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In Glen Cove Villa project, court battle over tree cutting

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By David Olson



Nassau County Supreme Court Judge George Peck, center, leaves the site of a Glen Cove luxury condo development on Sept. 15, 2016 after he issued an emergency order Tuesday to prevent trees on the property from being cut down. Photo Credit: Newsday / J. Conrad Williams Jr.

A court battle over the cutting down of trees on a Glen Cove hillside is the latest skirmish in a long battle over construction of a luxury condominium complex near downtown.

Nassau County Supreme Court Judge George Peck on Sept. 13 ordered Queens-based Livingston Development Corp. to stop chopping down trees on the site until he could rule on a request for a preliminary injunction. The next hearing on the matter is Wednesday.

Roni Epstein and Marsha Silverman, who live on the hillside above the project site, filed suit in State Supreme Court in Nassau County in January to block construction of the 176-unit Villa and annul Glen Cove City Council and Planning Board approval of the complex.

Epstein on Sept. 13 asked the court to halt the tree removal, which began the day before on property behind a Boys & Girls Club parking lot on Glen Cove Avenue.

On Sept. 15, Peck traveled to the site to witness the aftermath and see for himself what was going on.

“All I’m going to do is get an overview of what is happening so I can get a better understanding,” the judge said as he began his walk up the hillside.

Peck, dressed in a green golf shirt, navy blue slacks and casual brown shoes, walked through the dirt, past tree stumps and piles of branches, and near trees that had light green “X”s spray-painted to designate future removal. He declined to comment afterward.

Epstein said she is still fuming over what she called “wholesale deforestation” of about 50 trees.

The city public works department issued a permit over the summer authorizing Livingston to remove 87 trees for the project, said city spokeswoman Lisa Travatello.

Amy Marion, the Garden City lawyer for Epstein and Silverman, said the “permit is unlawful” because Glen Cove law gives only the city tree commission the authority to authorize the cutting down of trees of greater than 8-inch diameter.

“They completely slaughtered the entire forest,” she said.

Marion said city law also prohibits the cutting down of trees from hillsides with as steep a slope as the Livingston site. The City Council granted a waiver from the hillside protection ordinance in December, but Marion is challenging that waiver as unlawful.

John Farrell, an attorney for the city, and John Chase, the city planning board's attorney, declined to comment.

Patrick Hoebich, the Glen Cove attorney representing Livingston, said the public works department permit is valid and the tree-cutting is part of a city-approved demolition plan.

He said the waiver allows the tree removal but even without the waiver, the grade of the hillside from where the trees were cut down is below the threshold in the hillside ordinance.

Livingston plans to build six buildings of two to four stories. Company owner Daniel Livingston first proposed the project nearly a decade ago.

Queens-based Livingston Development Corp. is planning to build 176 condominiums in six buildings at Glen Cove and Craft avenues south of downtown Glen Cove.

A tree-removal company hired by Livingston cut down about 50 trees behind a Glen Cove Boys & Girls Club parking lot before a state Supreme Court judge Sept. 13 blocked further tree-cutting until he could rule on a preliminary injunction.