

Draft Proposed Local Law "I" – 2010 a local law to amend Chapter 318 of the Code of the Village of Mamaroneck, abolishing and reconstituting the Tree Committee, and revising the related Tree Regulations, including the list of approved trees.

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

SECTION 1.

That Village Code Chapter § 318 is deleted in its entirety, and the Tree Committee is abolished,

Section 2.

A revised Village Code Chapter § 318 is hereby adopted, and a new advisory Tree Committee comprised of Village staff and three members of the public is hereby established as follows:

Chapter 318, TREES

[HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck 1-25-1988 by L.L. No. 1-1988, effective 2-1-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 296.

Legislative Intent – it is the intent of the Board of Trustees of the Village of Mamaroneck to constitute an advisory Tree Committee to establish general rules and guidelines and oversee public trees throughout the Village of Mamaroneck, in coordination with and under the

supervision of the Village Manager's Office, to ensure the oversight, planting, care, maintenance and removals of trees in Village rights-of-way and on public Village property.

§ 318-1. Purpose; definitions.

A. The proper planting of new trees and the health and maintenance of existing trees, especially within public rights-of-way, aid in the maintenance of property values, implement the design and environmental goals of the Village Master Plan and promote the general welfare of the inhabitants of the Village of Mamaroneck. This chapter seeks to promote these goals by establishing a Tree Committee to ensure proper standards of planting, maintenance and removal and to monitor the observance of these standards.

B. As used in this chapter, the following terms shall have the meanings indicated:

PARK TREES -- Trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the village or to which the public has free access as a park.

STREET TREES -- Trees, shrubs, bushes and all other woody vegetation on land lying between the property lines on either side of all streets, avenues or ways within the Village of Mamaroneck.

§ 318-2. Creation and establishment of Tree Committee.

There is hereby created and established a Village Tree Committee, which shall serve in an oversight capacity for the management and care of the Village of Mamaroneck's trees. . The Tree Committee shall be comprised of the Village Manager, the Public Works General Foreman, the Parks Foreman, a professional landscape architect or arborist or someone from a related field, and up to three members of the general public who shall be appointed by the Mayor and approved by the Board of Trustees. The Village Manager shall have the final decision in carrying out the Board of Trustees' policies.

§ 318-3. Terms of office.

The term of each public member's office shall be two (2) years, except that the initial appointments shall consist of one (1) member for one (1) year, and the second member for two (2) years, and the third public member for three (3) years. In the event of a vacancy, a successor shall be appointed to fill the unexpired portion of the term. It is the determination of the Village that there shall be no limitation on the number of terms the landscape architect/arborist and each public member may serve.

§ 318-4. Duties and responsibilities.

A. It shall be the responsibility of the Tree Committee to study, develop and/or update regularly (at least every three years) and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.

B. The Tree Committee may review any site plans or subdivisions referred to it by the Planning Board and shall advise the Board on proper tree plantings and/or tree preservation techniques. The Building Inspector or his designee as the authorized Code Enforcement Official of the Village of Mamaroneck is delegated the authority to monitor the implementation of site plans in terms of trees tagged for preservation and to provide advisory reports to the Planning Board and/or Village Manager to ensure compliance with approved site plans.

C. The Tree Committee shall advise the Village Recreation and Parks Commission and the Public Works Foreman and/or the Parks Foreman, where the Committee is requested, concerning the implementation of § 296-11, Trees, of Chapter 296, Streets and Sidewalks.

D. The Tree Committee shall review, consider, make findings and report and recommend upon any special matter or question coming within the scope of its work.

§ 318-5. Chairperson; rules and regulations; quorum.

The Village Manager or his designee shall be the Chairperson. The Committee shall establish rules of procedure and shall keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 318-6. Suggested street tree species list.

There is hereby adopted a list of recommended trees for planting along Village rights-of-way and in parks of the Village of Mamaroneck.

Small Trees (trees 15' to 40' high, intended for planting under utility lines)	Large Trees (trees of 40' to 100' high)
Crabapple, Adirondack ( <i>Malus Adirondack</i> )	Ash, Green ( <i>Fraxinus pennsylvanica</i> ) *
Crabapple, Donald Wyman ( <i>Malus Donald Wyman</i> )	Elm, American, Princeton and Valley Forge ( <i>Ulmus Americana</i> ) *
Crabapple, Prairifire ( <i>Malus Prairifire</i> )	Golden Rain Tree ( <i>Koelreuteria paniculata</i> )
Dogwood ( <i>Cornus florida</i> ) *	Honey Locust, Shademaster, thornless ( <i>Gleditsia triacanthos var. inermis</i> )
Dogwood ( <i>Cornus kousa</i> )	Hornbeam, American ( <i>Carpinus Caroliniana</i> )
Hawthorn Tree, English, single-trunk ( <i>Crataegus laevigata</i> )	Hornbeam, European ( <i>Carpinus betulus</i> or <i>fastigiata</i> )
Hawthorn Tree, Winter King, single trunk ( <i>Crataegus viridus</i> )	Japanese Zelkova ( <i>Zelkova serrata</i> )
Japanese Flowering Cherry ( <i>Prunus Kanzan</i> )	Linden or Basswood Tree, American ( <i>Tilia americana</i> ) *
Japanese Lilac Tree ( <i>Syringa reticulata</i> )	London Planetree, Bloodgood ( <i>Platanus x acerfolia</i> )
Maple, Hedge ( <i>Acer campestre</i> )	Maple, Red ( <i>Acer rubrum</i> )
Maple, Trident ( <i>Acer buergerianum</i> )	Maple, Sugar, Green Mountain ( <i>Acer saccharum</i> ) *
Redbud, Eastern ( <i>Cercis canadensis</i> ) *	Oak, Bur ( <i>Quercus macrocarpa</i> ) *
Serviceberry, single-trunk ( <i>Amelanchier laevis</i> or <i>canadensis</i> ) *	Oak, English ( <i>Quercus robur</i> )
	Oak, Pin ( <i>Quercus palustris</i> ) *
	Oak, Red ( <i>Quercus rubra</i> ) *
	Princeton Sentry Tree ( <i>Ginkgo biloba</i> )

\* Native to Eastern USA

The Tree Committee may consider and recommend other additional trees to be planted along streets or in parks, upon request and approval by the Village Manager.

§ 318-7. Planting guidelines.

To achieve ideal growing conditions, street or park trees shall be planted according to the guidelines designed or approved by the Committee. When necessary, modification may be made by consultation with the applicable Village personnel.

§ 318-8. Cash donations for planting of trees.

A. The Board of Trustees, under appropriate circumstances and without showing preferential treatment, is authorized to accept cash donations from private persons or corporations for the orderly planting of trees, in keeping with the designated planting guidelines on public rights-of-way or property.

B. In authorizing the planting of a tree or trees within a public right-of-way, the Tree Committee may authorize the placement of a tree partially on private property along the right-of-way, if that is found to be in the best interest of the village and is with the written consent of the private property owner. Any tree that is planted partially on private property, along the Village's right-of-way, shall be the responsibility of the Village, and the Village shall have the authority to maintain, care for and remove the tree to protect the safety and welfare of the community.

C. The donation shall be tax deductible within the statutory provisions of gifts to a municipality under the General Municipal Law of the State of New York.

§ 318-9. Distance from curbs and sidewalks.

The distance trees may be planted from curbs or curblines and sidewalks will be determined by the Committee. If a tree is being planted to replace a tree larger than the prescribed size, the Committee may allow the planting of a tree comparable to the removed tree, provided that it is known to be of a type whose roots will not displace the sidewalk or curb.

§ 318-10. Distance from street corners and fireplugs.

No street tree or park tree shall be planted closer than twenty-five (25) feet from any street corner, measured from the point of nearest intersection curbs or curblines. No street or park trees shall be planted closer than ten (10) feet from any fireplug nor closer than four (4) feet

from any gas or water curb boxes. The Committee may adjust these standards upon written findings that modification of such standards is advisable.

#### § 318-11. Tree removal.

The Tree Committee may recommend to the Department of Public Works the removal of any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric powerlines, gaslines, waterlines or other public improvements or is affected with any injurious fungus, insect or other pest. In the event that there is an emergency which threatens the health or safety of the residents of the village, the Village Manager holds the authority to take such steps as he deems necessary to alleviate said emergency.

#### § 318-12. Prerogatives of village.

The village shall have the right to take any action which would otherwise be required of any owner pursuant to this chapter and, if the owner has been given not less than thirty (30) days' written notice of the intention of the village to do such work and has failed to have such work done, to recover the cost of such action from said owner, and said owner shall be subject to the penalties of § 296-16 of Chapter 296, Streets and Sidewalks.

#### § 318-13. Review by Village Board.

The Village Board shall have the right to review the conduct, acts and decisions, and review and amend policies and procedures to be followed by the Tree Committee. Any person may appeal from any ruling or order of the Tree Committee to the Village Board, who may hear the matter and make the final decision.

### SECTION 3. Effective Date

This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with the Municipal Home Rule Law.