

**Testimony of New York City Department of Buildings  
New York City Council, Parks and Recreation Committee  
Introductory Number 689  
April 4, 2012**

Good Morning Chair Viverito and members of the Parks and Recreation Committee. My name is Marshall Kaminer, and I am the Staten Island Borough Commissioner at the Department of Buildings, and, I am here today with Kanda Gordon, Associate Commissioner for Borough Operations. I want to thank you for this opportunity to comment on Intro Number 689, concerning illegal removal of trees in the Special Natural Area District commonly referred to as SNAD.

The Department of City Planning amended the Special Natural Area District (SNAD) text of the Zoning Resolution to improve preservation of significant natural features in parts of Staten Island, the Bronx, and Queens. The purpose of the Special Natural Area District is to guide development to preserve unique natural features. The SNAD is mapped in Community Districts 1 and 2 of Staten Island, Community District 8 of the Bronx, and Community District 7 of Queens. Under the current regulations, natural features are protected by limiting modifications in topography, by preserving tree, plant and marine life and natural water courses, and by encouraging clustered development.

As the agency tasked with enforcement of the Zoning Resolution, the Department of Buildings already has the ability to issue violations to owners and developers who illegally remove trees from the SNAD during construction operations. In permitted construction areas, trees scheduled to be removed legally must be placed on construction plans.

The Department understands the underlying goal of this legislation and agrees that protecting our natural areas is important. While the Department currently approves building plans in the SNAD, which may include the removal of trees, and the enforcement of illegally removing trees, there are implementation and operational challenges the Department would have in enforcing the bill as currently drafted.

First, the bill specifically mandates that the person who removed the tree must be the one to replace it. It would be exceedingly difficult for the penalty to be issued against “the person who removed such tree”, without any ability to track whom that person may be. DOB typically issues a violation to the owner of the property.

Second, construction inspectors are not trained in determining tree types and sizes, nor are they able to make decisions regarding tree health. While the Department works in cooperation with the Department of Parks and Recreation (DPR) for the planned removal of trees on city-owned property, an effective enforcement mechanism for the replacement of unlawfully removed of trees on private property would warrant further consideration and discussion with DPR.

Lastly, the bill's requirement that the tree be replaced within thirty days of any determination by the Department. There is always the opportunity for the respondent to first go to the ECB adjudicative hearing, or, the determinations may be issued at a time of year that is not optimal for tree planting, which should ideally be done in the spring or fall.

Thank you for this opportunity to present our testimony on Intro 689, and we will be glad to answer any questions you may have.

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Date: \_\_\_\_\_

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Name: KARDA Gordon

Address: Associate Commissioner

I represent: Dept of Buildings

Address: 280 Broadway

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Name: MARSHALL KAMINER, R.A.

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