

9/21/2021

Village of Mamaroneck Tree Committee 28 September 2021 Agenda

*Approval of the June 2021 Minutes (*Attachment 1*)

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

*Correspondence

130 Beach regarding 1010 Orienta Ave -- *Attachment 2 & 2-A*

130 Beach Regarding removal of Bradford pear tree growing within branches of attractive evergreen at HIP— *Attachment 3*

130 Beach regarding girdling trees with bracing – *Attachment 4 & 4-A*

130 Beach assessing BWS presentation to BOT work session – *Attachment 5*

130 Beach instructing BWS about superior approaches for tree law – *Attachment 6*

502 Orienta & 405 Fairway Green regarding proposed tree ordinance – *Attachment 7*

325 Anita Lane about overdevelopment risks and loss of trees – *Attachment 8*

1040 Seven Oaks Lane regarding tree promised last spring – *Attachment 9*

622 Stiles regarding trees promised for this fall – *Attachment 10*

1346 Raleigh Road requesting replacement tree – *Attachment 11*

*Old Business

Trees For Maintenance & Removals-- *Please provide street numbers when reporting tree-related issues*

Update on June list (*Attachment 12*)

July list (*Attachment 13 & 13-A*)

Tree Law

Revised draft presented at July 12 BOT Work Session, 5:00 pm

Follow up presentation with tracked changes presented August 9 Work Session, 5:00 pm

Letters from residents regarding proposed ordinance (*Correspondence Attachments 7 & 8*)

Results of public hearing, September 27

New Trees

Final 15 trees from Mangone's and Larchmont Nurseries to be planted in the fall.

Fall list – Will VOM be planting?

Status of trees offered at discount

HIP cherry trees – should be inspected, some need to be replaced

Mulch rings

Recommendation to plant evergreens near waterways (*Correspondence Attachment 8*)

Tree Inventory

Update from Village Manager

Girl Scout troop maybe interested in volunteering

MetroNorth Along Bishop

Steve Otis & Shelley Mayer are in the mix now (*Attachment 14*)

Dog Park and Essential Workers Tribute updates

Citizen Pruners

Identification Badges and new vests reading “VOM Citizen Pruner”

*New Business

Rye Neck school-based family pruning workshops (*Attachment 15*)

NYT link to article about climate role of mature trees

<https://www.nytimes.com/interactive/2021/06/30/opinion/environmental-inequity-trees-critical-infrastructure.html>

Trees as Infrastructure link

<https://www.climate-kic.org/opinion/trees-as-infrastructure-pt-1/>

*Other Business (*this time is for committee members to add any items not otherwise included in the agenda*)

*Calendar Notes

Book discussion, *The Nature of Oaks*, Wednesday, September 29, 7:00 pm

Thursday, October 14, Douglas Tallamy online talk, *The Nature of Oaks*

Guided tree walk, Sunday, October 17, 1:00 pm, The Parkway @ Boston Post Road

Citizen Pruners Workshop mid-October

June 24th 2021 MINUTES

MINUTES OF MEETING OF THE TREE COMMITTEE HELD REMOTELY ON June 24th 2021 AT 7:30PM

PRESENT:

Nora Lucas, trustee
Gail Koller, co-chair
Beverley Sherrid, co-chair
Wendy Zoland
Marlene Star
Sean Gormley
Ellen Axelrod

Daniel Kerson attended

1. Call to Order: 7:35PM
2. Approval of May's Minutes as well as August and Sept of 2020.
3. **Correspondence:**
 - a. 288 Prospect Ave – Large tree, 90 years old, removed at 311 Prospect and will be replaced in a year
 - b. 402 Heathcote – Two VOM oaks removed
 - c. 700 Fenimore -- Tree split and Jerry will inspect it
 - d. 138 Jensen – Sap on car is due to airborne pollen. ~~Jerry~~ **Sean** will explain to writer, Lisa Axisa.
 - e. Bleecker @ Orienta & Walton –Several trees on Bleecker across the road from Walton, and going towards Clafin. Appears to be fungus on trees; needs to be inspected.
 - f. 130 Beach Ave – Tree Committee is not responsible for tree removal.
4. **Old Business:**

- a. Trees For Maintenance & Removals-- List is being kept up.
- b. Tree Removals HIP near Firemen's Memorial -- Bradford pear growing within the limbs of healthy evergreen. They are not beneficial for each other so the pear was removed.
- c. New Trees - HIP cherry trees – should be inspected, some need to be replaced.
- d. Westchester County - VOM to incorporate new trees into dog park design. ~~Will~~ Jerry will work with county about providing trees on county property by water treatment plant?.
- e. MetroNorth Trees Replacement - Village Manager is working with MetroNorth on plan along Bishop to replace trees that will not interfere with powerlines. The plan will require resident approval.
- f. Tree Inventory - Three Rye Neck students have volunteered to conduct the inventory and will receive training and VOM badges. They will also be given pruner vests and Jerry will order them.
- g. Tree Ordinance – Developer has cut down 50-60 mature trees at 1010 Orienta Ave. Currently there is no approval process for this. The VOM needs a tree ordinance to protect mature trees. Nora shared the TOM's tree laws.
- h. Guided Tree Walk – Fall walk will continue from the Spring walk going along the Parkway. Date scheduled is October 17th at 1PM. Rain date is October 24th. Tree Committee will sponsor. an online talk with Douglas Tallamy on October 14th, author of *The Nature of Oaks: The Rich Ecology of Our Most Essential Native Trees* and *Bringing Nature Home*. Program will be a partnership with Mamaroneck Public Library, which will host the program and also publicize it. Prior to the online talk there will be a book discussion on Wednesday, September 29th, 7:00 pm, led by Beverley Sherrid
- i. Tree Canopy – Beverly shared information from Ellen Silver regarding tree canopy. The minimum canopy recommended is 40%. Concerns were raised regarding VOM's shrinking canopy.
- j. Protective Mulch Rings – Rings will be placed around the base of trees to see if they will prevent damage from trimmers.
- k. Citizen Pruner – Jerry ordered vest for Pruners to read "VOM Citizen Pruner".

- I. Seek – an excellent free app that identifies plants and animals. It is very user friendly and can be downloaded to your smart phone.

5. New Business

- a. Propose a new version of tree ordinance. Nora to help expediate to get it on the next BOT agenda which is schedule for July 12th.
 - b. Next regular meeting Thursday, July 22, 2021 at 7:30PM. Meetings are now required to be in person not on Zoom due new COVID regulations. Nora to check on available location.
- 6. ADJOURNED 8:52 PM**

Attachment 2 -- 130 Beach regarding 1010 Orienta Ave

stuart tiekert Wed, Jun 30, 5:50 PM

to Frank, Mayor, TreeCom, trees@vomny.org, augie

Dear Mr. Tapolacci

I am again writing with a complaint about 1010 Orienta Avenue.

As can be seen in the photo below taken on Tuesday, the site is fully active with heavy machinery, a dumpster, a half acre of disturbed earth and a major excavation in the front yard.

Today, in response to my FOIL request below I received a single record, a Parcel History dating back to 1987. I was also informed that there was no Building Permit Application, no SWPPP, no plans submitted and no inspections of the work.

The Parcel History only shows one permit issued in the last fourteen years. On 6/11/21 a permit for "Electrical wiring to relocate existing 100-amp service to existing property pole for temporary power during construction."

However, that does not comport with what the the Assistant Building Inspector and Village Manager explained to the Tree Committee.

On June 2 after apparently a lot of trees had already been removed, the Village Manager wrote "They applied for a demo permit for the property. I have copied Dennis and Frank." Is that true, the property owner applied for a demo permit but it wasn't issued.

On June 21 the Assistant Building Inspector wrote a Tree Committee member that - "I was just there and they are taking down more trees. They had the property surveyed and are waiting to here (sic) back from DPW about then(sic) right of way to see if the 1 tree next to the driveway is on village property."

This makes no sense to me, if they had had the property surveyed why would they need to check anything with DPW? More importantly, in the three weeks since this came onto the Building Department's radar didn't anyone in your office realize that that NO permits had been issued for work except for the electricity?

If a Stop Work Order has not been issued yet, I believe it should be, the appropriate violations issued for the work performed to date without permits and no permits issued until the property owners have complied with all applicable Village regulations.

Sincerely,

Stuart Tiekert

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

From: stuart tiekert <tiekerts@yahoo.com>

To: FOIL <foil@vomny.org>; augie fusco <afusco@vomny.org>

Cc: Mayor and Board <mayorandboard@vomny.org>

Sent: Tuesday, June 29, 2021, 10:18:36 AM EDT

Subject: FOIL - 1010 Orienta Avenue

Dear Augie,

Please consider this a FOIL request for the following records related to the work being done at 1010 Orienta Avenue:

The Building Permit Application

Any and all permits issued

Any and all plans submitted

Any and all inspections of the work

The SWPPP

The Village Consulting Engineer's review of the SWPPP

I have gone to the Building Department Portal and none of the above records are available there.

Thanks,

Stuart Tiekert



Attachment 3
130 Beach Regarding removal of Bradford pear tree growing within branches of attractive evergreen at HIP

stuart tiekert Wed, Jun 30, 7:22 AM

to TreeCom, trees@vomny.org

Dear Chairs and Members of the Tree Committee.

I am writing because you June 24 Agenda notes that the "Bradford Pear growing within the limbs of healthy evergreen has been removed.

As the TC was previously informed, the Bradford Pear that was removed was planted as a memorial tree in memory of a deceased resident.

Please see the photo below taken of the marble monument at the base of where the tree was. It is unclear whether the plaque was removed from the monument when the tree was whacked or at some other point.

Having a comprehensive tree inventory would go along way to stopping these kind of mistakes in the future.

Sincerely,

Stuart Tiekert

Attachment 4 -- Girdling trees with bracing

stuart tiekert Tue, Jun 29, 11:59 AM

to TreeCom, trees@vomny.org

Dear Chairs and Members of the Tree Committee,

I am writing about the many Village trees with some variety of bracing on them.

First, bracing on trees beyond their first year after transplant provides no benefit and actually inhibits the tree's development.

Second, bracing should never be done as it was done in the photo of the two trees below in Harbor Island Park.

The first photo is how I found it, the second is with the bracing removed.

Please consider asking that the Village Manager remove all bracing from Village trees that is more than a year old.

Sincerely,

Stuart Tiekert



Attachment 5
130 Beach Assessment of BWS Presentation at BOT Work Session



stuart tiekert

Beverly

To: Beverley Sherrid

Incoherent

Attachment 6
130 Beach instructing BWS about presentation of Tree Law



☆ **ST** **stuart tiekert**
Re: Beverly
To: Beverley Sherrid

July 12, 2021 at 6:01 PM



Beverly,

Sorry, I hit send to soon.

My point is unless a better law or a more focused presentation can be made I don't think you can get this law through with this Board.

The law is too broad and overbearing with too many things for people to pick at.

As I have previously suggested, focusing on stopping clear cutting (the big goal as I understand it) instead of controlling every thing people do with trees might get you to the goal quicker.

This is the twenty-first version, if it was going somewhere under its current concept it should have been law by now.

Narrow the focus, I think you will do better.

My thoughts anyway.

Sincerely,

Stuart Tiekert

Attachment 7
502 Orienta & 405 Fairway Green regarding proposed tree ordinance

From: Roth, Edith H. <ERoth@HoulihanLawrence.com>
Sent: Friday, August 27, 2021 11:54 AM
To: Sally Roberts <sroberts@vomny.org>; Thomas A. Murphy <tmurphy@vomny.org>
Subject: VOM Tree Ordinance-PLEASE!!!!

Sally and Tom,

We are in desperate need of a tree ordinance. In Orienta, we've witnessed the clearing of two lots in the last 5 years. Both lots had several old growth trees that were healthy and well over 100 years old. Given the important environmental role trees play as well as the financial and emotional value of trees and mature landscaping, the Village must create rules controlling their removal. Most municipalities in the area have such rules. Please encourage our elected officials in the Village to do the same.

Edie Roth
405 Fairway Green
Mamaroneck, NY 10543

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From: sunnyg45@aol.com <sunnyg45@aol.com>
Sent: Friday, September 03, 2021 3:34 PM
To: Sally Roberts <sroberts@vomny.org>
Subject: Fwd: Tree Law coming up, Please vote Yes on a Tree law!!!!

Dear Sally,
Thanks so much for passing this along. It has been such a sad situation for Mamaroneck with the flooding, I hesitate to think about the law. However, I know it will make a difference and we need it more now than ever!
Sending all my best wishes, Sunny

Dear Village of Mamaroneck Board,

Thank you for considering this desperately needed law. We are one of the few communities who does not have a tree law in place. We are also one that experiences flooding, and it is getting worse every storm. Trees are a necessity for helping to soak up water and help keep our village from flooding. You can see the results of the cutting down of past trees from our Village all the way to White Plains-it has presented us with terribly worsening flooding and loss of property. It is unfair to allow builders to come in and indiscriminately chop down age old and huge trees without first applying to Village to see if they qualify for permission. I beg you to enforce a tree law as soon as possible. We need to keep all parts of the village safe, and trees are a major necessity in helping to stop flooding.

Thank you for your consideration of this desperately needed law!

Sincerely, Sunny Y Goldberg
502 Orienta Avenue
Mamaroneck, NY 10543



LONGO <mslglongo@optimum.net>

9/13/21 4:31 am

OVERDEVELOPMENT CAUSES FLOODING

To mayorandboard@vomny.org • jbarberio@vomny.org • ftavolacci@vomny.org

MR. MAYOR, VILLAGE TRUSTEES

MR. VILLAGE MANAGER, MR. BUILDING INSPECTOR

First of all I commend all Village employees, who worked during and after the Hurricane to help Village Residents. I commend the Village for keeping residents informed with the Emergency Announcements, which I read everyday.

Now that the Hurricane is over, let us reflect **WHAT CAUSES FLOODING.**

And what can be done to prevent our flooding situation to become worse.

Allow me to submit some comments.

1) OVERDEVELOPMENT CAUSES FLOODING.

In recent years I have seen many large apartment complexes built in our Village.

Many built close to our rivers. Many built with no trees or lawns. The rain has nowhere to drain.

Besides flooding, overdevelopment causes noise pollution, air pollution and the spreading of contagious diseases. Lower Westchester had one of the highest rates of COVID.

I am appealing to you to **STOP** the building of anymore apartment complexes.

2) CUTTING DOWN TREES CAUSES FLOODING.

In recent years I have seen many trees in our Village cut down for one reason or another.

I am appealing to you to **PLANT EVERGREEN TREES.** Especially near or on the banks of our rivers. The trees can absorb water, and help with noise and air pollution.

Planting deciduous trees is not good, since in the fall they shed their leaves, which often end in storm drains.

At your meeting this evening, I hope you can take my appeals into consideration.

Sincerely,

Ms. Longo

325 Anita Lane, Mamaroneck NY 10543

Attachment 9 -- 1040 Seven Oaks Lane Tree Request Reminder

Katrin Laternier (Aul)
1040 Seven Oaks Lane
To: Beverley Sherrid <bsherrid@optonline.net>

Good morning Beverley,

We spoke last year about cherry on magnolia trees and i would love to have two trees planted in the front yard.

The city had to take a really old tree away from us. Do you mind letting me know what the status of that is and if it is still possible to get trees planted?

Thank you!

Xkatrin

(NOTE: These trees are from the list of those from Larchmont and Mangone's Nurseries)

Attachment 10
622 Stiles regarding trees promised for this fall

Cara Schwartz Wed, Sep 15, 12:24 PM (6 days ago)

Hi! When will the trees be planted please?

Beverley Sherrid <mrssherrid@gmail.com> Wed, Sep 15, 9:43 PM (6 days ago)

to Cara

Dear Cara,

I wish I knew the answer. As you know, DPW and Parks have been working non-stop cleaning up the debris from the flood. They're exhausted and I don't even want to ask them about trees right now.

It's still early in the season, and too warm, to plant right now, however. November/December are better months because the trees are completely dormant.

I still have the list with your name on it.

Beverley

Beverley Sherrid <mrssherrid@gmail.com> Thu, Sep 16, 11:16 AM (5 days ago)

to Cara

Cara, what is your exact address?

These are the three small, flowering trees we are thinking of planting this year:

cercis canadensis -- redbud

malus 'Sutzyam"sugar tyme -- crabapple

Cornus florida -- American dogwood

You may want to google them to see how they look. Please let me know which you prefer.

Beverley

Cara Schwartz Sun, Sep 19, 2:38 PM (2 days ago)

to me

Ok it 622 stiles avenue. If they can be a touch larger I'm happy to contribute.

I'll look these up. Are they similar in their hardiness and sun exposure etc?

Cara Schwartz Mon, Sep 20, 9:43 AM (1 day ago)

to me

The American dogwood looks like a Kousa dogwood. is that right?

Im a little worried about crabapples with squirrels?

when do i need to decide?

Beverley Sherrid <mrssherrid@gmail.com> 11:15 AM (1 hour ago)

to Cara

No, the american dogwood blooms earlier and has a somewhat different shape than the kousa. The flowers are the same shape. The really beautiful kousas require a great deal of pruning to achieve the structure that people admire so much.

I haven't heard about a squirrel problem with the crabapples. The variety we plant doesn't drop its fruit, which might help.

You have a few weeks to decide, I am working on the list and right now just need to know where trees are going, large vs. small, and how many.

Do you mean larger than 2" diameter, or taller trees (different species)? To be honest, larger diameter trees don't establish as well, the 2" ones grow more quickly and catch up pretty fast. You need a small species along the street because of the overhead wires. If we also plant something farther back, a taller species might work, I need to look again.

Beverley

Attachment 11– 1346 Raleigh Road Request for Replacement Tree

From: Ken Forgit <kforgit@gmail.com>
Sent: Thursday, September 16, 2021 9:54 AM
To: Karen Johnson <kjohnson@vomny.org>
Subject: Tree on 1346 Raleigh Road

Hi Karen,

A much beloved Cherry tree for us went down over the last storm on our property on 1346 Raleigh Rd in the village. This tree was within the right of way as designated on Raleigh, but we were forced to remove it due to unsafe conditions the tree created on our personal property. We are looking to replace it this year if possible before winter as it provides great shade for our overall yard. Our neighbor suggested trying through the village tree program. If you could please let me know if this is an option, we are happy to accept any kind of appropriate tree for the space (except Hawthorne because of the berries) - designed to grow < 20 or 30 feet due to limitations on the power lines above.

Likewise, if there is a long waiting list- we would be happy to put the tree up ourselves from local stock at a nursery. Is that something we can do , or is there any rule within the right of way we should be aware?

Thanks

- Ken Forgit

6/20/2021

Attachment 12 – June Trees Requiring Maintenance or Removal

Maintenance

Rushmore Ave Cemetery – Tree needs pruning on lower limbs **On list to be pruned**
The Parkway @ Boston Post Road – prune following oak limb drop **on list to be pruned**
Orienta Ave to Walton Ave. outside the Day School along Bleeker Ave from 2 or so big,
beautiful trees with lichen and possible decay at the base **Letter sent to day school for removal**
700 Fennimore, Tree for Inspection. **Keeping a eye on tree it looks like it is dying**
402 Heathcote – 2 oaks for inspection and possible removal, **Trees are healthy at this time**

Removal

175 Rockland Ave -- 2 dead trees on Palmer Avenue side **Removed**
300 Boston Post Road – dead tree already marked **Removed**
Palmer @ Rockland – two dead trees for removal **Removed**
325 Prospect – Dead tree for removal **Removed**
710 The Parkway – median, small tree already marked **Removed**
Bleeker near Orienta (see photogranh) **Small tree removed**

7/20/2021

Attachment 13 -- August
Trees Requiring Maintenance or Removal

Inspection

180-190 E. Boston Post Road – new bare root tree, no leaves but branches are alive
320 E. Boston Post Road --_new bare root tree, no leaves but branches are alive

Maintenance

Removal

422 East Boston Post Road – tree pit
418 Wagner
1160 W. Boston Post Road on Richbell



Attachment 14
MetroNorth along Bishop – Steve Otis & Shelley Mayer

Working to Restore Buffer for Residential Neighborhood in Mamaroneck

State Senator Shelley Mayer and I have been meeting with Metro-North leadership to address removal of trees and vegetation in a residential neighborhood in Mamaroneck along the New Haven line tracks. The railroad was originally planning to use the site for a storage area along the tracks. Through our discussions, the railroad has agreed to find a location in a non-residential area. Senator Mayer and I are working with affected homeowners to identify ways to restore the buffer and with Metro-North to find solutions. County Executive George Latimer has provided help from Westchester County and both the Village and Town of Mamaroneck support addressing the issues raised by the neighborhood.

Attachment 15
Rye Neck School-based Family Pruning Workshops

From: **Beverley Sherrid** <mrssherrid@gmail.com>
Date: Tue, Jun 29, 2021 at 1:37 PM
Subject: School-based family pruning workshops
To: Jerry Barberio <jbarberio@vomny.org>, TreeCom (TreeCom@vomny.org)
<TreeCom@vomny.org>

Hi everyone,

I spent the morning with Dr. Valerie Feit, co-director of Counseling at Rye Neck. She heads up the enrichment programs, among other things.

Trees figured prominently in our conversation. She is really interested in involving students and their families in Village-level tree appreciation, and asked if we (i.e. Jerry) would conduct pruning workshops next fall at the schools. At the Bellows level they would of course be family workshops, with the real work being done by parents who have brought their children along and are teaching them by example. She says that families, particularly now after the pandemic crisis, are very eager to expand education into hands-on experiences that they can do together.

Does this, in theory, sound like something the Village would like to do?

Beverley

.....

From: Jerry Barberio <jbarberio@vomny.org>
Sent: Tuesday, June 29, 2021 2:01 PM
To: Beverley Sherrid <mrssherrid@gmail.com>; TreeCom <TreeCom@vomny.org>; Courtney Wong <cwong@vomny.org>; Mayor and Board <MayorandBoard@vomny.org>
Subject: Re: School-based family pruning workshops

Yes. I would be thrilled to provide pruning workshops at the schools. Anything outdoors is fine by me.

Please coordinate scheduling with Courtney.

Thx

Thanks JB

Jerry Barberio

Attachment A
Correspondence with Rye Neck Co-Director of Guidance

Feit, Valerie Sep 22, 2021, 11:40 AM (1 day ago)

to me

Hi Beverley,

Thank you for the follow-up. I plan to forward your email to Science Department Chair, Dan Moy, and will require my Action Research students to watch the lecture. Action Research is starting the year with a short research project (probably ending in mid-October) at which point we want to support your work with a social science project that benefits your tree work.

Typically, we interview an organization's leader to discuss policy and perception challenges and then design a study to address a need. I will contact you when we are closer to a starting point.

I had my roof fixed from Ida's wrath which tore off a piece of flashing that resulted in a lovely living room flood. Nothing but the ceiling was damaged and I consider myself fortunate considering the devastation I have seen down here.

All the best and good wishes,

Valerie

Attachment B

130 Beach -- Two Emails

- 1) Tompkins Farm Oak
- 2) Comments about Tree Law

1)

stuart tiekert 9:19 AM (5 hours ago)

to trees@vomny.org, TreeCom

Dear Chairs and Members of the Tree Committee,

I am writing with a few comments prior to your meeting tonight.

Comment 1 - My communication, below, about the decline of the Tompkins Farm Oak, the oldest tree in the Village, is not listed on your agenda.

Comment 2 - Attach. 10 has an email to a resident advising them that "Cornus Florida - American Dogwood" is one of the trees the TC is thinking of planting this year. Please note, Cornus Florida is NOT on the VOM Recommended Tree List https://www.village.mamaroneck.ny.us/sites/g/files/vyhlf826/f/uploads/vom_2011_approved_street_trees.pdf.

Comment 3 - The BOT took comment last night on the latest version of the Tree Law last night. I made my comments about what I believe is the over reach of the law and a number instances of problematic language. It should also be noted that it appears that the noticing was defective in that it gave a date of October 25th, not last night, for the Public Hearing.

Comment 4 - If the TC members want to make the argument that planting trees would mitigate the Village's riverine flooding issues I hope that future plans for planting trees will include the actual areas devastated by the flooding.

Sincerely,

Stuart Tiekert

2)

Dear Chairs and Members of the Tree Committee,

The oldest known tree in the Village, the Tompkins Farm Oak (TFO), is in sharp decline as can be seen in the photo below. The crown has thinned significantly and there are multiple branches, from the bottom to the top, where terminal end growth has stopped.

This is especially sad for the Tompkins Farm Oak neighborhood which for thirty years led the efforts to protect the tree from damage by developers and the Village.

I hope the Board will advise the BOT to take prudent steps to determine the present condition of the tree and any steps that may prolong it's life.

My suggestion would be that the Village hire a Consulting Arborist to evaluate the TFO.

Please don't let the Village Manager hire Frank Buddingh or Ken Almstead of Almstead Tree.

Mr. Buddingh is not a consulting arborist and is conflicted because he was the arborist the Village hired in 2012 to greenlight the work, against the NYSDEC Forester's recommendations, that likely put the kiss of death on the TFO.

Ken Almstead is a consulting arborist but his company will get paid to do any work on the tree. Also, it was Almstead Tree that was hired by the Village in 2012 to supervise the Pine Street excavation below the TFO and allowed contractor to ignore the preservation plan for the TFO.

Sincerely,

Stuart Tiekert

Attachment C Wolkoff Comments on Tree Law

Please see comments, below.

Sent from my iPhone

Begin forwarded message:

From: clwolkoff@verizon.net
Date: September 21, 2021 at 8:12:06 PM PDT
To: Wendy Zoland <wzoland@optonline.net>
Subject: RE: Proposed Tree Law

Wendy,

I know you're away this week. Hopefully you're enjoying yourself.
Can you forward this to the co-chairs of the Tree Committee or give me their emails?

Thanks and enjoy the time away.
Claire

From: clwolkoff@verizon.net <clwolkoff@verizon.net>
Sent: Sunday, September 19, 2021 11:24 PM
To: 'Wendy Zoland' <wzoland@optonline.net>
Subject: Proposed Tree Law

Wendy,

I compared the latest version with draft 20 from July 2020. As discussed, I agree that the purpose is to get a law on the books, with the understanding that having something now is better than spending more time trying to get a "perfect" law than can be passed.

I'll group my comments into editorial comments (e.g., sentences that aren't clear) and those dealing with more substantive issues. On the latter, we did submit comments (attached for your reference) to the Mayor and Trustees about a year ago. I assume those comments were reviewed by the Tree Committee (can't tell by comparing the two proposed laws).

Editorial/grammatical comments (surprised to find these issues. Perhaps the version was posted before final review.):

- Section §318-7A: In paragraph (1) should the word used be "does" or "do"? If the subject is "branches", I think the work would be "do" not "does".
- Section §318-7A: Paragraph (2) starts as follows: "remove any dangerous tree on the property. Is located must remove the dangerous tree when directed by the Village Manager or the Village Manager's designee." Clearly this is not a sentence and needs to be clarified.

- Section §318-8A: Paragraph (1) has an extraneous comma. End of paragraph (2) has the word “either” but nothing to compare it to (“unless he or she is either in the possession of a permit to do so issued by the Building Inspector.”
- Section §318-8J: Another grammatical issue in the first sentence. It reads “Any trees that does not survive...” Should be either “Any tree that does not survive...” or “Any trees that do not survive...”

Substantive issues:

- Section §318-8B(2): I addressed this in our comments from a year ago. How is the Village Manager going to be choosing certified arborists for this work? Will he publish a list? A homeowner might want to know in advance if the arborist he is relying on is already approved by the Village for this purpose. It would be awkward if two certified arborists come to different conclusions as to the condition of a tree.
- Section §318-8C: I also addressed this in our comments from a year ago. My specific concern then was if trees previously came down as a result of a storm or had to be removed because they were unhealthy/dangerous. I think replanting should be adequate instead of forbidding additional tree removals for a three-year period.

Please note that these comments are for consideration by the Tree Committee (I don't have the emails for the co-chairs of the Committee – please forward to them). I am not writing them up for the Mayor and Board at this time.

Best,
Claire

Attachment D
Shanus Comments on Tree Law

----- Forwarded message -----

From: **Sarene Shanus** <spshanus@gmail.com>
Date: Mon, Sep 27, 2021 at 5:43 PM
Subject: Re: proposed tree law
To: Wendy Zoland <wzoland@optonline.net>
CC: Harold ICE Treiber <harold.treiber@gmail.com>, <gail.koller18@gmail.com>

Hi Wendy

It actually was not in the prior draft that I saw and I sent a comment down to the board and to the tree committee which was clearly ignored. Tonight is Shemini Atzeret so is there a way to give a comment to your committee without attending tonight?

Sarene

On Mon, Sep 27, 2021 at 5:12 PM Wendy Zoland <wzoland@optonline.net> wrote:

So you are correct. It looks like we didn't take lot size into consideration with regard to the removal of trees and I honestly cannot remember why. It may have been included in a prior draft and then removed to try to simplify the law for our current attempt to get something passed. The replanting of trees does consider lot size, however.

Does this answer your question, Sarene? There is a public hearing tonight at 8pm in which you can comment. I hope you are in support of the tree law.

Be well,
Wendy

Sent from my iPhone

On Sep 27, 2021, at 11:19 AM, Sarene Shanus <spshanus@gmail.com> wrote:

Hi Wendy and Gail

I understand you are both on the village tree committee.

I looked at the proposed tree law that they plan to schedule to discuss at the October 25 Village Board of Trustees meeting.

I have two questions about it that I'm hoping you can help with.

The law seems (and maybe I'm missing something) to treat all properties the same way, so the limitation of number of trees you can cut down applies whether your

property is 1/8 acre with no trees or, like mine, 2.7 acres with many many trees. Can you explain that please? It seems to have unequal percentages, so 3 trees are 35% of the trees on a smaller lot and 10% of the trees on mine. Did you consider setting guidelines by lot size? I know you are concerned about clear cutting on larger lots that are up for development but any limitations that are reasonable (even a 10 tree one) would help prevent that or you could put in an additional limitation for lots that are recently sold

Also, we have had one or two trees affected by storms that have needed to be dealt with rather quickly over the 22 years I've owned the house. How does this law deal with emergent situations?

Thanks

Sarene

Attachment E
Friedman Comments on Tree Law

From: Joshua Friedman <josh@friedmanholdingllp.com>
Subject: Re: 2021.08.06 Tree Law v 21 rev 2.pdf
Date: September 27, 2021 at 8:45:13 PM EDT
To: Wendy Zoland <wzoland@optonline.net>

Thank Wendy! This is what I emailed:

Dear Mr. Mayor and fellow Trustees,

We are not happy with the clear cutting done near us. It is a disaster for soil erosion and aesthetics. We support the Tree Law. However we have a couple of minor suggestions which we believe would improve the law by making clear that "permitted use" (which is undefined) should be replaced with "any use that is not prohibited by law," so that the Building Manager is not put in a position of deciding what use should be permitted on private property.

Also, the Tree Law states that the "Building Inspector may grant a permit to remove a protected tree on private property . . .

If the application conforms to the Tree Law, and there is no special need for the exercise of discretion by the Building Inspector, ie, when a single tree is being cut down and replaced pursuant to law, shouldn't the Village be *required* to grant the permit? We would think a lot of problems could be avoided if "shall" replaced "may," at least to avoid interference with a permitted use highly valued by the property owner.

Please be so kind as to share this with your fellow Trustees, and feel free to read it at the meeting if it would be helpful. We are sorry we could not attend personally. We care deeply about clear cutting. It has ruined some lovely properties right around the corner. We also care about not interfering with the enjoyment of the beauty of nature with which a single tree can, occasionally interfere.

There is no tree we are dying to cut down on our property. However we could have neighbors who value their views of the Sound as well, or who would have views if we cut down a single tree. Clarifying the Tree Law would insure that it increased property values and would not have an adverse effect by making permitted uses uncertain and subject to the understanding of a single Village employee, no matter how well intentioned.

Thank you for your consideration,

Ellen and Joshua Friedman
1050 Seven Oaks Lane, Mamaroneck, NY 10543

Joshua Friedman

Attachment F
Walnut St Correspondence re: Remedy for Unauthorized Removal of VOM Tree

Re: Violations 21-0770 and 21-0771 - Walnut St

Jerry Barberio Mon, Sep 27, 9:35 AM (1 day ago)

to Jeff, Frank, TreeCom

Sorry you are so upset, but you cut the trees down and violated our code... I didn't. This is the only remedy I will accept:

The village is requesting we rectify the error by planting a total of 5 trees in this 9' space (One violations calls for the planting of 2 (two) new trees 10-12' tall and the second for 3 (three) new trees 10-12' tall).

Once you get that done we are done. Have a good one.

Thank you,

Jerry Barberio
Village Manager
Village of Mamaroneck

On Sep 27, 2021, at 9:09 AM, Jeff Valvano <jvalvano@gmail.com> wrote:

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Jerry Barberio Mon, Sep 27, 11:01 AM (1 day ago)

to Jeff, Frank, TreeCom

Photos are a good idea. Any landscaper would want to work with you. I have no doubt.

Thanks again.

JB

Attachment G
Website About Trees for Wet Areas

Here's an interesting website:

<https://www.yourgardensanctuary.com/trees-for-wet-areas/>

It discusses which trees are appropriate in wet areas, not only by zone, but also by factoring in the soil pH. Maybe we would have better results if we first tested soil pH in areas like parks before planting a lot of trees.

Best,
Gail

Attachment H
Shanus Comments on Tree Law

----- Forwarded message -----

From: **Sarene Shanus** <spshanus@gmail.com>

Date: Mon, Sep 27, 2021 at 5:43 PM

Subject: Re: proposed tree law

To: Wendy Zoland <wzoland@optonline.net>

CC: Harold ICE Treiber <harold.treiber@gmail.com>, <gail.koller18@gmail.com>

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