestone homeowner is in a showdown with the city over a street tree the Parks Department wants to plant in front of his home.

In August, Joseph Cozeolino returned to his home on 11th Avenue to find a small flag in front announcing the grassy area between the sidewalk and the street had been chosen for a tree as part of a city initiative to plant over 1 million trees throughout the five boroughs.

But according to Cozeolino, after he bought the house in 2011 he immediately removed overgrown trees and shrubs from the property. The previous owner, a gentleman in his 90s, was unable to care for the trees and leaves had clogged a sewer drain at the entrance to the below-grade garage.

Instead of draining, over the years the water flooded the garage and basement and caused extensive damage. Cozeolino spent \$140,000 repairing the home and re-grading the sidewalk so water would flow into the street and not toward his home.

"I'm sure there are plenty of people who would love a tree, but I'm not one of them," Cozeolino said. "I'm afraid of the damage it will do to my house. I'm afraid if they put this tree here, I will have the same problems again."

Cozeolino is also concerned the roots will damage his gas and sewer lines, which are just a few feet from where the city wants to plant the tree. His cable and telephone line also run directly above the proposed tree bed.

Cozeolino contacted the Parks Department with his concerns, but the agency has not wavered and plans to go forward with the planting.

A Parks Department spokesperson said the street trees it plants are part of a larger system that provides several environmental benefits, including capturing storm water, mitigating air pollution and moderating temperatures.

“Parks is always willing to consider location and species suggestions,” the spokesperson said in an email. “However, trees work best as a system, and eliminating planting sites or allowing homeowners to opt out would undermine the effectiveness of this system and significantly reduce the environmental benefit.”

The spokesperson added that each location is carefully evaluated by an arborist to determine its suitability, and that the department has devised new strategies to minimize any negative impacts on homeowners.

“In recent years, we have implemented new planting techniques on streets to make the new trees we plant less susceptible to storm damage and less likely to uproot sidewalks,” the spokesperson said.

Cozeolino has reached out to State Senator Tony Avella's office for assistance. Avella has been a big critic of the city's indiscriminate tree-planting program, as well as the city's response when street trees – which are on city property – do damage to a homeowner's sewer lines or when the roots damage sidewalks.

“Yes, the city has a program to fix those problems,” Avella said outside Cozeolino's home on Thursday afternoon. “But you have to wait years, and during that time the homeowner could

get sued.”

Avella said he is working on legislation that would require the city to formally notify homeowners if it intends to plant a street tree and offer homeowners some sort of comment period.

“The city should not force it on a homeowner,” said Avella. “The city says it is the same as installing a fire hydrant or street light, but it's not. Trees come with their own problems.”

Avella also said there is no reason to force a street tree on a homeowner who doesn't want it, as there are plenty of homeowners who would gladly accept a free tree.

“For as many complaints as my office receives about unwanted street trees, we are contacted by just as many people requesting a tree,” he said.

Read more [here](#)