

\$23G fine for 7 trees cut

Muttontown man contesting village's penalty

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The Village of Muttontown has fined a resident almost \$23,000 for having seven trees removed from his front yard two months after superstorm Sandy.

Pericles Linardos, 53, said he has spent five years filing court motions and appeals in an effort to get the code violations case dismissed.

Village Attorney Steven Leventhal said Linardos didn't obtain the proper permit for the tree removal.

On May 30, Linardos appealed a village justice court decision imposing the fines to the state Supreme Court Second Appellate Division.

On Jan. 2, 2013, village arborist Tony Toscano visited Linardos' Chelmsford Drive house after a neighbor notified the village about a tree removal company in the neighborhood.

Three men were chopping logs into a size that could be fed into a woodchipper, according to court documents. Toscano said they had no permit for the work.

Toscano determined that the trees had been cut recently and that they had been healthy.

Fine set at \$22,500

Muttontown village code states that no one can remove a tree unless the village issues a permit, which is free. Violators may be fined \$250 for every inch of the removed tree's circumference.

A February court order from Village Justice Joseph Macy states the village determined Linardos had at least 90½ inches of tree trunk removed, making his fine about \$22,500.

"Mr. Linardos chose to violate the law, thinking it doesn't apply to him," Leventhal said in an interview.

Linardos faces 15 days in the Nassau County jail if he does not pay the fine, according to the justice's order.

Linardos called the fine excessive and said he won't pay it.

"I would rather spend 15 days in jail than give them a penny from my kids' education,"



Pericles Linardos said the trees were damaged in superstorm Sandy. The arborist said they were healthy.

added Linardos, who said he has three children in college.

Tree removal policies across Nassau County provide a way for officials to defend the suburban and secluded feel of neighborhoods, officials said, citing the importance of preserving trees to provide summer shade and homes for wildlife.

Many Long Island tree laws include fines in the thousands of dollars to deter residents from illegally removing trees, village officials have said.

In Old Brookville, residents who remove a tree without a permit face a fine from \$1,000 to \$5,000 per tree removed. In Old Westbury, the fine is between \$1,500 to \$10,000 per tree.

In Roslyn Harbor, trustees are to vote later this month on when and where a homeowner

can remove a tree and whether they are obligated to replace it.

Blames superstorm Sandy

Linardos, a volunteer paramedic and firefighter with the East Norwich Fire Company, said he removed the trees because they were damaged during superstorm Sandy. He didn't have time to do it right after the October 2012 storm, he said.

"I was responding to hundreds of emergencies from Sandy, so I didn't get a chance to do what everybody else was doing, which was making their properties safe," he said.

Anthony DeCarolis, Linardos' attorney, said the case should be dismissed, in part because his client wasn't physically removing the trees. The village argues that its tree removal law comes

with an assumption that a person who pays to have trees removed is still responsible.

"Other people obeyed the law and followed the requirements and applied for a permit," Leventhal said, adding that about 15 to 20 other residents were issued permits soon after Sandy. "He has not accepted responsibility for his actions."

Linardos ran for Muttontown mayor in 2014 and lost to current Mayor Julianne Beckerman. Linardos said the village's action over his trees is punishment for his challenging Beckerman.

Leventhal said the court proceedings are not politically motivated.

"The reason this legal case is protracted is because Mr. Linardos has chosen to fight us at every turn," he said.

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THIS DATE IN HISTORY

- 1509** England's King Henry VIII married his first wife, Catherine of Aragon.
- 1770** Capt. James Cook, on the ship Endeavour, "discovered" the Great Barrier Reef off Australia, running onto it.
- 1776** The Continental Congress formed a committee to draft a Declaration of Independence from Britain.
- 1919** Sir Barton won the Belmont Stakes, becoming the first Triple Crown winner.
- 1938** Johnny Vander Meer pitched the first of two consecutive no-hitters, a 3-0 Cincinnati Reds victory over the Boston Bees. (Four days later, he no-hit the Brooklyn Dodgers, 6-0.)
- 1955** In motor racing's worst disaster, more than 80 people were killed during the 24 Hours of Le Mans in France when two cars collided and crashed into spectators.
- 1962** Three escaped Alcatraz on a makeshift raft and were never heard from again.
- 1985** A comatose Karen Ann Quinlan, 31, whose case led to a historic right-to-die decision, died in Morris Plains, N.J.
- 2001** Timothy McVeigh, 33, was executed by injection in prison in Terre Haute, Indiana, for the 1995 Oklahoma City bombing that killed 168.