

4/12/2024

**Village of Mamaroneck Tree Committee
April 16, 2024 Agenda**

***Approval of the March 6, 2024 Minutes** (*Attachment 1*)

***Comments from Residents** (*Please limit in-person comments to 3 minutes*)

***Correspondence**

- 130 Beach Regarding Tree Funds Transfer (*Attachment 2*)
- 130 Beach Regarding Tree Committee Failure to Enforce Village Tree Law (*Attachment 3*)
- 130 Beach Regarding Tree Committee responsibility for Florence Park tree removals and other inadequacies (*Attachment 4*)

Note: DPW Foreman Regarding Consultations with Tree Committee
(*Attachment 5*)

***Old Business**

VOM Inspection for Maintenance or Removal *Please provide street numbers when reporting tree-related issues*

- Inspection needed for possible cutting of roots along Richbell Road
(Attachment 6)
- Two new trees in the Dog Park need to be straightened
- VOM trees for inspection
<https://docs.google.com/spreadsheets/d/1lg-QtdV6So5hl4XDm4Usf8jghZXhA-9ZIYpySaxYjVU/edit>

New Trees

- Bishop Ave replacement trees
 - o Dan Sarnoff is researching MetroNorth permissions
 - o Construction materials occupy approximately 1/3 of area, needed until 12/2024
 - o Order not placed, possibly for fall planting
 - o Recommended species Arbor Vitae Thuja Occidentalis “Green Giant”
(*Attachment 7*)
 - o Alternate Spring order might be placed for additional locations on Underhill, New, Ralph & Elliot (St. Vito’s property plus private)
(*Attachment 8*)

- Fall locations: include six empty tree pits on north side of Center Ave, starting at Ogden

Tree Law

- **Report tree removals**
 - o Business hours, Building Dept (914) 777-7731
 - o After hours & weekends, Police (914) 777-1122
- **After Hours Police Desk recently said they don't have access to permits**

417 N. Barry appeal of permit application

- Update and guidance

Heritage Trees

- Draft Nomination Form (*Attachment 9*)
 - o Substitute Tree Committee logo for tree image
- Arbor Day April 26 better date than Earth Day April 22
- Approval of BOT
- Consult with Robert Ingenito about creating flyer pdf; hot link to nomination form; nomination list; publishing photos of trees with their nominators in VOM e-blast
- Design Certificates of Recognition for nominator, private tree owner (if relevant)
- Who will visit the trees to determine eligibility?

Tompkins Farm Oak

- Committee recommends pruning next fall, per Bartlett inspection report

***New Business**

Notice of tree removals

- Sign should be posted for permitted removal of private trees
- Tree tags needed to identify VOM trees to be removed (tagged in advance)

VOM trees topped by residents

- 334 Prospect (2 trees) and 505 – 511 Prospect (3 trees) ROW trees topped (*Attachment 10*)
 - o Violation issued (destruction of Village property)?

Draft Revised Tree Committee page on VOM website (*Attachment 11*)

- Committee to provide edits

Florence Park Renovations

- VOM statement by Parks Dept General Foreman Jeff Ahne (*Attachment 12*)
- 25 opposition emails received by BWS to date; two supportive

Follow Up for Replanting Requirements of permits previously granted

- Need a list of past permit approvals
- Owners allowed one year to replant following removal

Are there state grants available for sidewalk replacements in underserved neighborhoods?

Washingtonville Housing Alliance tree locations?

***Other Business**

***Calendar Notes**

- Next meeting Wednesday, May 1, 7:30 pm
- Spring tree walk, May 5, 1:00 pm, Otter Creek Preserve, Taylor Lane entrance
- Fall tree walk, October 27, 1:00 pm, location TBA

3/24/2024

Attachment 1
Village of Mamaroneck Tree Committee
March 6, 2024 Minutes DRAFT

Present: Beverley Sherrid, Gail Koller, Michelle Goodman, Wendy Zoland, Sara Mignano, Dan Sarnoff

***Approval of the February 7, 2024 Minutes – VOTE:** Minutes Approved as amended

***Correspondence**

- 130 Beach Regarding Notice of Line Clearing –ConEd should give notice
- Trees between TOM Center and MHS – discussion of reasons location is currently not suitable

***Old Business**

VOM Inspection -- List submitted to DPW

Bishop Avenue

- **VOTE:** Motion to begin planting trees along Bishop in area not in temporary use for infrastructure work; Motion Approved
- Acting Village Manager will confirm permissions from MetroNorth

Tree Law -- Ask Village Attorney whether it is possible to issue fines to tree removal companies

417N. Barry appeal of permit application -- Permit will be granted but ask residents to reapply; fee will be waived

Heritage Trees

- Heritage Tree Hunt, aligned with Earth Day
- Gail & Beverley to design nomination form; Sara & Wendy to prepare Instagram content

Guion Creek Bird Sanctuary Ownership – VOM property

***New Business**

Revised Tree Committee page on VOM website

- Edits to draft will be prepared
- Hyperlink to tree law FAQ

Florence Park Renovations -- discussion of plans

Attachment 2
130 Beach Regarding Tree Funds Transfer

Dear Mayor and Board of Trustees,

I am writing about the supplemental appropriation for tree maintenance on your agenda for Monday evening. Despite the invoice being for work performed nearly three years ago it is hard to object to it being paid if all the work has been verified as legitimate.

However, I do hope the Board will see this as an opportunity to examine how the Village manages it's tree maintenance contract.

As I pointed out at the last Board meeting Purchase Orders are seldom properly used to control expenditures. Village trees are removed without any of the Chapter 318 required review by the Tree Committee designed to prevent the needless removal of trees. We have seen the angst this has caused in the community with the wholesale removal of trees in Florence Park.

There is apparently also no control over what the contractor charges for removals through the use of Purchase Orders. The contractor is paid for removals based on the diameter of a tree and yet the Village does not stipulate the tree's diameter when the Purchase Order is issued, In the past I have documented payments made for removals based on inflated measurements.

It seems like a prudent and transparent spending control to require that the trees proposed for removal are measured by staff and those measurements included in the Purchase Order presented to the Tree Committee for their review.

I would also suggest that significant savings could be found on group removals of trees like took place in Florence Park. I don't believe that there is any language in the tree maintenance contract that guarantees the contractor all tree work. The Florence Park work was a windfall for the contractor.

Arguably, the unit price paid for tree removals is necessarily based on individual street trees which is much more time consuming than multiple removals in a closed park. A simple RFP issued for the Florence Park removals would likely have returned a significantly lower price than will likely be the cost under the existing contract.

The Village, as with everything, has limited funds for tree maintenance. I hope the Board will direct that commonsense spending controls be established for tree maintenance so residents receive the maximum benefit for their taxdollars.

Sincerely,

Stuart Tiekert

Attachment 3
130 Beach Regarding Tree Committee Failure
to Enforce Village Tree Law

4/1/2024

Dear Chair and Members of the Tree Committee,

I am writing again to argue that without adherence to and meaningful enforcement of the Village Tree Law it is largely pointless.

This example regards the multiple trees removed at 664 Shore Acres Drive.

In response to my FOIL request for the violations issued for the removals I received a Stop Work Order and a Court Appearance notice, both unsigned. Upon information and belief, unsigned notices are meaningless and unenforceable.

I followed up with the request below and the Village's response is attached.

I know of other property owners who have removed trees with or without permits who have never followed up with planting the required replacement trees.

Just as with sections of the Tree Law that the Tree Committee to review the removal of public trees, I urge the Board to review what sections of the law are not being followed and either advocate for following or eliminating them. To leave laws in effect that are followed is counter productive.

Sincerely,

Stuart Tiekert

----- Forwarded Message -----

From: donotreply@destinyhosted.com <donotreply@destinyhosted.com>

To: "tiekerts@yahoo.com" <tiekerts@yahoo.com>; "foil@vomny.org" <foil@vomny.org>

Sent: Monday, March 18, 2024 at 03:34:56 PM EDT

Subject: Public Records Notification for Request #7564

The following is in response to your request, #7564 received on January 17, 2024:
Please consider this a FOIL request for a SIGNED Notice of Appearance and records of the disposition of the court matter.

PLEASE SEE ATTACHED

Please let us know if we can be of further assistance.
Sincerely,

Agostino A. Fusco
Clerk-Treasurer
Village of Mamaroneck

Tree Committee Note: This address was issued a violation with a \$17,000 fine and replanting requirement. Owner appealed to Village Court (Judge Gallagher), where it was reduced to \$5,000 with no replanting requirement.

Attachment 4
130 Beach Regarding Tree Committee responsibility for Florence Park tree
removals and Other Inadequacies

Dear Chair and Members of the Tree Committee,

I am writing with comments on your upcoming meeting agenda.

I am providing you a copy of the Village's tree law, [here](#), because I would rather believe that members haven't read it rather than it is chosen to be ignored. I hope all members will read it, it doesn't take long.

First, please note that the law was adopted in 2021 not 2023 as stated in the Revised Text for the Tree Committee (TC) Page draft.

Next, it is noted that since the adoption of the law, as far as I know, the TC has never acted to meet its authority and responsibilities to prevent the unnecessary removal of public trees under -

- 318-5A (1) No person, including a person employed by or acting on behalf of a public utility, may: Remove a tree on public property without the approval of the Village Manager or the Village Manager's designee, *granted after consultation with the Tree Committee;*
- 318-5D(2) The Village Manager or the Village Manager's designee may: Cause trees on public property to be removed *after consultation with the Tree Committee;* and
- 318-14K - *Review any proposal by the Village Manager or the Village Manager's designee to remove a tree on public property.*

Perhaps, if the TC was meeting these responsibilities the significant loss of healthy native and non-native trees over the past few years that culminated with the public outrage over the clearcutting of trees in Florence Park could have been avoided. I also have to say that I find extraordinary that the TC will be discussing requiring tree removals to be identified in the field but there is no discussion of your responsibility to review the removal of public trees.

Also, the TC's first item under Duties and Responsibilities is -

318-4A - "Study, investigate, review, develop and/or update annually and administer a written plan, presented annually to the Board of Trustees, for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas, with an estimate of the costs in hours to be worked by Village employees and the cost of nursery stock to be used;"

I believe in the seventeen years since the TC was reconstituted is has never presented such a plan.

If the TC is going to finally begin creating a piece of the 2018 Tree Management Plan (TMP) with a Heritage Tree list I think it would be a good idea to link to the TMP from the TC's web page. Also, please consider moving forward with the much more important aspects of the TMP like doing a Tree Inventory which the TMP recommended completing as a first step.

I hope the TC will discuss and offer some explanation in your minutes explaining the discrepancy between the Parks Foreman's statement that "After meeting with the Chair of the Tree Committee prior to construction, it was determined that some trees, including mature ones, would require removal as part of the park renovation process.", and the Chair's public statements that there was no consultation. If the Parks Foreman is correct I hope the Chair will correct her statements and recognize that she is not the Tree Committee and private discussions with her do not satisfy to TC's Tree Law responsibilities.

In closing, with the removal of Jerry Barberio hopefully the Village is entering a period where respect for the law, transparency and accountability will be priorities. I urge the TC to embrace these changes.

Sincerely,

Stuart Tiekert

Attachment 5
DPW Foreman Regarding Consultations with Tree Committee

From: James Barney <jbarney@vomny.org>
Sent: Thursday, February 8, 2024 5:06 PM
To: Beverley Sherrid <BSherrid@vomny.net>
Cc: Leilani Yizar-Reid <lreid@vomny.org>; Daniel Sarnoff <dsarnoff@vomny.org>
Subject: Re: [EXT] Re: Grove and 95

I assure you that regardless of who my boss is, or was, every action that I take is justified and lawful. As for including the tree committee in final decisions, I do not have a problem with that as long as it does not interfere with liability.

James Barney
General Foreman of Public Works
Village of Mamaroneck
(914) 351-6380

From: Beverley Sherrid <BSherrid@vomny.net>
Sent: Thursday, February 8, 2024 5:02:06 PM
To: James Barney <jbarney@vomny.org>
Cc: Leilani Yizar-Reid <lreid@vomny.org>; Daniel Sarnoff <dsarnoff@vomny.org>
Subject: Fw: [EXT] Re: Grove and 95

Hi James,

Thanks for your swift reply to my question about the Grove St. lot work. I'm forwarding the response I sent to Steve Glener, and his reply to me. It closes the loop for you and, I hope, has tamped down any conspiracy theories that may have led to his original question.

I'm concerned that, with Jerry's departure, we may have to fend off a lot of these questions about VOM tree removals. I would appreciate being part of your evaluation process before DPW decides to take down trees – obviously not when there's an ongoing emergency, but for more routine inspections and decisions. It's actually a requirement of the tree law, but one I didn't worry about because I had so much confidence in Jerry's expertise as a certified arborist (which we don't have right now).

In many cases, as you know, he recommended treatments such as pruning or deep root feeding that let us save trees instead of losing them. I think we can figure this out between the two of us.

Thanks again for your help with the Grove St. question and all other matters.

Beverley

Attachment 6

Inspection needed for possibly cut roots along Richbell Road

Hi Beverley,

Hope you are well.

Clearly, in the last few years, the property owners cut the roots to install new concrete sidewalks. This is a textbook photo.

The concrete sidewalk barely lifted when this tree went down.

Jerry Barberio
Consulting Municipal Arborist
ISA-Certified Arborist NY-6400A

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Wow! Thank you Jerry. That's a very good observation, I would not have thought of it. I'm wondering if the owners have done the same to the other trees lining the street.
Beverley

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I would suspect so. Just a hunch knowing the property maintenance team there at the Gardens. I would expect more going down the same way.

Jerry

(photo attached below)



Attachment 7

Bishop Ave Recommended Species: Arborvitae *Thuja Occidentalis*

Green Giant

40'-60'

Fast growing 3'-4'/year

Hybrid

Lifespan

Pest and disease resistant

40-60 years (maybe)

Bird habitat

Nigra

20' – 30'

Grows 1'-2'/ year

Plicata

150' – 230'

Native to Pacific NW

Pyramidalis

12' – 25'

Grows 1'-2'/year

Narrow form

Attachment 8
Alternate proposals for Spring planting

From: Beverley Sherrid <BSherrid@vomny.net>
Sent: Friday, April 5, 2024 5:50 PM
To: Leilani Yizar-Reid <lreid@vomny.org>; Daniel Sarnoff <dsarnoff@vomny.org>
Cc: TreeCom <TreeCom@vomny.org>
Subject: Status of alternate proposals for Spring planting

Hi Leilani and Dan,

As you may know, there remains about \$4,680 in the current year's budget for new trees.

I've submitted two alternate recommendations to the Parks Department for spring planting locations. I have not been able to follow up about whether either of these proposals has been adopted, however, because, as of March 25, the Tree Committee is not supposed to be in direct contact with Department heads.

As we are now well into April, we are concerned that we will miss the windows for both purchasing and planting this spring. We would appreciate an update.

First proposal – At the last meeting of the Tree Committee, we voted to use this money to begin replanting trees (arborvitae) along Bishop Ave. Several considerations need to be cleared:

- Dan is trying to confirm the permissions granted by MetroNorth to plant in this area (the land itself is in the VOM ROW).
- We need to establish how much of the land is needed by engineering to store equipment and supplies for infrastructure work through the end of 2024
 - Gino Fabrasile told me (March 4) that the area he needs is marked off by temporary fencing plus four parking spaces
 - The marked area seems to occupy not more than 1/3 of the land at the Fennimore end of Bishop
- \$4,680 would purchase enough trees (arborvitae "Green Giant," which grows to 40' - 60', a good height for this purpose) to plant approximately 1/3 of the area starting at Maple
- This plan should:
 - leave a comfortable margin between trees and equipment
 - let us start establishing trees along Bishop
 - show good faith to the residents who have been asking for these replacements for approximately 10 years.

Second proposal – If we aren't allowed to plant along Bishop this spring, the funds could be used to plant additional trees on the St. Vito's property around the French American School and in the ROW of several residences on Underhill.

- Trees would be BROW. The church is happy to grant permission.
- The St. Vito's property is located in Washingtonville and so far is one of the few properties interested in having trees planted. The Tree Committee has been trying to find locations for trees in this neighborhood for several years (pre-pandemic).

I sent this list to Jeff Ahne March 26 but haven't heard whether he is moving forward with it. Leilani will be handling communications from now on.

As you know, our April meeting was canceled because of Wednesday's storm so we were not able to get any updates. While we hope to reschedule, we are worried about the planting window and would appreciate knowing soon whether either of these spring planting proposals will happen this season.

Thank you.
Beverley

Village of Mamaroneck Heritage *Tree Hunt*

Nominate Your Favorite Tree



Arbor Day Is April 26!

The Village of Mamaroneck is excited to kick off our Village-wide Heritage Tree Program!

Please help our Village create a list of Heritage Trees!

First, what is a Heritage Tree?

Easy! *It's a REMARKABLE tree!*

What can make a tree REMARKABLE? It might be...

- Remarkably old;
- Remarkably large;
- Remarkably rare, unusual, or endangered (and must be a non-invasive species); and/or
- Remarkably important because it was/is associated with a historic event or planted to recall a historic event.

And... a Heritage Tree may be **VILLAGE TREE** on Village property - in a park or along a street – or may be a **PRIVATE TREE** on somebody's private property.

- If your nomination is selected for our list, the Village Tree Committee will present Certificates of Recognition to you and, if it's a Private Tree, to the owner of the tree, and will publish a photograph of you with your tree in the weekly Village E-Blast.

PLEASE look around for remarkable trees in our Village

and then **fill out and submit the information below!!**

Your name: _____

Your email: _____

Your mobile phone number: _____

The address of your tree: _____

Tree type/species, if you know: _____

Estimated tree diameter (at chest height): _____

Is this a Village tree or a Private Tree, if you know: _____

And please feel free to send us a photo.

THANK YOU!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Submit your nomination to: xxxxxxxx

Attachment 10
Multiple trees (at least 5) in ROW topped along Prospect

Hi all,

It seems that a group of residents in this neighborhood like to keep their trees small as evidenced by a nearby severely pollarded, privately-planted tree in the ROW. The trees in the photo **between 511 and 505 Prospect** are VOM property and should not have been topped. Dan, please follow up. Thank you.

Best,
Gail



See also, below:

334 Prospect, two trees



Attachment 11
DRAFT Revised Text for Tree Committee Page

The Tree Committee is an advisory committee with a mission to preserve trees and increase the tree canopy of the Village of Mamaroneck.

Not only are trees beautiful. They also absorb huge amounts of water, helping to prevent flooding. They cool our homes and buildings, provide food and shelter for wildlife and freshen our air by converting carbon dioxide to oxygen.

With these vital benefits in mind, the Village introduced a [Tree Law](#) in November 2021 to safeguard both village trees and private trees. You may read our FAQ at [hyperlink](#)

In 2010, the Village began an extensive tree replanting program, and by the Spring of 2017, Mamaroneck had planted 1,000 new trees on Village streets and in public parks. The Village plants 100-120 new trees every year.

The Tree Committee also organizes events and programs—including seasonal tree walks and author talks — to educate residents on the importance of trees.

If you would like to suggest locations for new Village trees, or have any tree related questions/concerns, you can email members of the Tree Committee at treecom@vomny.org. To email individual members, please refer to the roster below.



Village of Mamaroneck Parks & Recreation

Statement Regarding Florence Park Renovations

There have been numerous inquiries regarding the Florence Park renovations, specifically the topic of tree removal, but also the addition of a basketball court, and other modifications of blacktop spaces. I would like to provide clarity on these matters and to answer the concerns of the community. First and foremost, I want to emphasize that the blacktop footprint of Florence Park will remain unchanged. Contrary to speculation, the Village is not reducing green space to create new recreation space. As part of the overall design, the existing bocce court will be removed, blacktopped, and repurposed into a new recreation space. This will provide an open area for children and patrons to engage in activities such as biking, playing with chalk, or simply socializing with friends. As this does not reduce green space, but increases the play area, it is a positive improvement for the park design.

Regarding the addition of a basketball court, it is essential to clarify that this decision is not based on any notion of making the park pay-to-play, nor to increase blacktop space or reduce green space. The Village has no intention on permitting organized recreational programs or groups to organize in Florence Park. For this to be a viable operation, there would be the additional requirements to install other amenities that were not included in the approved renovation plan; these include dedicated parking, water, and restroom facilities. The additional basketball court will be located on an area which is already a paved area of the park, the Village is simply installing new basketball hoops and painting court lines on an already existing piece of blacktop. The addition of a basketball court is in response to the current basketball courts often experiencing overcrowding, with multiple users sharing a single half court due to limited space. The Village will address this issue by expanding the existing basketball facilities to better accommodate this increase in demand.

The proposed tree removals at the park have raised numerous concerns in the community. After meeting with the Chair of the Tree Committee prior to construction, it was determined that some trees, including mature ones, would require removal as part of the park renovation process. The initial plan was to have included the removal of 22 trees, but after careful consideration and consultation with contractors, this number was reduced to 17. The decision to remove any trees was guided foremost by safety concerns, particularly those related to tree root lifting and cracking sidewalks, play areas, or interfering with park infrastructure. While the Village and the Tree Committee share a commitment to preserving mature trees, it was determined that certain non-native trees posed significant safety risks and needed to be replaced with native species in more suitable locations.

Through ongoing discussions and site visits, we were able to preserve additional trees, reducing the total number of trees to be removed to 14, (with 9 being non-native and slated for replacement with native species). It's worth noting that the Village has been actively engaged in tree reforestation efforts throughout the Village, planting over 250 new trees in the past three years alone. The Parks

Department, Village and Tree Committee remain steadfast in our commitment to preserving trees and greenery, prioritizing safety while enhancing our parks' aesthetics and usability.

The renovations at Florence Park will provide the community with a long-awaited improvement to a recreational space which will provide enjoyment for residents of all ages. The playground will feature a variety of state-of-the-art equipment catering to different age groups, ranging from 2 to 12 years old. Shade structures will be additionally installed to provide relief from the heat, with one structure covering the medium-sized playground structure with the combining of natural shade provided by trees near the toddler playground area. We are confident that these park renovations and improvements will be well-received and enhance the quality of life for all who reside in the Village of Mamaroneck, and the next generation.

Jeff Ahne
General Foreman of Parks