

Chapter 281:

Trees, Grass, Bush and Weeds (Proposed Amendments)



**Presentation to the
Law Committee and
Sustainability Committee**

Tuesday, November 28, 2017

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How did we get here?

Why do we need to modify the Tree Law?

- The Friends of the Scarsdale Parks (FOSP) and Conservation Advisory Council (CAC) were concerned that trees were being removed at a high rate in Village neighborhoods,
- The FOSP and CAC brought their concern to the Village Board of Trustees and requested that tree law be amended to further enhance and preserve trees in the Village,
- In response, the Village decided to create a working group with representatives from the FOSP, CAC and Village staff who would develop proposed amendments that would provide the desired effect of preserving and enhancing trees in the Village of Scarsdale. This ultimately ensured that perspectives from all three groups were discussed and considered.



Objectives of the Proposed Amendments

The working group has designed the law to meet four broad objectives:

- 1) enhance the legislative intent to memorialize the importance and benefits of trees to the Village's ecosystem;
- 2) increase the number of protected trees;
- 3) increase the number of trees planted through additional requirements for replacement trees; and
- 4) provide additional funding for the planting of trees in the Village's Right of Way and Parks.



Enhance the Legislative Intent

The Legislative Intent memorializes the importance and benefits of trees on the Village's ecosystem, trees:

- enhance green space;
- improve air quality;
- reduce energy use and atmospheric carbon dioxide;
- provide and promote habitat for wildlife;
- inhibit excess runoff and flooding;
- provide screening; and
- offer a natural barrier for noise.



Increase the number of protected trees

- The proposed amendments align the Village's protected trees list with the New York State Department of Conservation, Endangered List (the new list will be developed with the assistance of the FOSP and maintained by the Engineer's Department).
- Protected trees may only be removed if the tree is deemed dead, dying or hazardous as determined by a tree expert.
- If the proposed amendments are approved the protected tree list will be expanded from three (3) to twenty-one (21) trees.



Increase the number of replacement trees required

The proposed amendments increase the number of replacement trees required in two fundamental ways:

- lowers the requirement for a replacement tree from 36" Diameter at Breast Height (DBH) or greater to 24" DBH or greater; and
- requires that if permitted trees (6" DBH or greater) are removed within a 12 month period and have an aggregate DBH of 24" or greater, a replacement tree shall be planted for every 24" of DBH removed. *(The aggregate calculation includes trees between 6" DBH and 23.99" DBH and the residual of 24" DBH trees removed).*



Provides additional funding for the planting of trees in Village Right of Way and Parks

- The proposed amendments require that the Village Engineer shall charge a fee when a tree is removed and planting of a replacement tree is not feasible.
- The funds will be placed into a Tree Preservation Fund and used to plant trees in the Village Right of Way and Parks.

Important permitting modifications

The proposed amendments provide for the following permitting modifications:

- requires a tree permit for any tree that exceeds 6" DBH or greater, (the existing law requires a tree permit for the third tree that exceed 6" DBH allowing two trees as of right); and
- requires a tree permit for the six small caliper trees, 3" DBH or greater.

Hawthorn



Crabapple



Redbud



Mountain Ash



Serviceberry

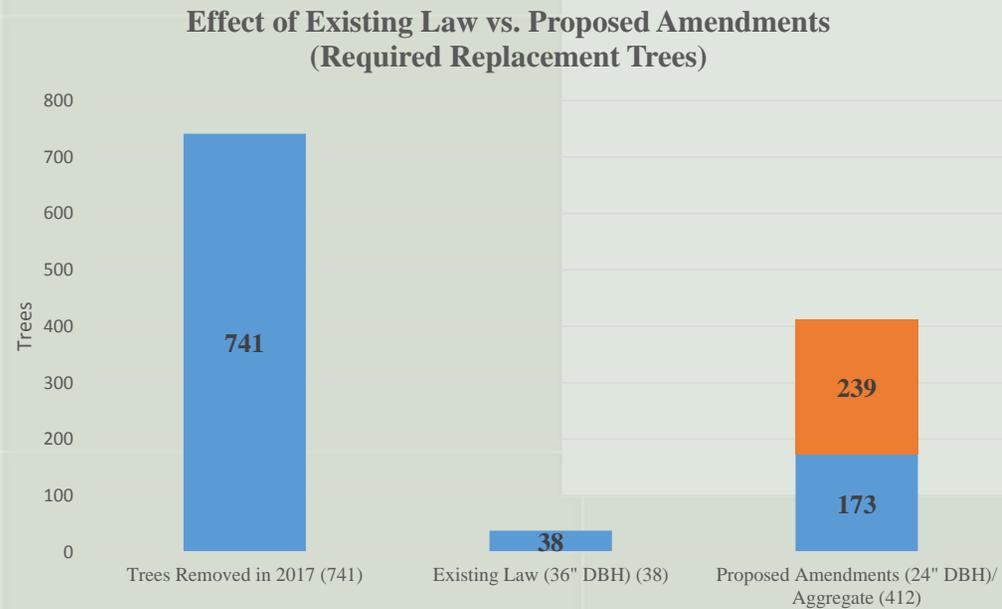


Birch



Effect of the proposed amendments to Chapter 281

The Village received requests to remove a total of **741 trees**, from January 1, 2017 thru October 26, 2017, the chart below demonstrates the number of required replacement trees under the existing law vs. the proposed amendments:



Effect of the proposed amendments to Chapter 281

The chart below demonstrates the additional number of replacement trees required by type of application under the existing law vs. the proposed amendments:

Type of Application	# Applications	# Trees Removed	# Trees Replaced Existing Law	# of Trees Replaced Proposed Amendments
Disease, Dead, Hazardous or Emergency	90	184	15	123
New Residential Construction	29	345	7	172
Planned Removal Landscaping	29	111	7	55
Residential Expansion/Alteration/Addition	24	101	9	62
Total	172	741	38	412

Effect of the proposed amendments to Chapter 281

The chart below illustrates the number of replacement trees required for an applicant who has submitted an application to remove **2 trees**.

Inventory of Trees Removed	
Tree (DBH)	# removed
36" or greater	1
24" or greater	1
23.99" or less	0

	DBH	# of replacement Trees per requirement	Permit Fee (\$)	Cost to the applicant Fee or Deposit (\$)
Existing Law	36"	1	0	0
	24"	2	100	1,000
Proposed Amendments	24" and aggregate	2	100	1,000

Effect of the proposed amendments to Chapter 281

The chart below illustrates the number of replacement trees required for an applicant who has submitted an application to remove **7 trees**.

Inventory of Trees Removed	
Tree (DBH)	# removed
36" or greater	0
24" or greater	7
23.99" or less	0

	DBH	# of replacement Trees per requirement	Permit Fee (\$)	Cost to the applicant Fee or Deposit (\$)
Existing Law	36"	0	2,485	0
	24"	7	2,585	3,500
Proposed Amendments	24" and aggregate	7	2,585	3,500

Effect of the proposed amendments to Chapter 281

The chart below illustrates the number of replacement trees required for an applicant who has submitted an application to remove **12 trees**.

Inventory of Trees Removed	
Tree (DBH)	# removed
36" or greater	0
24" or greater	0
23.99" or less	12

	DBH	# of replacement Trees per requirement	Permit Fee (\$)	Cost to the applicant Fee or Deposit (\$)
Existing Law	36"	0	580	0
	24"	0	680	0
Proposed Amendments	24" and aggregate	6	680	3,000

Effect of the proposed amendments to Chapter 281

The chart below illustrates the number of replacement trees required for an applicant who has submitted an application to remove **38 trees**.

Inventory of Trees Removed	
Tree (DBH)	# removed
36" or greater	0
24" or greater	1
23.99" or less	37

	DBH	# of replacement Trees per requirement	Permit Fee (\$)	Cost to the applicant Fee or Deposit (\$)
Existing Law	36"	0	2,485	0
	24"	1	2,585	500
Proposed Amendments	24" and aggregate	9	2,585	4,500

Effect of the proposed amendments to Chapter 281

The chart below illustrates the number of replacement trees required for an applicant who has submitted an application to remove **40 trees**.

Inventory of Trees Removed	
Tree (DBH)	# removed
36" or greater	0
24" or greater	4
23.99" or less	36

	DBH	# of replacement Trees per requirement	Permit Fee (\$)	Cost to the applicant Fee or Deposit (\$)
Existing Law	36"	0	2,905	0
	24"	4	3,005	2,000
Proposed Amendments	24" and aggregate	25	3,005	12,500



Thank you to the members of the working group

Representative from FOSP

Dan Hochvert and Madelaine Eppenstein

Representatives from CAC

Lee Fischman, Joan Weissman and Ron Schulhof

Representatives from the Village Staff

Ingrid M. Richards, Assistant Village Manager; Elizabeth Marrinan, Village Planner; Samantha Garrison, Assistant Village Attorney; David Goessl, Village Engineer

Board of Trustee Liaison to the FOSP and CAC

Village Trustee Deborah Pekarek