

# **MEETING NOTICE**

## Village of Scarsdale

A joint meeting of the Law and Sustainability Committees of the Board of Trustees of the Village of Scarsdale has been scheduled for Tuesday, January 22, 2019 at 5:30 PM. The meeting will be held in the Trustees Room located on the 2<sup>nd</sup> Floor in Village Hall.

### **Agenda**

1. Proposed Amendments to Village Code  
Chapter 281 – Trees

CS: 1-17-19

FAX: Scarsdale Inquirer

E-MAIL: Journal News (Lohud)  
Scarsdale 10583  
Scarsdale Hamlet Hub  
The Daily Scarsdale

cc: Lobby Bulletin Board

**RESOLUTION RE: CALLING FOR A PUBLIC HEARING ON A LOCAL LAW TO AMEND CHAPTER 281 OF THE SCARSDALE VILLAGE CODE ENTITLED TREES, GRASS, BRUSH AND WEEDS AND RELEVANT SECTIONS OF CHAPTER 18 BOARD OF ARCHITECTURAL REVIEW, CHAPTER 77 PLANNING BOARD, CHAPTER A317 ARCHITECTURAL REVIEW BOARD RULES AND REGULATIONS, AND CHAPTER A319 SUBDIVISION OF LAND; PLANNING BOARD REGULATIONS OF THE SCARSDALE VILLAGE CODE**

**RESOLVED,** that a Public Hearing is hereby scheduled by the Board of Trustees of the Village of Scarsdale to be held in Rutherford Hall in Village Hall on Wednesday, February 13, 2019, at 8:00 p.m. to consider a proposed local law to amend Chapter 281 of the Scarsdale Village Code, entitled Trees, Grass, Brush and Weeds, and relevant sections of Chapter 18 Board of Architectural Review, Chapter 77 Planning Board, Chapter A317 Architectural Review Board Rules and Regulations, and Chapter A319 Subdivision of Land; Planning Board Regulations of the Scarsdale Village Code; and be it further

**RESOLVED,** that the Village Clerk is hereby directed to publish notice of said hearing pursuant to Village Law.

Submitted by: Village Manager  
Date: January 18, 2019  
For: January 22, 2019

# *Village of Scarsdale*



## **Memorandum**

*Law Department*

To: Board of Trustees  
From: Angela Martin, Village Attorney  
Date: January 18, 2019  
Re: Local Law Amending Chapter 281, Trees, Grass, Brush and Weeds

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Enclosed please find a draft of the local law amending Chapter 281 of the Village Code entitled Trees, Grass, Brush and Weeds. This draft has been revised to reflect amendments discussed at the Village Board's December 10, 2018 joint Law and Sustainability Committees meeting. These amendments to Chapter 281 necessitated amendments to other sections of the Village Code for purposes of consistency. The amendments are included in the attached draft local law, and are located in Chapter 18 Board of Architectural Review, Chapter 77 Planning Board, Chapter A317 Architectural Review Board Rules and Regulations, and Chapter A319 Subdivision of Land; Planning Board Regulations.

Please let me know if you have any questions. I look forward to discussing this matter with you at the January 22, 2019 joint Law and Sustainability Committees meeting. Thank you.

CC: Stephen M. Pappalardo, Village Manager

**INTRODUCTORY LOCAL LAW # \_\_ OF 2019  
A LOCAL LAW AMENDING CHAPTER 281 TREES, BRUSH AND WEEDS,  
CHAPTER 18 BOARD OF ARCHITECTURAL REVIEW, CHAPTER 77 PLANNING  
BOARD, CHAPTER A317 ARCHITECTURAL REVIEW BOARD RULES AND  
REGULATIONS, AND CHAPTER A319 SUBDIVISION OF LAND; PLANNING  
BOARD REGULATIONS OF THE SCARSDALE VILLAGE CODE**

**BE IT ENACTED** by the Board of Trustees of the Village of Scarsdale as follows:

**Chapter 281 Trees, Grass, Brush and Weeds**

**ARTICLE I  
Trees**

**§ 281-1. Legislative findings and intent.**

The Village of Scarsdale finds that trees within the Village provide an important contribution to the health, safety, aesthetics and general welfare of Scarsdale residents and the community at large. Trees provide shade, and aesthetic appeal, enhance green space, improve air quality, reduce energy use and atmospheric carbon dioxide, provide and promote habitat for wildlife, impede soil erosion, aid water absorption, inhibit excess runoff and flooding, provide screening, offer a natural barrier to noise, provide other environmental benefits and generally enhance the quality of life within the Village. These social, economic, and ecological benefits often increase as trees mature and the Village community's investment in trees has accrued over many years. This investment can be rapidly lost and is not easily nor quickly replaced due to the long length of time for a tree to mature. The destruction of and damage to trees and the indiscriminate and excessive cutting of trees can create barren and unsightly conditions, as well as, surface drainage problems, increase municipal costs to control drainage, impair the value of real property and adversely affect the environment, health and character of the community. This article seeks to address these conditions and promote the preservation of trees within the Village.

**§ 281-2. Definitions.**

Terms as used in this chapter shall have the meanings:

DBH - The diameter of a tree trunk measured at 54 inches above the ground on the uphill side.

DISEASED TREE – A tree not capable of being cured by a tree expert and capable of infestation of the disease to other trees and plant life.

DISTRIBUTION LINE - An electric line having a voltage of less than 69 kilovolts.

EMERGENCY - A serious situation or occurrence that happens unexpectedly and demands immediate action.

ENTITY - Any corporation, limited liability company, partnership, limited partnership or other non-municipal enterprise recognized by the State of New York or its agents and contractors.

HAZARDOUS TREE- Any tree which meets two criteria: (1) a defect which will likely result in a failure, as determined in accordance with the ISA (International Society of Arboriculture) Risk Assessment Manual, and (2) the existence of a target; including structures, objects, power lines, or people that would suffer personal injury or property damage if said tree failed.

HERITAGE TREE - A tree designated by the Village with the consent of the owner upon a finding that the tree is unique and/or of importance to the community as set forth in § 281-7.

INJURY TO TREES - Any action, during the course of permitted or nonpermitted work, that causes significant damage to a tree that causes or is likely to cause death of the tree.

INVASIVE SPECIES - A nonnative species that adversely affects the habitats it invades economically, environmentally or ecologically and is listed ~~as a prohibited species~~ in the Prohibited and Regulated Invasive Species Plant list of the New York State Department of Environmental Conservation and the New York State Department of Agriculture and Markets, as amended from time to time.

LANDSCAPE ARCHITECT – A person who holds a license to practice landscape architecture.

LANDSCAPE PLAN - A design for the exterior landscape of a property that includes the common and botanical names, DBH, condition size, type and location of trees, shrubs and other natural elements and may include grading, tree removal and tree preservation measures which is reviewed and approved by a land use board.

LAND USE BOARDS - Independent bodies that make decisions in regard to land use in the Village under the enabling authority given by the State of New York, county and/or local law. These include the Board of Architectural Review (BAR), the Zoning Board of Appeals (ZBA) and the Planning Board.

NONPUBLIC PROPERTY - Any lands not owned by the Village of Scarsdale or any other governmental entity.

PERSON- Any corporation, firm, partnership, association, trust, estate and one or more individuals.

PROTECTED TREE - A tree designated as protected in accordance with the Protected Tree List maintained by the Village, which shall include but is not limited to those trees listed in the Endangered Protected Native Plants list of the New York State Department of Environmental Conservation, as amended from time to time, and heritage trees. The Protected Tree List shall be maintained by the Engineering Department.

PUBLIC PROPERTY - Lands owned by the Village of Scarsdale, which includes rights-of-way (ROW), parks, open space and Village facilities.

REPLACEMENT TREE - Any tree planted under the provisions of this chapter or required by a decision of a land use board. Replacement trees must be native to the Northeast United States, excluding invasive species, and at least ~~three~~ two inches DBH at the time of planting, unless specifically approved as part of a tree replacement plan.

RIGHT-OF-WAY (ROW) - Generally, the space owned by the Village extending approximately 13 feet from each curbline, but may include specific lands under an agreement or definition of law.

TREE - Any woody plant of a species which grows at maturity to an overall height of 10 feet or more, has a single trunk or multiple trunks which are, in combination, a sum of six inches DBH.

TREE EXPERT - An ISA-certified arborist or other professional certified by a recognized program of higher education or governmental agency as a tree expert.

TREE PRESERVATION FUND - A fund established by the Village of Scarsdale to receive payments pursuant to this chapter, as well as voluntary donations to be used in accordance with this chapter or to augment the planting of public trees.

TREE REMOVAL PERMIT – A permit issued by the Village Engineer in conformance with an application submitted by an applicant and approved by the Village Engineer.

VILLAGE ENGINEER - A person employed by the Village of Scarsdale, certified and licensed by the State of New York as a professional engineer or licensed architect, or his or her designee, with responsibilities that include reviewing plans for various projects on public and private land within the jurisdiction of the Village of Scarsdale.

**§ 281-3. Activities permitted as of right on nonpublic property.**

A property owner may remove a tree(s) on nonpublic property as of right, provided that tree removal is not regulated by the provisions of Chapter 171 Freshwater Wetlands, as well as the following:

- A. The tree(s) to be removed are six inches DBH or less, except the following small caliper native trees may only be removed, without a permit, ~~if provided that~~ they are three inches DBH or less:
  - (1) Hawthorn, *Crataegus* species and its cultivars or hybrids;
  - (2) Crabapple, *Malus* species and its cultivars or hybrids;
  - (3) Redbud, *Cercis* species and its cultivars or hybrids;
  - (4) Mountain Ash, *Sorbus Americana* species and its cultivars or hybrids;
  - (5) Amelanchier (Serviceberry), species and its cultivars or hybrids, *A. arborea* and *A. laevis* species and its hybrid and cultivars and hybrids;
  - (6) Birch, *Betula* species and its cultivars or hybrids.

- B. The tree is removed under an actual or ongoing emergency when such tree removal is necessary for the protection and preservation of life or property, including adjoining parcels. The property owner shall give notice of said removal to the Village Engineer as soon as practical.
- C. The tree is an invasive species as defined herein.
- D. Two trees on each property greater than 6 inches DBH and less than 24 inches DBH may be removed within a 12-month period. Prior to removal, a written notification of removal shall be delivered to the Village Engineer.

**§ 281-4. Tree removal permit.**

- A. The following tree removal activity requires a tree removal permit under this article:
  - (1) Except for those trees removed pursuant to § 281-3(D), the removal of one or more trees greater than six inches DBH.
  - (2) The removal of one or more small caliper native trees as identified under § 281-3(A).
  - (3) Trees identified to be removed or protected as a result of a land use board determination.
  - (4) Removal of replacement tree(s) six inches or less DBH that are planted as a result of a land use board determination or pursuant to § 281-11.
  - (5) Removal of tree(s) determined to be preserved by a land use board for at least two growing seasons after the issuance of a certificate of occupancy or land use board approval.
  - (6) Removal of one or more trees greater than six inches DBH that are dead, dying, diseased, or hazardous ~~or diseased~~ as determined by a tree expert. These tree removals without a fee ~~and~~ shall not be subject to a fee or the replacement requirements under § 281-5.
  - (7) Tree removals governed by Chapter 171 of this Code titled “Freshwater Wetlands”.
- B. In making a determination to grant or grant with conditions a permit under this article for the removal of any tree, the Village Engineer's consideration shall include, but is not limited to, the following:
  - (1) Whether the location of the tree endangers the health, safety or welfare of the general public, the property owner or an adjoining property owner.
  - (2) Whether the tree interferes with a permitted use of the property and/or is specifically identified for removal in a wetland permit, special use permit, subdivision plan, site plan or Board of Architectural Review approved landscape plan.

- (3) Whether the location of the tree interferes with a proposed permitted construction or alteration on the property and the construction or alteration cannot be reasonably adjusted to accommodate such tree.
  - (4) Whether the location of the tree prevents compliance with state, county or local laws or regulations for visual obstructions, sight lines, driveways or intersections.
  - (5) Whether the tree, due to advanced age, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain such tree.
  - (6) Whether the tree is located within three feet of an existing sidewalk, driveway or private roadway or if the tree is located within 10 feet of any existing dry well or other subsurface improvement or within 10 feet of any existing permanent structure or improvement.
  - (7) The number of trees for which a tree removal permit is being sought.
  - (8) The number of trees, if any, removed from the property during the preceding 36 months (other than trees removed pursuant to § 281-3A, B, or C).
  - (9) Whether the granting of a tree removal permit complies with the restrictions set forth in Chapter 171 of this Code titled "Freshwater Wetlands".
- C. The determination of the Village Engineer denying the grant of a permit application shall be in writing and set forth the basis for such decision, as prescribed in § 281-4(E)(6), which decision may be appealed to the Planning Board.
- D. Notwithstanding any other provision of this chapter, any property owner, developer or person who has applied for and received a permit involving an approved subdivision, approved site plan, wetland permit, special permit, or any permit that requires the removal of tree(s) on any nonpublic property shall, in addition to strict compliance with any terms of such approved subdivision, approved site plan, wetland permit, special permits, or any permit that requires the removal of tree(s), make an application to the Village Engineer for a tree removal permit. There shall be no site disturbance, and the status quo shall be maintained until such time as a tree removal permit is granted or denied and the appeal process is completed. The Village Engineer may grant, grant with conditions, or deny such application for a tree removal permit on such terms and conditions as he or she may prescribe, it being understood that there must be full compliance with any approved subdivision, approved site plan, wetland permit, special permit or other development approval required by the land use boards. In no event shall a tree removal permit be issued for the removal of any tree specifically designated to be saved by the Planning Board, Board of Appeals or Board of Architectural Review, unless said tree is determined to be dead, dying, diseased or hazardous to life or property or as subsequently approved by a land use board.



E. Applications.

- (1) All applications for permits shall be made in writing upon forms prescribed by the Village Engineer.
- (2) The Village Engineer may require the applicant to submit plans showing existing and proposed contours at two-foot intervals on a map or plan at a scale no smaller than one inch equals 40 feet; existing trees, specifying ~~types and sizes~~ the common and botanical names, DBH and condition of the trees to be removed and the reasons for removing said trees. The plans must detail all replacement trees ~~and~~ by specify the planting location, ~~size, species and type~~ common and botanical names, DBH and condition for all replacement trees.
- (3) The Village Engineer may require additional information in plans that include the design for all tree protection measures, including but not limited to protective fencing, tree wells and any other appurtenance that is deemed to be pertinent in reviewing an application.
- (4) The Village Engineer may require the applicant to pay for the retention, by the Village, of a tree expert, as defined herein, to supervise and ensure that any tree removal is carried out in compliance with any permit of approved land use plan.
- (5) An applicant may be required to furnish the Village with a performance bond or a cash deposit in an amount determined by the Village Engineer in a form to be approved by the Village Attorney sufficient to cover 100% of the planting and restoration work to be completed after the removal of any tree pursuant to plans that are required to accompany all applications. Cash shall be deposited in a trust account as established by the Village Treasurer. The performance bond or cash deposit shall remain in effect for a period of two growing seasons after the issuance of a certificate of occupancy (CO), or where a CO is not required after final inspection and approval by the Village Engineer.
- (6) The Village Engineer, within 30 days from the date an application is submitted in final form, shall issue a permit or deny the application, unless the parties agree to extend the time for the Village Engineer to render a determination.
- (7) The Village Engineer may issue a stop-work order against any approved tree removal permit if the work performed is not proceeding in accordance with the requirements of the permit or in an orderly and diligent manner.
- (8) An application fee shall be set by resolution of the Village Board in an amount that would cover Village costs for the administration and enforcement of this chapter. The Village Manager, as appropriate, shall recommend to the Village Board fees under this chapter.
- (9) The Village Engineer shall maintain a written record of all tree removal permits.

**§ 281-5. Replacement trees.**

A. The following trees removed pursuant to § 281-4, excluding § 281-3(D) and § 281-4(A)(6), shall be replaced with a replacement tree, when applicable for trees removed from the same property, whether by single or multiple tree removal permits, within any consecutive three year period, regardless of ownership. A tree removed pursuant to § 281-4, excluding § 281-4(A)(6), that is 24 inches DBH or greater shall be replaced with a replacement tree.

(1) A tree removed that is 24 inches DBH or greater.

(2) Permitted trees removed having an aggregate DBH of 48 inches or greater.

a. A replacement tree of a genus and species expected to grow to maturity at a similar size to the removed tree or trees shall be planted for every 24 inches of DBH removed up to 120 inches of aggregate DBH, excluding the aggregate DBH of any tree(s) removed pursuant to § 281-5(A)(1).

b. Two replacement trees of genus and species expected to grow to maturity at a similar size to the removed tree or trees shall be planted for every 24 inches of DBH removed above 120 inches of aggregate DBH and less than 240 inches aggregate DBH, excluding the aggregate DBH of any tree(s) removed pursuant to § 281-5(A)(1).

c. Three replacement trees of a genus and species expected to grow to maturity at a similar size to the removal tree or trees shall be planted for every 24 inches of DBH removed above 240 inches aggregate DBH, excluding the aggregate DBH of any tree(s) removed pursuant to § 281-5(A)(1).

B. The Village Engineer, as a condition to the granting of any tree removal permit, shall have the authority to require replacement trees of comparable size or species to be planted. Where existing trees are so large and mature that it is not practical to replace such trees of comparable size or where extensive tree removal is planned as part of a tree removal permit, the Village Engineer may order the planting of multiple trees and/or payment to the Tree Preservation Fund in an amount that would reimburse the Village for the cost of purchasing planting and maintaining any such replacement tree(s), the amount of which shall be determined by the Village Board in its annual fees and charges schedule. Where existing conditions on a lot make the planting of required replacement trees not feasible the applicant shall be required to make a payment to the Tree Preservation Fund in accordance with the annual fees and charges schedule. The applicant may appeal the Village Engineer's determination pursuant to this subsection to the Planning Board, which shall hear, review and determine said appeal.

**§ 281-6. Protected trees.**

Protected Trees may not be removed unless the tree is dead, dying, hazardous or diseased, as determined by a tree expert and certified in writing. Notwithstanding this provision, where a protected tree, excluding protected trees located within any of the required setback areas, is

determined by the Village Engineer to create a hardship, it may be removed subject to the requirements of § 281-4 and the provisions of § 281-5.

**§ 281-7. Heritage trees.**

- A. Upon the written request and consent by any property owner, the Board of Architectural Review may designate a tree as a "heritage tree."
- B. A tree may be designated as a heritage tree upon a finding that it is unique and of importance to the community. The following factors may be considered by the Board of Architectural Review when considering designating a heritage tree:
  - (1) It is an outstanding specimen of a desirable species.
  - (2) It is one of the largest or oldest trees in Scarsdale.
  - (3) It possesses distinctive form, size, age, location, and/or historical significance.
- C. After Board of Architectural Review approval of a heritage tree designation, the Village Engineer shall notify the property owner(s) in writing. A listing of trees so designated, including the specific locations thereof, shall be kept by the Building Department.
- D. Once designated, a heritage tree shall be subject to the provisions of this article unless removed from the list of heritage trees by action of the Board of Architectural Review. At its discretion the Board of Architectural Review may remove a tree from the list upon written request by the property owner.

**§ 281-8. Tree expert.**

The Village may employ or retain a tree expert to advise the Village in regard to the planting, growing, pruning, removal or preservation of any tree on public and nonpublic property.

**§ 281-9. Restoration and replacement.**

- A. All persons who remove trees or cause trees to be removed with or without a tree removal permit shall restore the area by backfilling all holes and by creating an acceptable grade and covering. Any tree damaged for any reason during construction or development of a property, or removed in violation of an approved subdivision plan, site plan, special permit, wetland permit or landscape plan, shall forfeit all or a portion of any escrow deposit or bond in an amount determined by the Village Engineer. Minor tree damage shall be treated in accordance with accepted tree surgery and best practices.
- B. Tree stumps shall be removed except where trees are removed pursuant to § 281-3 or the Village Engineer determines that the stumps are to be left for aesthetic purposes, to prevent soil erosion, or for other reasons. After the replacement of any tree, removal of all debris in the disturbed area shall be made immediately. The property where such planting is done must be left in a neat and orderly condition in accordance with good and acceptable planting and tree surgery practice.

- C. All tree planting, tree dressing and associated restoration work must be substantially completed within one year from the date of issuance of any tree removal permit not associated with a building permit, except that the tree removal permit may be extended by the Village Engineer for a period not to exceed six months. Under all circumstances the performance bond or cash escrow held by the Village shall continue in full force and effect until there has been full compliance and approval by the Village Engineer of all restoration work. In the event that the planting and restoration work is not substantially completed within one year of the date of issuance of a permit, and no extension has been granted, the Village Engineer shall consider the work and permit to be abandoned and declare the performance bond and/or the escrow deposit in default, and the proceeds from the bond and/or cash deposit shall be transferred to the Tree Preservation Fund.
- D. All trees planted pursuant to this article which fail to survive two growing seasons shall be replaced by the permit holder at the expense of the permit holder. Said replacement shall be within the longer of 60 days following written notice from the Village Engineer or the period of time as may be specified in such notice. Should the permit holder fail to timely replace the trees, the Village Engineer shall serve a court appearance ticket and/or declare the bond and/or escrow deposit in default and apply the proceeds to the Tree Preservation Fund.

**§ 281-10. Certificate of occupancy.**

A final certificate of occupancy shall ~~not~~ be issued by the Building Inspector only after all tree planting, tree dressing and associated restoration is completed to the satisfaction of the Village Engineer, except that between October 31 and April 1, the permit holder may obtain a temporary certificate of occupancy. In the case where a temporary certificate of occupancy is issued, all planting and restoration work in this instance must be completed to the satisfaction of the Village Engineer on or before the first day of the following May. The escrow cash deposit and performance bond shall continue in full force and effect until the planting and restoration work has been completed and the planting has survived two full growing seasons. Should the permit holder fail to complete the restoration work on or before May 1, the Village Engineer shall declare said performance bond or escrow in default and apply the proceeds from the bond or escrow to the Tree Preservation Fund.

**§ 281-11. Enforcement; penalties for offenses.**

- A. The terms of this chapter shall be enforced by the Village Engineer and the Building Department, except where such enforcement may be vested in the laws of the State of New York.
- B. Any person violating any of the provisions of this article shall be guilty of a violation and shall be fined not less than \$250, or more than \$1,000 for the first two trees. Thereafter, not less than \$500, or more than \$2,500 for each additional tree. In cases where a person is found guilty of knowingly violating a provision of this article, or of removing an excessive number of trees without a permit, the Village Justice shall have the discretion to set a fine in excess of these limits. No building, demolition, or excavation permit may be issued, and

if previously issued shall be revoked, until such violation is cured in accordance with § 281-89 herein.

- C. In addition thereto, any person violating any of the provisions of this article shall replace each tree injured, removed, killed or destroyed in accordance with the provisions of § 281-5.

## ARTICLE II Distribution Lines

### § 281-12. Distribution lines, rights-of-way.

- A. Legislative findings and intent. The Village of Scarsdale wishes to promote the reliable delivery by public utilities of electric power to residents and businesses within the Village. The Village recognizes that tree limbs may interrupt such reliable delivery if they become entangled with electric lines and therefore public utilities must, from time to time, cut and/or remove trees. The Village also wishes to recognize and preserve the benefits of trees to the community, including, without limitation, shade and aesthetic appeal, enhancing green space, improving air quality, reducing energy use and atmospheric carbon dioxide, providing and promoting habitat for wildlife, impeding soil erosion, aiding water absorption, inhibiting excess runoff and flooding, providing screening, offering a natural barrier to noise, providing other environmental benefits and general enhancing the quality of life within the Village. Removal of trees, if not regulated locally, would be deleterious to the environment and adversely impact all property in the Village.
- B. Any tree work in the Village right-of-way by a public utility, or its agent, including trimming and/or removal of trees must comply with nationally recognized standards and, further, that when tree removal is necessary, reasonable efforts are to be made to mitigate the loss of trees and any resulting threat by such removal by replanting, or such other actions that are necessary to protect the public health, safety, environment and general welfare.
- C. Utilities or their agents responsible for maintaining ROWs in the Village shall follow the tree maintenance practices for utilities established by the National Arbor Day Foundation, as amended from time to time, unless otherwise authorized in writing by a tree expert under such terms and conditions as may be specified. Nothing in this article prevents a public utility from contracting with a private entity to perform tree maintenance, as long as such tree maintenance conforms to the standards established by the National Arbor Day Foundation and provisions of this Article II.
- D. Except for tree pruning and trimming permitted by Subsection B above, no utility or its agents or contractors shall cut, top or remove a tree on a Village ROW, unless such tree poses a danger to a distribution line. A certification by a tree expert that such tree(s) are diseased or dying or, with respect to a healthy tree, such tree is so entangled with a distribution line that pruning and maintenance practices cannot reasonably be expected to prevent such tree from falling on or otherwise interfering with the distribution line is to be filed with the Village Engineer before any work takes place. Notwithstanding any provisions of this Article II, an entity may trim, top or remove a tree on a ROW if it has

fallen on a distribution line or, in the judgment of the utility, is in imminent danger of doing so.

- E. Except for tree pruning and trimming maintenance practices permitted by this Article II, any public utility or other entity removing a tree on a ROW or trimming to such a degree that would constitute removal, including if done on an emergency basis, shall replant a replacement tree, as defined herein, for each such tree removed and take such action as shall be determined by the utility's consulting tree expert so that no adverse environmental effects, including, but not limited to, drainage and soil erosion, impact the Village or adjacent property owners.

**§ 281-13. Enforcement penalties: Utilities and ROWs.**

- A. The Village Engineer may issue such regulations and forms as it deems appropriate for the administration of this Article II and may issue stop-work orders for violations.
- B. If any provision of this article is violated by any utility or its agent, the Village may, in any court of competent jurisdiction, seek injunctive relief restraining any violation of this article and/or compel the restoration described under the violation. Any violation of this article shall be punishable by a fine in the amounts set forth in § 281-11.

**ARTICLE III**  
**Infestations, Poisonous, Harmful Weeds and Plants**

**§ 281-14. Unlawful to allow infestations.**

- A. It shall be unlawful for the owner of any land in the Village to maintain or permit to remain thereon harmful flora or fauna which is likely to cause destruction of or damage to trees or shrubs or create a potential hazard or a public nuisance, including prohibited species listed on the Prohibited and Regulated Invasive Species plant lists of the New York State Department of Environmental Conservation.
- B. It shall also be unlawful for the owner of any land in the Village to maintain or permit to remain thereon any poisonous or harmful weed or plant that is likely to spread to other properties or become a public nuisance.

**§ 281-15. Duty of owners to correct.**

It shall be the duty of the owner of any land in the Village containing harmful flora, fauna or poisonous or harmful weed or plant which violates § 281-14 to destroy or cause to be destroyed such harmful flora or fauna or poisonous or harmful weed or plant.

**§ 281-16. Action by Village.**

In case any owner of land in the Village fails to comply with the provisions of this article, the Village Engineer shall issue a notice of correction by regular mail or in person, directing such owner(s) to comply with the provisions of this article.

**§ 281-17. Penalties for offenses.**

Any person committing an offense against any provision of this Article III shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

**ARTICLE IV**

**Planting and Protection of Trees, Shrubs and Plants in Public Places**

**§ 281-18. Planting in public places.**

No person shall plant any tree, shrub or plant that may create a traffic hazard or other visual obstruction, pursuant to Chapter 294 of this Code, within limits of any public ROW, park or other public place, without first securing a written permit from the Village Engineer or license agreement from the Village and complying with the following conditions and requirements: the permit or license shall be granted only upon a determination by the Village Engineer after consulting with the Director of Public Works that such planting does not interfere with the use of such public ROW, park or other public place and that such planting will enhance the beauty and appearance of the public ROW, park or other public place and the surrounding area.

- A. Trees planted within the limits of any public ROW, park or other public place shall be of a quality and species approved by the Village Engineer and shall be planted at least 30 feet apart unless otherwise authorized by the Village Engineer. Each such tree shall measure not less than three inches DBH.
- B. Should any tree, shrub or plant planted within the limits of any public ROW, park or other public place pursuant to any such permit, in the opinion of the Village Engineer, interfere at any time with the use of such public ROW, park or other public place by the public or detract from the beauty and appearance of the public ROW, park or other public place or the surrounding area, the Village Engineer shall mail a notice in writing to the permittee or his or her successor in ownership of the abutting premises to remove such tree, shrub or plant and to restore such public ROW, park or other public place to its original condition within 15 days of the mailing of the notice. If such permittee or owner shall fail to comply with such notice, the Village Engineer may cause the tree, shrub or plant to be removed, and the public ROW, park or other public place to be restored to its original condition at the expense of such permittee or owner. Any cost incurred by the Village in the performance of such work involving the removal of any such tree, plant or shrub in any public ROW, park or other public place shall be paid by such permittee or owner, upon notice from the Village of Scarsdale, in full within 30 days of the date of such notice. In the event of nonpayment by the owner of the property or building, such costs will be assessed as a lien on the property.
- C. Any tree, shrub or plant planted within the limits of any public ROW, park or other public place pursuant to such a permit or license agreement shall be maintained by the owner of the abutting premises, and the Village shall not be responsible for any damage caused to or by such tree, shrub or plant.

**§ 281-19. Removal, cutting and trimming in public places.**

No person shall remove, kill, cut, break or trim any tree or shrub in any public ROW, park or other public place in the Village or remove any device set for the protection of any such tree or shrub, without first securing a written permit from the Village Engineer and complying with such specifications as the Village Engineer may prescribe.

**§ 281-20. Interference in public places.**

No person shall, without first securing a written permit from the Village Engineer, cause any wire or insulator or any device for the holding of any electric wire to be attached to any tree in any public ROW, park or other public place or cause any wire or other conductor charged with electricity to come in contact with any such tree or place or maintain any pole or post in such a manner as to interfere with any tree or shrub in any public ROW, park or other public place.

**§ 281-21. Fastening animals and signs in public places.**

No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any public ROW, park or other public place or allow any animal under his or her control to injure any such tree or shrub.

**§ 281-22. Obstructing nutrients to roots in public places.**

No person shall place or maintain on the ground in any public ROW, park or other public place any stone, excess soil or other substance in such manner as may obstruct the free access of air or water to the roots of any tree therein without first securing a written permit from the Village Engineer.

**§ 281-23. Deleterious substances about roots in public places.**

No person shall cause any brine, oil, gas, gasoline, liquid dye or other substance deleterious to tree life to pass onto or into the soil about the roots of any tree in any public ROW, park or other public place.

**§ 281-24. Penalties for offenses.**

Any person, or entity violating any of the provisions of this Article IV shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine in amounts set forth in § 281-11 with respect to trees and as provided in § 281-17 for all other vegetation.



ARTICLE V  
Land Use Boards

**§ 281-25. When inventory, plans and bond agreements required.**

- A. Applications for subdivision or site plan approval or for activities in a freshwater wetland controlled area before the Planning Board; for special permits for tennis courts, swimming pools and other buildings before the Board of Appeals; and for permit approval before the Board of Architectural Review shall be accompanied by:
- (1) A tree inventory plan, prepared by a tree expert or licensed landscape architect ~~or~~ ~~surveyor~~ of all trees on the property having a DBH of four inches or more and trees having a DBH of three inches or less which are enumerated in § 281-3(A), identifying all trees by common and botanical names, DBH and condition. The Planning Board may defer the inventory requirement in lot merger and subdivision applications for which no development is proposed.
  - (2) A tree preservation plan showing trees which are to be preserved identified by common and botanical name, DBH and condition. Methods for tree preservation in areas affected by construction activities shall meet standards set by Westchester County Best Management Practices Manual. This shall be documented on the tree preservation plan.
  - (3) A tree removal and replacement plan prepared by a tree expert or landscape architect, if required.
  - (4) An agreement by the applicant to post a performance bond, cash deposit or other surety where required under this article, in an amount to be determined by the Village Engineer and approved as to form by the Village Attorney, to assure replacement of trees shown on preservation or replacement plans which were not fully protected or properly planted as required under this article and which do not survive for two complete growing seasons after completion of construction and that it not be released until after the foliage is out at the start of the third growing season, at which time staff would be able to verify that the tree(s) had survived.
- B. No certificate of occupancy shall be issued for new construction unless the applicant meets all conditions for providing a tree inventory, a tree preservation plan, a replacement plan and the posting of a bond and/or cash deposit, when required.

**Chapter 18 Board of Architectural Review**

**§ 18-10 Applications; information required.**

- A. Determination of compliance; transmittal of copies; notices; exemption from referral.
- (1) As soon as practicable the Building Inspector shall determine that an application for a building permit for the construction, reconstruction or alteration of any

building or structure complies with all provisions of Chapters 158, Fences, Walls and Plantings; 171, Freshwater Wetlands; 182, Historic Preservation; 247, Signs; 251, Site Plan Review; 281 Trees, Grass, Brush and Weeds; and 310, Zoning. The Building Inspector shall transmit a copy of the application and plans to each member of the Board of Architectural Review a minimum of five days prior to the meeting, where the building or structure has not been directly approved by the Board of Trustees or where approval of the building or structure has not been delegated to the Board of Appeals by § 310-79A(2)(swimming pools), (4) (tennis courts) or (5) (dish antennas) of Chapter 310, Zoning, of this Code, and which is not exempt from review under the provisions of Subsection A(3) below, which comes within either of the following categories:

- (a) Construction of any new buildings or structures; or
- (b) An addition to or reconstruction or alteration of any existing building or structure in such manner as to change substantially the exterior character and appearance of the building or structure.

(2) Notices.

- (a) The Board is authorized to require applicants to serve notices to the owners of neighboring properties, as specified in Chapter A317, Architectural Review Board Rules and Regulations, on the following types of applications:

[1] Construction of any new residence, accessory building larger than 100 square feet, commercial building or other public structure.

[2] Construction of an addition to an existing structure which is in the front yard or increases its height at the front by one story or more or more than 50%.

- (b) The Board may also require notices to neighbors in other types of applications, as may be required in Chapter A317.

- (3) The Board is empowered and authorized, through the promulgation of regulations, subject to the approval of the Board of Trustees, to designate certain minor alterations and some decks and fences as exempt from referral by the Building Inspector to the Board for its review.

B. Applications must be accompanied by plans showing all elevations of new structures and all affected elevations in the case of additions or alterations. For all new structures, a site plan with a scale minimum of one inch equals 20 feet must be submitted, showing the following;

- (1) Property lines, including curblines of adjacent streets.
- (2) Outline of structure, including walks, driveways, terraces, walls and fences.

- (3) Existing and proposed contours at two-foot intervals.
  - (4) Existing trees and trees to be removed having a DBH of four inches or more and trees having a DBH of three inches or less which are enumerated in § 281-3(A), identifying all trees by common and botanical names, DBH and condition. ~~with a trunk diameter of four inches or more at a point 54 inches above the ground.~~
  - (5) All proposed plantings.
- C. The Building Inspector or the Board of Architectural Review may require submission of all or a portion of the above information as part of the application for an addition to an existing structure. The Building Inspector or the Board of Architectural Review may require the applicant to furnish grades and elevations of adjacent property and structures where they deem this information applicable to a proper evaluation of the relationship between existing and proposed structures.

## **Chapter 77 Planning Board**

### **§ 77-1 Powers and duties.**

Until further action of the Board of Trustees, the Planning Board of the village is hereby authorized and empowered to:

- A. Report on any proposed final action by the Board of Trustees to change or add to the Official Map of the village so as to create or abandon streets, highways or parks or to change the Village Zoning Map or the Village Code provisions on zoning and related matters.
- B. Report on any proposed final action by the Board of Trustees to adopt or change any map of the village or any part thereof relating to extensions or relocations into new areas of primary elements of the storm drainage or sanitary sewerage systems or the water distribution pipe system but excluding replacements or reinforcements to meet operating problems.
- C. Report on any proposed final action by the Board of Trustees with respect to the location and site plan for public buildings and the location and development of bridges, statues or monuments, parking areas, parks, parkways, squares, playgrounds or recreation grounds or public open spaces in the village.
- D. Approve plats showing lots, blocks or sites, with or without streets or highways, and to conditionally approve preliminary plats.
- E. Approve site plans for the erection, enlargement or alteration of buildings on lots located at a distance from any street, pursuant to § 310-19 of Chapter 310, Zoning, of the Code of the Village of Scarsdale, and for lots approved under the provisions of Village Law § 7-738.

- F. Approve site plans for the erection, enlargement or alteration of nonresidential buildings and multifamily dwellings, pursuant to Chapter 251, Site Plan Review, of the Code of the Village of Scarsdale.
- G. Approve subdivision applications submitted pursuant to Village Law § 7-738 and to modify applicable provisions of Chapter 310, Zoning, of the Code simultaneously with the approval of plats in Residence A Zoning Districts, subject to the provisions of § A319-45 of the Code. The Board is also authorized to require an applicant to submit an application pursuant to Village Law § 7-738 on lots with an area of 40,000 square feet or larger.
- H. At intervals of no more than five years, conduct hearings, review the village's Comprehensive Plan and make recommendations thereon to the Board of Trustees.
- I. Advertise and hold public hearings when the Planning Board desires or when required by law or the Planning Board's rules and regulations.
- J. Consider changes to the rules and regulations relating to any subject matter over which the Planning Board has jurisdiction, after a public hearing. Recommendations for changes to the rules and regulations shall be made to the Board of Trustees, and adoption shall be by local law.
- K. Review and act upon applications for the conduct of a controlled activity in freshwater wetlands as defined in Chapter 171, Freshwater Wetlands, of the Code of the Village of Scarsdale, and report on any proposed action by the Village Board to amend the Freshwater Wetlands Map.
- L. Hear appeals from rulings of the Village Engineer and decide on requests for variances from the requirements of Chapter 167, Flood Damage Prevention, of the Code of the Village of Scarsdale.
- M. Make recommendations to the Board of Trustees on monetary payments in lieu of land donations in new subdivisions, pursuant to Village Law § 7-730, Subdivision 4(c).
- N. Require such performance bonds, insurance and warranties as may be provided for under Article 7 of the Village Law.
- O. Employ experts, clerks and a secretary and to pay for the services and such other expenses as may be necessary and proper, not exceeding in all the appropriations which may be made for the Planning Board by the Board of Trustees.
- P. Impose such reasonable conditions and safeguards as it may deem appropriate in connection with the approval of any application.
- Q. Hear appeals from rulings of the Village Engineer and decide on requests for waivers from rulings on curb cuts, as contained in § 256-23, as provided in § 256-23I, and on

rulings on freshwater wetlands applications, as contained in § 171-6A, as provided in § 171-12A.

- R. Approve special use permits for nonresidential uses and buildings as specified in Chapter 310, Zoning.
- S. Consider and report on such other matters as may from time to time be referred to the Planning Board by the Board of Trustees.
- T. Exercise such further powers as may be delegated by resolution or local law adopted or enacted by the Board of Trustees or conferred on planning boards by State law.
- U. Hear, review, and determine appeals from rulings of the Village Engineer regarding tree removal and replacement pursuant to the requirements of Chapter 281-4(C) and 281-5(B) of the Code of the Village of Scarsdale.

## **Chapter A317 Architectural Review Board Rules and Regulations**

### **ARTICLE II Applications and Review**

#### **§ A317-6 Requirements for all applications.**

All plans shall be drawn in scales commonly in use and shall include such drawings as shall clearly represent those structural, topographical and design features so that the Board can arrive at an evaluation of the proposed construction, addition, reconstruction or alteration.

- A. In general, applications shall include:
  - (1) Drawings of all full elevations upon which any construction, addition, reconstruction or alteration is proposed, showing both existing and proposed conditions. Treatment of architectural details, i.e., facias, corner boards, gutter returns, location of downspouts, etc., shall be clearly and completely indicated. Materials and treatment for roofing, siding, doors, windows, trim, shutters, chimneys, exposed foundation walls, exposed mechanical equipment, lighting, etc., shall be clearly indicated.
  - (2) One set of photographs of all elevations or sites affected by the applicant's proposal shall be presented during the meeting or hearing.
  - (3) A plot or site plan.
  - (4) Floor plans.

- B. In addition, applications for new construction and major alterations shall include:
- (1) One set of photographs of adjacent buildings and sites within 200 feet of the proposed structure shall be presented during the meeting or hearing.
  - (2) Accurate locations and heights of roofs and first floor levels of buildings and structures on contiguous lots.
  - (3) Landscaping plans delineating screenings and other plantings, driveways, entrance walks, exterior stairs, retaining walls and all existing trees measure and described in accordance with Chapter 281-25(A)(1), over 12 inches in diameter (measured from a point 54 inches from the ground) and methods of tree preservation, in accordance with Chapter 281-25(A)(2).
  - (4) Samples of building materials.
- C. In addition to any requirements set forth in this Article, an application may include renderings, scale models, displays and other visual representations of the proposed construction and written or graphic representations of the surrounding neighborhood, topography, etc., as the applicant wishes to submit.
- D. The Board may require such additional informational material as it deems necessary or desirable to a proper determination on any application. Drawings or interior details and structural, mechanical and electrical drawings need not be submitted unless specifically requested by the Board.

## **Chapter A319 Subdivision of Land; Planning Board Regulations**

### ARTICLE V

#### **General Requirements**

##### **§ A319-27 Compliance.**

Each subdivision, site plan and special use permit shall comply with the following standards and requirements:

- A. The proposed development shall be consistent with the public health, safety and general welfare, the comfort and convenience of the public and the provisions, general purposes and intent of the Zoning Code.
- B. The property shall be such that it can safely be used for the purposes contemplated by the plan, without danger to health or peril from fire, flood or other menace, taking into consideration its location, elevation, grade and drainage.
- C. Land deemed by the Board to be unsatisfactory for habitation shall not be platted for residential occupancy, nor for such other uses as may endanger health, life or property.

- D. Any street created, enlarged or altered as part of a subdivision shall be of sufficient width and suitable grade as hereinafter provided and shall be suitably located to accommodate the prospective traffic, to facilitate fire protection and to provide access for fire-fighting equipment to buildings and shall be designed to relate safely and conveniently to the surrounding street system. Intersections with or extensions of existing streets shall be so located as not to create traffic hazards or congestion, and the arrangement of streets shall properly relate to any Comprehensive Plan then in effect and to the Official Map.
- E. Monuments, curbs, gutters, water mains, sanitary sewers, storm drains, street and other paving, streetlights and other improvements, including, if required by the Board, sidewalks and street trees, shall be installed, all in accordance with these rules and regulations and standards, specifications and procedures acceptable to the appropriate departments of the Village.
- F. Surface water control systems in any subdivision shall be designed for the maximum lot coverage permitted under § 310-22 and § 310-23 of the Code of the Village of Scarsdale, shall be adequate to protect other property owners from damage, shall be designed to avoid silting, clogging or overload of existing public storm drains and shall be designed to offset any increase in the rate of surface water runoff from the proposed development pursuant to the requirements of § A319-37. If the installation and use of the storm drainage system, alone or in conjunction with other prospective subdivisions in the area, will, in the opinion of the Village Engineer, require changes in the existing public storm drainage system serving the area, the applicant shall furnish a deposit or suitable bond or guaranty in an amount estimated by the Board to be sufficient to pay the share attributable to the subdivision of the cost to the Village of providing adequate additional storm drainage capacity.
- G. Surface water control systems shall be provided at the applicant's expense in accordance with the requirements of § A319-27F. The adequacy of the system to dispose of all surface water runoff from the property shall be the responsibility of the applicant, and the Board's conditional approval of a preliminary plat and approval of a construction plan and a final plat shall not constitute a determination by the Board as to the adequacy of the system.
- H. Subdivision applications shall show, when required by the Board, open space suitably located for playground or other recreation purposes. If the Board determines that a suitable open space for such purposes cannot be properly located in any such plat or is otherwise not practical, the Board may require, as a condition to the approval of any such plat, a payment to the Village of a sum to be determined by the Board of Trustees upon the recommendation of the Board, which sum shall constitute a trust fund to be used by the Board of Trustees exclusively for neighborhood park, playground, open space or recreation purposes, including the acquisition of land.
- I. The landscape of the subdivision, site plan or special use permit shall be preserved in its natural state by minimizing tree and soil removal, and a tree preservation and replacement plan in accordance with Chapter 281, shall accompany each application, unless deferred as provided by § ~~281-18A(1)~~ 281-25(A)(1) of the Code of the Village of Scarsdale. If development of the site necessitates removal of established trees and

plantings, the Board shall, before approving any such application, be satisfied as to the planting of replacement trees or other landscape treatment. The Board may require the applicant to post a performance bond, cash deposit or other approved surety where required pursuant to § ~~281-18~~ 281-25 of the Code of the Village of Scarsdale. Except under such circumstances as the Board may determine, no subdivision, site plan or special use permit approval shall be permitted of any land from which principal trees have been removed within one year which principal trees have been removed within one year prior to the date such application was submitted.

- J. Any remaining tract of land not subdivided into building lots shall be provided with satisfactory rights-of-way giving means of access to existing or proposed streets. Access to public land shall not be restricted by any reserve strip.
- K. No part of a lot shall be included in calculating the lot area, except such part as falls within either a quadrilateral, no part of which is less than 1/3 of the required width, or an inscribed circle. No more than 10% of the required lot area shall consist of any body of water or portion thereof, floodplain property or property designed as a retention basin for drainage.
- L. In lots at a distance from the street, the Board shall designate the front, rear and side lot lines.
- M. No new driveway or parking space may be designed in a way that would require a vehicle to back out onto a county or state highway.

## ARTICLE VII Rules for Various Applications

### **§ A319-40 Final plan requirements where earlier plans waived.**

In applications for subdivisions where the Board has acted pursuant to § 319-38B to waive certain requirements, eight copies shall be filed, drawn at a scale of not more than 20 feet to the inch, and shall contain the following except where variation may be specifically authorized by the Board:

- A. The location and dimensions of property lines of each lot, block or site in relation to all streets and surrounding properties, including names of streets and of immediately adjacent and opposite property owners. In addition, the location of adjacent and opposing driveways shall be shown.
- B. Existing contours showing elevations based on Scarsdale datum, at intervals of not more than two feet, including existing contours and proposed regrading.
- C. The location and dimensions of all existing structures, sewers, watercourses, drains, utilities, easements, the size and species of trees with a trunk diameter of four inches or more at a point 4 1/2 feet above the ground level (except where the Board, pursuant to



~~§ 281-18A~~ § 281-25(A)(1) of the Code of the Village of Scarsdale, may require a less restrictive inventory), driveways, parking areas and other improvements.

- D. Calculations for each lot, showing that the minimum lot area required for the zoning district falls within either a quadrilateral, no part of which shall have less than 1/3 the required width, or an inscribed circle.
- E. The calculations of the area of the lot that lies within a floodplain, a detention basin or in the bed of a pond, stream or other water body.
- F. The zoning district or districts in which the land to be subdivided is located according to the Zoning Code.
- G. The date, North point and scale.
- H. The title under which the proposed subdivision is to be recorded, with the name of the owner or proposed owner.
- I. An indication that the corners of the proposed new lots have been staked in the field.
- J. Such other information as the Board may require.

**§ A319-41 Applications for subdivisions where submission of preliminary plat was not waived.**

- A. In any application for a subdivision not subject to waivers pursuant to § A319-38B, conditional approval of the preliminary plat and approval of the construction plan is required prior to submission of the final plat, but such approvals shall not constitute acceptance of the final plat nor prevent the Board from requiring that changes, modifications or a complete revision be incorporated in such final plat.
- B. Applications for approval of preliminary and final plats and construction plans shall be submitted as follows:
  - (1) Application for approval of a preliminary plat shall include the following:
    - (a) A signed statement to the Board setting forth:
      - [1] The nature and extent of proposed street improvements.
      - [2] The nature and extent of any recreational features, parks, playgrounds, water supply, sewerage and drainage rights-of-way, easements, retention basins and other land to be set aside or to be dedicated to public use and, if dedicated, the conditions under which dedication is to be made to the Village.
      - [3] A warranty that the owner will install all improvements in accordance with the standards prescribed by the departments of the

Village having jurisdiction and set all monuments shown on the final plan in such manner as the Board may designate.

(b) Eight copies of such preliminary plat shall be submitted, which shall be drawn at a scale of not more than 100 feet to the inch and shall contain, in addition to information required in § 319-40, the following:

[1] The lots; the location, names and width of existing and proposed streets; the nearest streets in actual use and street intersecting such streets; existing driveways adjacent to and opposite the proposed subdivision; all easements and other encumbrances on any part of the land to be subdivided, including but not limited to wetland areas, floodplain areas and detention basins; the location and ownership of adjacent lots; and the location of major trees as required in ~~§ 281-18~~ §281-25 of the Code of the Village of Scarsdale.

[2] The location and size of any existing and proposed sewers, water mains, culverts and drain pipes on the property to be subdivided and the connections of any such proposed utilities to existing utility systems.

[3] Contours, showing elevations based on Scarsdale datum, at intervals of not more than two feet, including existing contours, and proposed new contours showing regrading where required for construction or alteration of streets and other site improvements.

[4] The proposed arrangement and the approximate area, width and length of street frontage of each lot for the purpose of demonstrating to the Board that the proposed location of streets makes possible a layout of lots in accordance with the requirements of the Zoning Code for the district or districts in which the subdivision is located.

[5] Where applicable, all parcels of land proposed to be dedicated to the public use or to be set aside for park, recreation or open space purposes.

[6] An indication that the corners of the proposed new lots have been staked in the field.

(2) When notified of conditional approval of the preliminary plat, the applicant shall file with the Board eight copies of a construction plan drawn at a scale of not more than 50 feet to the inch horizontal, showing the proposed location, in plan and profile, of all details of construction of the proposed subdivision and containing the following:

- (a) The stationing of the center lines of streets indicated by stakes at fifty-foot intervals and adequate reference of the center lines to monuments and other established points.
- (b) The locations and widths of all streets, pavements, curbs, sidewalk areas, easements, parks and other open spaces, the proposed names of all streets and the radii of all curves in street lines.
- (c) The location and species common name and botanical name of street trees, if installation of street trees is required by the Board.
- (d) The location and design of streetlighting standards.
- (e) The proposed water supply system.
- (f) The proposed sanitary sewer system.
- (g) The proposed stormwater drainage system, with locations of catch basins and method of disposal of the collected stormwater.
- (h) Any other proposed underground utilities.
- (i) The typical cross section of the roadway for the full right-of-way width, showing character, width and depth of pavement and subbase, location of utilities, character and dimensions of the sidewalk, if required, and the curb and side slope grading.
- (j) The cross section of intersections and other special sections showing details of surface construction.
- (k) The designs of any bridges, culverts, retaining walls and other special features.
- (l) The proposed lot lines.
- (m) The title under which the proposed subdivision is to be recorded, with the name of the owner or proposed owner.
- (n) The date, North point and scale.
- (o) Profiles, showing original ground surface and finished street surface at center lines of all streets, percentage of grades of proposed streets, stationing and elevations of all points of curvature, points of intersection and points of tangency and of proposed sewers, drains, culverts, manholes and other features, also showing invert elevations and grades of sewers and drains and surface and invert elevations of manholes, stationing showing accurate center-line distances, elevations of the original ground

surface showing the nearest tenth of a foot and of fixed points to the nearest hundredth of a foot, all elevations based on Scarsdale datum.

- (3) When notified of approval of the construction plan, the applicant shall submit a final plat, together with a written application, for final approval by the Board.
  - (a) Eight copies of the final plat shall be filed with the Clerk of the Board. The final plat shall be drawn at a scale of not more than 100 feet to the inch and shall contain the following:
    - [1] The bearing and length of all straight lines and the radii, lengths and central angles of all curves along all property and street lines.
    - [2] The area of each lot in square feet.
    - [3] The connection by proper measurement between street center lines where such streets are not continuous straight across an intersecting street, both within the subdivision and where opposite existing streets or subdivisions.
    - [4] A system of monuments, with at least two monuments in each block, not more than 300 feet apart.
    - [5] The names of all subdivisions immediately adjacent and opposite or, if not subdivided, the names of the owners of record of adjacent and opposite property, together with map numbers as recorded in the County Office of Land Records, and Westchester County block index numbers.
    - [6] The title, showing the name of the subdivision, owner, scale, date and North point.
    - [7] The boundaries of the properties, the lines of proposed lots, streets and parks, the lines of all adjoining streets, their names and exact survey locations. Lot numbers, obtained from the Village Assessor, shall be shown on each lot.
    - [8] A certificate of the licensed engineer or land surveyor making such plan to the effect that the plan is correct and made from an actual survey.
    - [9] A statement that the plan is in compliance with the Zoning Code.
    - [10] A certificate signed by the proper authority that the subdivision has the approval of the Westchester County Department of Health.

- [11] A statement reading as follows: "Approved under authority of a resolution adopted \_\_\_\_\_ by the Planning Board of the Village of Scarsdale \_\_\_\_\_ Clerk."
- [12] If any lot lines have been modified from those shown on the preliminary plat, an indication that the revised corners of the proposed new lots have been staked in the field.
- (b) The final plat shall be accompanied by the following, all in form satisfactory to the Village Attorney:
- [1] An offer of dedication to the Village of all streets shown to be improved which are to be dedicated and such other areas which are to be dedicated. Such offer shall be in the form of an executed deed of dedication delivered to the Village Attorney, who shall hold said deed in escrow until the Village Board accepts the dedication. The applicant shall deed no fee rights in such streets or other areas which are to be dedicated.
- [2] A deed of dedication of all easements shown on the plat for sewers, drains, water mains, pavements, curbs, walks, fire alarm ducts or any other public use in or on all streets for the full width thereof as shown on said plat, which deed shall convey such easements free and clear of all encumbrances, including a waiver of claim for damages occasioned by the establishment of grades as finally approved, or the alteration of the surface of any portion of the streets or other dedicated sites to conform to the grade so established.
- [3] A written offer of easements as required across lots of parcels of land not covered by the above offers of dedication, giving the Village the right to install, construct, reconstruct and maintain therein all drains, sewers, water mains and other Village services.
- [4] A certificate of title showing the ownership of all property and easements to be dedicated to the Village.
- (c) The applicant shall submit to the Clerk, within the time limit prescribed in such approval, all aforementioned deeds of dedication, easements and certificates of title, together with all bonds, deposits and insurance policies as may be required by the Board.
- (d) Upon compliance by the applicant with the foregoing requirements and upon acceptance by the Village Board of all deeds of dedication and easements, and upon submission of the final plat incorporating all changes required by the Board, the Clerk will certify the final plat for filing in the County Office of Land Records. Approval of the final plat of the

subdivision by the Board shall become operative upon evidence of said plat having been filed in the office of the County Office of Land Records.

- (e) After the plat is filed with the County Office of Land Records, the applicant shall file one copy of the plat in ink on Mylar or cloth and three prints. These copies shall include the date the plat was filed and the county's file number.

**§ A319-42 Site plans for lots not fronting on streets.**

An application for approval of a site plan pursuant to § 310-19 of the Code of the Village of Scarsdale shall be submitted with eight copies, drawn at a scale of not more than 20 feet to the inch and containing the following, except where variation may be specifically authorized by the Board:

- A. The location and dimensions of property lines of the lot and of the access to the street, in relation to the street and all surrounding properties, and with their driveway access.
- B. Existing and proposed contours, showing elevations based on Scarsdale datum, at intervals of not more than two feet.
- C. The location and dimensions of existing structures, sewers, drains, utilities, driveways, parking areas and other improvements and the size and species of trees with a trunk diameter of four inches or more at a point 4 1/2 feet above the ground level (except where the Board, pursuant to § ~~281-18~~ 281-25 of the Code of the Village of Scarsdale, may require a less restrictive inventory).
- D. The calculation of the area of the lot that lies within a federal floodplain, a detention basin or in the bed of a pond, stream or other water body. For wetland areas shown on the Federal Flood Insurance Maps, elevations should be based on the National Geodetic Vertical Datum of 1929, not Scarsdale datum.
- E. The location and dimensions of all proposed structures, sewers, drains, utilities, driveways, parking areas and other improvements.
- F. Calculations, showing the lot coverage pursuant to § 310-20 of the Code of the Village of Scarsdale as provided for on a form supplied by the Village.
- G. An indication that the corners of the proposed new buildings, additions to buildings, decks, swimming pools, tennis courts and other improvements have been staked in the field.
- H. Such other information as the Board may require.

**§ A319-43 Site plans and special use permits for nonresidential and multifamily dwellings.**

Applications for approval of a site plan and for a special use permit for a nonresidential building or multifamily dwelling, pursuant to Chapter 251, Site Plan Review, of the Code of the Village

of Scarsdale, shall be submitted with eight copies drawn at a scale of not more than 20 feet to the inch and containing the following, except where variation may be specifically authorized by the Board:

- A. The location and dimensions of property lines of the lot in relation to the street and all surrounding properties, and with their driveway access.
- B. The gross area of the lot and of all existing and proposed buildings.
- C. The location and dimensions, including height, of all structures, with entrances and exits.
- D. The extent and types of uses to be made of all existing and proposed buildings.
- E. Changes which have taken place since the erection of such existing building or buildings which have led to the proposed expansion or enlargement and any anticipated future need for further expansion or enlargement.
- F. Calculations, showing the lot coverage pursuant to § 310-20 of the Code of the Village of Scarsdale as provided for on a form supplied by the Village, if the subject lot is in a single-family residential use in Residence A Zoning Districts.
- G. Existing and proposed contours showing elevations based on Scarsdale datum, at intervals of not more than two feet.
- H. The layout and dimensions of any off street parking area, showing the number of spaces and their arrangement, the method of traffic circulation, all ingress and egress drives, areas to be screened and the type of screening to be used, the illumination of parking areas and the location and layout of any service and play area.
- I. The type of surfacing of parking areas, drives and walks and other improvements.
- J. The location and dimensions of all sewers, drains and utilities and other improvements.
- K. The location of any wetland controlled areas or watercourses.
- L. The size and species of trees with a trunk diameter of four inches or more at a point 4 1/2 feet above the ground level, except where the Board, pursuant to § ~~281-18~~ 281-25(A)(1) of the Code of the Village of Scarsdale, may require a less restrictive inventory.
- M. An indication that the corners of the proposed new buildings, additions to buildings, parking lots and other improvements have been staked in the field.
- N. Such other information as the Board may require.

**§ A319-44 Permits for controlled activities in freshwater wetlands.**

A permit is required from the Board for any controlled activity as set forth in §§ 171-3 and 171-4 of the Code of the Village of Scarsdale. Application for such permits shall be submitted with eight copies and shall contain the following information:

- A. A written statement describing the use or activity proposed for the property.
- B. Plans, maps and other technical information supporting the written proposal for use of the land.
- C. The location and dimensions of property lines, lots or blocks in relation to all streets and surrounding property.
- D. The location of existing and proposed structures, driveways and other improvements.
- E. The location and species of trees and shrubs in the area of the proposed wetland activity. All trees with a trunk diameter of four inches or more at a point 4 1/2 feet above the ground level will be specifically located and identified on the plan, except where the Board, pursuant to § ~~281-18~~ 281-25 of the Code of the Village of Scarsdale, may require a less restrictive inventory.
- F. Calculations showing the lot coverage pursuant to § 310-20 of the Code of the Village of Scarsdale, as provided for on a form supplied by the Village.
- G. The location of all freshwater wetlands areas on the applicant's property and on abutting properties. The plans should include existing and proposed contours in the areas to be altered by the proposed construction showing elevations, at intervals of not more than two feet. For wetlands areas shown on the Federal Flood Insurance Maps, elevations should be based on the National Geodetic Vertical Datum of 1929, not Scarsdale datum.
- H. An indication that the corners of the proposed new buildings, additions to buildings, decks, swimming pools, tennis courts and other improvements have been staked in the field.
- I. Such other information as the Board may require.

**EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Underline means addition.

~~Strikethrough means delete.~~