

6/22/2021

## Village of Mamaroneck Tree Committee 24 June 2021 Agenda

\*Approval of the August & September, 2020, and May 2021 Minutes (*Attachment 1,2, & 3*)

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

### \*Correspondence

288 Prospect Ave – Large tree removed at 311 Prospect Ave & reply from DPW (*Attachment 4*)

402 Heathcote – Two VOM oaks need inspection, possible removal & VM reply (*Attachment 5*)

700 Fennimore -- Tree for Inspection & VM reply (*Attachment 6 & A, B, C*)

138 Jensen – Request for removal because tree drips sap on car (*Attachment 7*)

Bleecker @ Orienta & Walton – Two large trees with lichen on them (*Attachment 8*)

130 Beach Ave – email regarding committee's utter failure to control the unconstrained removal of village trees based on bureaucrats whims (*Attachment 9*)

### \*Old Business

Trees For Maintenance & Removals-- *Please provide street numbers when reporting tree-related issues*  
(*Attachment 10 & 10-A*)

### Tree Removals

HIP near Firemen's Memorial -- Bradford Pear growing within the limbs of healthy evergreen has been removed

Florence Park – tree removals per DPW (*Attachment 11*)

### New Trees

Spring 2021 planting

Final 15 trees from Mangone's and Larchmont Nurseries still on the schedule to be planted.

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

### Westchester County new trees on County property

Village Manager will incorporate county trees into dog park design

### MetroNorth Trees Replacement

VOM Mayor Tom Murphy letter to Governor Cuomo (*Attachment 12*) with online petition

Village Manager is working on plan with MetroNorth

### Tree Inventory

Three Rye Neck students to work with Village Manager for summer community service credit  
(Attachment 13)

### Tree Ordinance

1010 Orienta Ave., developer has clear cut property (Attachment 14, 14-A & 15)  
We have no teeth if we have no tree law (Attachment 16)

### Guided Tree Walk

Fall walk scheduled for October 17, 1:00 pm. Rain date October 24. Will continue along The Parkway

Educational webinar – **October 14, 7:00 pm**, Tree Committee will sponsor an online talk followed by Q&A by Douglas Tallamy, 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 through its extensive mailing. Program will be paid for through Manager's Contract Services account. Advance book discussion Wednesday, September 29, 7:00 pm, led by Beverley Sherrid

### \*New Business

#### Protective Mulch Rings (Attachment 17)

139 Jensen needs Protective ring around base of crab apple

#### Citizen Pruners

Identification Badges for Citizen Pruners (Attachment 18)

Jerry to order vests for new Pruners, to read "VOM Citizen Pruner" (not "Tree Committee")

Next workshop to be planned for mid-September

#### Tree Identification App (Attachment 19)

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

### \*Calendar Notes

Next regular meeting *July 22 or 29, 2021*, 7:30 p.m.

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-September

May 25, 2021 MINUTES - draft

MINUTES OF MEETING OF THE TREE COMMITTEE HELD REMOTELY ON May 25,  
2021 AT 7:30 PM

PRESENT:

Beverley Sherrid, co-chair

Sean Gormley

Wendy Zoland

Nora Lucas, trustee

Gail Koller, co-chair

Marlene Star

1. CALL TO ORDER: 7:42 PM

2. Approval of April minutes.

3. Correspondence from residents:

Guided Tree Walk: Som Pacharapan said it was "excellent." Gail said she would contact Jocelyn Kleinman of Sheldrake Environmental about a fall walk.

Stuart Tiekert of 130 Beach – asked about developer removing 3 Village trees. 517 Walnut. Violation to be issued; objected to mature oak removed on Andrews Street. Con Ed unfortunately has right to do this; questioned bare root trees planted this spring. This was done because of narrow ROW; damage to trunk flare on new tree on Brook. Beverly to ask Jerry if vendor can replace tree.

Rushmore Ave Cemetery – Tree needs pruning on lower limbs.

Tree on Palmer by historic cemetery needs pruning.

Limb fell from large oak tree on the Parkway at BPR. May need pruning.

4. Old Business:

HIP near Firemen's Memorial (to be discussed with Jeff Ahne, Parks Department foreman)  
Bradford Pear growing within the limbs of healthy evergreen

175 Rockland Ave. Suspected dead trees are now blooming.

265 Mamaroneck Ave. lights attached to trees by Mister Chen's. Violation issued.

Jerry said Westchester County trees may accompany dog park on County water site southwest by Harbor Island Park.

Metro-North will allow Village to plant trees on Bishop. Jerry to submit ideas.

Tree inventory project: still pending. Need high school students.

5) Spring 2021 planting

15 trees donated/received from Mangone's and Larchmont Nurseries

Gator bags installed, watering program has begun.

6. New Business

Guided Tree Walk. Very successful, at least 22 people attended.

Clean Up/ Green Up. 170 people preregistered. Ellen and Wendy represented Tree Committee. Suggest signage for next year.

Essential Workers Living Tribute in HIP along Rushmore.

Will plant 8 trees, 4 white oaks and 4 tupelo. Center will include 4 backless benches and a central compass.

Author Doug Tallamy to give educational webinar on trees on October 14 at 7 PM. Library to host and promote. Beverly to lead book discussion ahead of the event.

Nora suggests providing phone number for residents wanting Village trees pruned.

Westchester Arts Council to plant garden with sculptures, benches and small flowering trees in front of police station to honor poet laureate Mary Louise Cox.

Guidelines for pruning from George Profous, New York state senior forester.

Four new trees planted by North Shore Farms not doing well. Wendy to notify Jerry.

1502 Henry Ave., Beverly to ask Jerry why a small tree was planted instead of a large tree.

\*Calendar Notes Next regular meeting Thursday, June 24, 2021

ADJOURNED 8:36 PM

May 25, 2021 MINUTES - draft

**Village of Mamaroneck Tree Committee  
Minutes for 24 September 2020**

Present: Gail Kohler & Beverley Sherrid, co-chairs; Sean Gormley, Marlene Starr, Wendy Zoland, Nora Lucas

The minutes of the August meeting were deferred because of misunderstanding about the use of the video recording for minutes.

Correspondence:

Resident asked to have a large tree replaced with a small one; tree will be inspected.

Tree Ordinance:

Currently scheduled for public hearing September 29. Comments have been received from Planning Board and BAR, not HCZM; committee will ask for postponement

Tree Maintenance:

Dead and potentially hazardous trees, pruning, and stump removals were discussed.

Westchester County may plant trees on county property:

Considering locations around water treatment plant, HIP @ Rushmore new sewage treatment installation

List Creations:

Citizen Pruners roster – Gail provided list

Procedure for nominating Heritage Trees – to come

Recommended Species for street trees – Beverley provided draft

Fall Planting:

Update from nursery provided by Dan Sarnoff

Redbuds planted last year in locations for tall trees will be moved by VOM

Citizen Pruners:

Bullet point description provided for VOM e-blast

Fall pruning workshop Nov. 7 or 14, 10:00 – 1:00, HIP

Calendar Notes:

October 22 – Next regular meeting, 7:30 pm via Zoom

October 18 – Guided Tree Walk, rain date October 25, 1:00 pm

November 7 or 14 – Pruning Workshop, 10:00 am

**Village of Mamaroneck Tree Committee  
Minutes for 20 August 2020**

Present: Gail Kohler & Beverley Sherrid, co-chairs; Joe Columbo, Sean Gormley, Wendy Zoland, Nora Lucas, Jerry Barberio

The minutes of the July meeting were approved.

Correspondence:

Resident asked about planting daffodils in the ROW of the Boston Post Road in front of Mamaroneck High School and the Town Center. Location is not good: no curb, cars frequently park on the ROW, the soil is compacted.

Resident reported three possibly hazardous trees; all were inspected and are healthy

Resident asked about procedure for approving VOM tree removals, V. Manager will set up more formal one; also asked about VOM approval of ConEd pruning, not possible; also said that tree inventory should be a priority.

Tree Ordinance:

Currently scheduled for public hearing September 28, TC will ask to postpone to October.

Tree Maintenance:

Dead and potentially hazardous trees were discussed.

List Creations:

Citizen Pruners roster – Gail  
Procedure for nominating Heritage Trees – Joe  
Recommended Species for street trees – Beverley

Fall Planting:

Preliminary site list discussed

Fall Tree Walk:

October 18, rain date October 25  
Oriental bike path at Clafin

Calendar Notes:

September 24 – Next regular meeting  
October 18 – Guided Tree Walk

**Attachment 4 – Large VOM Tree Removed at 311 Prospect Ave**

**Jennifer Leclair** <leclair.jen@gmail.com> May 27, 2021, 10:42 AM

to nlucas, me, gail.koller18

Dear Nora,

This past weekend my family and I watched in horror as the Village cut down an absolutely beautiful giant copper beach tree on our street, Prospect Avenue. It had to be at least 100 years old, was absolutely gorgeous and home to numerous animals including a very large hawk nest.

This tree was actually the 2nd old growth beach tree to be cut down on our street in about 1 month. The first was on private property (the Devore's) and that was awful enough but this 2nd tree was on village property. I have no idea why it was cut down. It was stunning, made the street more beautiful, hosted so much wildlife and at 100 years old is irreplaceable. We are so saddened by the loss of this beautiful tree and want to know why this happened. Additionally, when a tree like this is cut down, does the neighborhood get no warning or say in the matter? I know that several families would have to come to protest this decision had we known in advance. And of course they left the stump and so it will be hard to plant a new tree in it's spot.

Thank you in advance for any information you can provide.

Best,  
Jen LeClair  
(228 Prospect Avenue)

Nora  
Lucas May 27, 2021, 11:20 AM

Hi Jen, I have copied Jerry Barberio (Village Manager) and Tony Iacovelli (head of DPW), who will know the back story on this. The Village staff, especially Jer

Jerry  
Barberio May 27, 2021, 4:58 PM

Tony, Any chance you had time to look at this? I was not aware it was marked but I'm not looking around for dots. Let us know when you can. Jerry Barberio Villa

**Tony Iacovelli** Fri, May 28, 10:38 AM

to Jerry, Nora, Jennifer, me, Gail

**Jerry,**

**The Maple tree at 311 Prospect Ave. had been on the list to come down for a while, I was just waiting for Con Ed to finish their work. As you will see from the pictures the trees health was declining fast, the whole top of the tree was completely dead, the tree had a lot of decay in it as you can see from the pictures. The base of the tree at the root system was being eaten away by ants. The tree was dangerous and needed to come down to protect the vehicle traffic and residents in the area who frequently walk under that tree. The stump will be ground out shortly so that a new healthy tree can be planted.**

**Attachment 5 -- 402 Heathcote**  
**Two oaks need inspection, possible removal & VM reply**

**Jerry Barberio** Wed, Jun 2, 7:10 PM

to maria, TreeCom

I will take a look tomorrow. Do you want to meet? Or should I just look at them myself?

Thank you,

Jerry Barberio  
Village Manager  
Village of Mamaroneck

On Jun 2, 2021, at 6:44 PM, maria azevedo <[mazevedo411@gmail.com](mailto:mazevedo411@gmail.com)> wrote:

Hello Jerry Barberio,

My name is Tony Azevedo and I live at 402 Heathcote Ave. I am contacting you about two large oak trees that are on my property, but the trees belong to the Village. The trees appear to look unhealthy, as they do have holes in them. The trees and the branches do cause quite a bit of concern as the branches are above some power lines and that the trees and the branches may cause damage during any potential storms. The roots of the trees have already caused damage to the sidewalk, which I had to fix. I would like to ask if you would consider removing the trees.

My friend Carlo Recca mentioned that it may be best to contact you about this issue.

I have attached some images of the trees.

Thanks for your time and consideration,  
Tony Azevedo

 [Image 1.jpeg](#)

 [Image 2.jpeg](#)

 [Image 3.jpeg](#)

 [Image 4.jpeg](#)

 [Image 5.jpeg](#)

 [Image 6.jpeg](#)

Attachment 6 -- 700 Fennimore, Tree for Inspection & VM reply

**Jerry Barberio** Jun 3, 2021, 1:40 PM

to William, TreeCom, Tony

Tony is copied and will take a look when he gets a chance.

Thanks Bill. JB

**Jerry Barberio**  
*Village Manager*

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**From:** William Luceno <[wlucaeno@majestickitchens.com](mailto:wlucaeno@majestickitchens.com)>  
**Sent:** Thursday, June 3, 2021 1:19 PM  
**To:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>  
**Subject:** Majestic / Tree at 700 Fenimore Road Mamaroneck

Hi Jerry,

Hope all is going well. Please see attached pictures.

Last fall a large limb fell off the tree in front of Majestic and now I'm seeing a lot of dead branches can you have this looked at and have the dead branches removed.

The tree might be on its way out.

Thank you,

Bill







**Attachment 7 – 138 Jensen Ave Removal Request**

**Lisa Axisa <ljaxisa@gmail.com>** Tue, Jun 8, 1:52 PM (13 days ago)

to treecom

I am writing to respectfully request that you remove the village tree planted in front of my house at 138 Jensen Ave, Mamaroneck. The tree issues sap all over our cars (or any car unlucky enough to have parked there). This is the wrong type of tree to plant on a street with parking. Perhaps you can move it to a street where there is no street parking.

Parking is already very tight on Jensen Avenue so having two spots that are unusable is not a solution. Again, I respectfully request that the tree be moved. I (and our cars) thank you for your consideration.

Sincerely,

Lisa Axisa

**Attachment 8 -- Two Trees With Lichen on Them**

**DEBORAH PLACHTA** <grendelo@aol.com> Jun 9, 2021, 11:48 AM (12 days ago)

to me, gail.koller18

Hi! Got your names from Jocelyn at Sheldrake, whom I called with concerns about 2 or so big, beautiful trees along Bleeker Ave from Orienta Ave to Walton Ave. outside the Day School walls. Odd white fungal looking material has appeared along their lower trunks and I was warned not to report it to the Village or they'd likely cut them down to avoid the expense of treating them. I love those woods as a bird refuge and would be happy to contribute to a fund to get them treated, if necessary. Please let me know what you think.  
Thanks, Deborah Plachta (c 917-566-8132 or h 914-698-2424)

**Attachment 9**  
**Comments regarding Tree Committee's failure to control the unconstrained removal of village trees based on bureaucrats whims**

Dear Chairs and Members of the Tree Committee,

The removal of healthy, mature, native trees continues unabated. The trunks of both appear healthy.

We had the HIP massacre, the Warren Park massacre, and now, thankfully on a smaller scale the Florence Park massacre. I think we are up to close to forty trees in the last couple of years.

Seemingly, under the present manager, almost any reason will serve as an excuse to remove healthy trees.

When will the TC seek a way to control the unconstrained removal of village trees based on bureaucrats whims.

Sincerely,

Stuart Tiekert

6/20/2021

## **Attachment 10 -- Trees Requiring Maintenance or Removal**

### **Maintenance**

Rushmore Ave Cemetery – Tree needs pruning on lower limbs (*Attachment 6*)  
The Parkway @ Boston Post Road – Oak limb drop (*Attachment 7*)

### **Removal**

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



## **Attachment 11 -- Florence Park tree removals**

**Tony Iacovelli** 1:22 PM (4 hours ago)

to **TreeCom, Mayor, Jerry**

**Jerry,**

**I not aware of any mass tree cutting in the parks. We removed the tree on the Florence St. side of the park just past the playground area (that tree had been hit by lightning). On the Frank Ave. side and north end we had to remove Lindens that we tried saving since the August 2020 storm, this spring and up till they were removed 2 weeks ago they were failing quickly and loaded with deadwood, the top of trees were almost completely bare. In the park that makes them very dangerous for our residents and kids that are in the park all the time.**

**One quick note, over the last couple of years we have had quite a few heavy wind storms, that does damage to the trees and in many cases does not show up until weeks if not months later.**

**Also over the last year and a half with the pandemic a lot of residents did not leave their homes, but Public Works like the rest of the VOM employees still worked every day doing their regular jobs and keeping up with maintenance throughout the VOM.**

**If you have any questions regarding the above, please do not hesitate to contact me at 914-777-7745.**

## **Attachment 12**

### **VOM Mayor Tom Murphy letter regarding MetroNorth removal of trees**

Dear Governor Cuomo,

I want to begin by thanking you for the excellent job that you did during the pandemic protecting, educating and soothing the people of the state of New York during a very difficult period. Your leadership has been indispensable to New York's recovery.

I am writing to inform you of a wrong that has been visited upon my community, the village of Mamaroneck, by Metro North/MTA. The MTA has clear cut many healthy, useful and noble trees that abut Mamaroneck's residents property. The residents were originally told that the trees would be cut back, not cut down. These actions have hurt the quality of life of the residents and adversely impacted their property values. I understand that bell can not be unring but I write to ask that all further denuding of the urban forest by the railroad cease and that steps are taken to ameliorate the damage caused by the wanton destruction.

The clear cutting has not only created an eyesore it has exacerbated the noise issue, pollution and debris that these residents have to endure from the passing trains. We are asking that fences be erected to mitigate the damage in some areas and in other areas where the fauna has been eradicated new plantings be provided.

These are residents of modest means whose home is their primary possession. They are no longer comfortable letting their young children play in their yards because of the actions of the railroad. These actions also included the dumping of debris from railroad work on their property lines.

Please take the time to read the petition that my residents have put together and respond to their reasonable and just requests for help. If I can be of any assistance in finding a solution to this issue I am more then ready to help.

Thank you for your assistance.

Respectfully,

Tom Murphy

Mayor, Village of Mamaroneck

## **Attachment 13 -- Tree Inventory**

Hi Jessica,

Three volunteers for tree inventory is fantastic. Thank you.

11 am on Thursday works. I may need to take a quick 15 minute break at 11:30 to join a Fourth of July fireworks meeting, but I'm available the rest of the afternoon. Is 11 am to 1:30 pm good to do in class training and in the field instruction? We can also split it in two parts if needed.

Thank you,

Jerry Barberio  
Village Manager  
Village of Mamaroneck

On Jun 21, 2021, at 9:52 PM, Jessica Park <[jess.park422@gmail.com](mailto:jess.park422@gmail.com)> wrote:

Hello Mr. Barberio,

I just wanted to let you know that, unfortunately, it seems I only have two other volunteers to join me for tree planting! If it's alright with you, we're all free this Thursday at 11am. Let me know if that would be a good time for us to come by to get our training.

We look forward to working with you!  
-Jessica

**Jerry Barberio**

to Jessica, Courtney, TreeCom

Hi Jessica and Thank you!

Do you have an estimate of how long it is? **3 hours or less.**

What exactly does it involve? **Onsite instruction on how to inventory a tree as well as "classroom" instruction on safety and other items.**

And what days and hours do you think would be best for me to schedule it? **Thursday or Friday mornings after 10 a.m.**

Is it better for me to get a whole group of my friends together to take the training first or is one at a time easier? **Training the group is easier for me.**

And finally, where would the training take place? **Inside and outside Village Hall at 123 Mamaroneck Ave.**

I look forward to working with you and your group.

JB  
**Jerry Barberio**  
*Village Manager*

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**From:** Jessica Park <[jess.park422@gmail.com](mailto:jess.park422@gmail.com)>  
**Sent:** Monday, June 7, 2021 9:41 PM  
**To:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>  
**Subject:** VoM Tree Planting Volunteering

Hello Mr. Barberio,

I'm a junior at Rye Neck High School and received your information from Ms. Sherrid with whom I was in contact with regarding the tree planting for this summer; I'm not sure if she has mentioned me. I had a few questions about the training period if you don't mind. Do you have an estimate of how long it is? What exactly does it involve? And what days and hours do you think would be best for me to schedule it? Is it better for me to get a whole group of my friends together to take the training first or is one at a time easier? And finally where would the training take place? I look forward to working with you this summer!

Thanks!  
-Jessica Park

## **Attachment 14 -- Clearcutting at 1010 Orienta Avenue**

**WENDY ZOLAND** Jun 7, 2021, 9:17 PM (13 days ago)

to Jerry, TreeCom

HI Jerry,

I am wondering if an inspector has been out to 1010 to take a look at the violation(s) with regard to the cutting down of any trees that are in the Village right of way.

Can you let me know? If you'd prefer, I can make the call myself Tuesday morning.

They cut the stump off of the tree closest to the wall in the photos that I sent. I have a new photo of the stump.

Thank you,

Wendy

**Daniel Sarnoff** Jun 10, 2021, 8:39 AM (10 days ago)

to **Ellen, Gail, Joe, Marlene, Nora, Sean, Thomas**, Beverly, Wendy

In regard to the tree removals at 1010 Orienta Avenue, upon inspection it appears as if the trees that were removed were on private property.

Dan

**From:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>

**Sent:** Wednesday, June 9, 2021 10:19 PM

**To:** Daniel Sarnoff <[dsarnoff@vomny.org](mailto:dsarnoff@vomny.org)>

**Subject:** Fwd: 1010 Orienta Avenue

Please share with TC and Wendy Z.

Thank you,

Jerry Barberio  
Village Manager  
Village of Mamaroneck

Begin forwarded message:

**From:** Charlotte Mountain <[cmountain@vomny.org](mailto:cmountain@vomny.org)>  
**Date:** June 9, 2021 at 5:12:53 PM EDT  
**To:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>, Dennis Droган <[ddrogan@vomny.org](mailto:ddrogan@vomny.org)>, Frank Tavalacci <[ftavalacci@vomny.org](mailto:ftavalacci@vomny.org)>  
**Subject: RE: 1010 Orienta Avenue**

All trees that were cut are inside of the stone wall and appear to not be within the Village right of way.

Be well,

Charlotte

**From:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>  
**Sent:** Tuesday, June 08, 2021 11:36 AM  
**To:** Dennis Droган <[ddrogan@vomny.org](mailto:ddrogan@vomny.org)>; Frank Tavalacci <[ftavalacci@vomny.org](mailto:ftavalacci@vomny.org)>  
**Cc:** Charlotte Mountain <[cmountain@vomny.org](mailto:cmountain@vomny.org)>  
**Subject:** Fw: 1010 Orienta Avenue

Update please on this tree being cut in our right of way.

**Jerry Barberio**

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Wendy Zoland

Jun 19, 2021, 10:01 AM (1 day ago)

Now it looks like they are clear cutting the entire property. What a darn shame. Sent from my iPhone > On Jun 7, 2021, at 9:17 PM, WENDY ZOLAND <wzoland@optonli

Marlene  
Star

Jun 19, 2021, 12:19 PM (1 day ago)

Horrible.

**Beverley Sherrid <mrssherrid@gmail.com>** Jun 19, 2021, 2:12 PM (1 day ago)

to **TreeCom**, WENDY, Jerry

Wendy,

Would you take as many photos as possible, removals in process as well as the final landscape. I know you have some "Before" or at least "Nearly Before" ones, too. We may be able to use them when we finally present the tree law to the BOT.

This is so bad.

Beverley



**Attachment 15**  
**1010 Orienta Ave Clear Cutting**

## **Fwd: Urgent Need for Tree Law in Village of Mamaroneck**

Inbox

Wendy Zoland  
[via](mailto:via@mamaroneckvillageny.onmicrosoft.com) [mamaroneckvillageny.onmicrosoft.com](mailto:via@mamaroneckvillageny.onmicrosoft.com)

Sat, Jun 19, 5:26 PM (3 days ago)

to TreeCom

Please see below.

I am of the strong opinion that we need to get the Village to adopt the TOM tree law ASAP to prevent this from happening in the future. We can add more teeth to it later on, but at a minimum, preventing these clear cuts is desperately needed.

Wendy

Mon,  
Jun  
21,  
6:06  
PM  
(1  
day  
ago)

Begin forwarded message:

**From:** Claire Wolkoff <[clwolkoff@verizon.net](mailto:clwolkoff@verizon.net)>

**Date:** June 19, 2021 at 4:36:04 PM EDT

**To:** Victor Tafur <[vtafur@vomny.org](mailto:vtafur@vomny.org)>

**Cc:** GEORGE MGRDITCHIAN <[gmgrditchian@outlook.com](mailto:gmgrditchian@outlook.com)>, Mayor and Board <[MayorandBoard@vomny.org](mailto:MayorandBoard@vomny.org)>, Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>, Allan Wolkoff <[awolkoff@verizon.net](mailto:awolkoff@verizon.net)>

**Subject: Re: Urgent Need for Tree Law in Village of Mamaroneck**

This is the new view when I came home this afternoon (from across Orienta). I'll take better photo and count number of trees that came down today.  
This is what developers can do without a tree ordinance.

Claire

Sent from my iPhone

On Jun 19, 2021, at 2:18 PM, Victor Tafur <[vtafur@vomny.org](mailto:vtafur@vomny.org)> wrote:

Correction:

Jerry and all: Let's put it back on the agenda and secure a commitment by Mayor and Board to get it through this time! I've been supportive on the idea since first run, have a good weekend. Victor

On Jun 19, 2021, at 1:58 PM, Victor Tafur <[vtafur@vomny.org](mailto:vtafur@vomny.org)> wrote:

Jerry and all: Let's put it back on the agenda and secure a commitment by Mayor and Board to get it through this time! I've been supportive on the idea since first run, have a good weekend. Victor

On Jun 19, 2021, at 10:38 AM, GEORGE MGRDITCHIAN <[gmgrditchian@outlook.com](mailto:gmgrditchian@outlook.com)> wrote:

Thank you Claire for sharing.

I've been saying this for more than six years with this administration as well as the previous and still no results. Is it so difficult to adopt the Towns ordinance so that it could help in circumstances like this?

Kind Regards,  
George

On Jun 19, 2021, at 10:34 AM, [clwolkoff@verizon.net](mailto:clwolkoff@verizon.net) wrote:

Follow up:

4 or 5 additional trees have been removed so far today.

Once again, a basic ordinance coordinated with the Planning Dept. would be better than no ordinance.

Claire

**From:** [clwolkoff@verizon.net](mailto:clwolkoff@verizon.net) <[clwolkoff@verizon.net](mailto:clwolkoff@verizon.net)>  
**Sent:** Tuesday, June 8, 2021 10:03 PM  
**To:** '[mayorandboard@vomny.org](mailto:mayorandboard@vomny.org)' <[mayorandboard@vomny.org](mailto:mayorandboard@vomny.org)>  
**Cc:** 'Jerry Barberio' <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>; Allan Wolkoff ([awolkoff@verizon.net](mailto:awolkoff@verizon.net)) <[awolkoff@verizon.net](mailto:awolkoff@verizon.net)>  
**Subject:** Urgent Need for Tree Law in Village of Mamaroneck

Dear Mayor Murphy and Trustees Lucas, Natchez, Tafur and Wenstrup,

We are writing to share our concerns about the lack of a tree law in the Village. Our comments are based on the removal of over 10 trees from the property at 1010 Orienta Ave. The enclosed letter explains our concerns and makes a suggestion as to how to proceed.

Thanks for considering our comments.

Claire and Allan Wolkoff  
Wendy Zoland

to Claire, Kevin, TreeCom

Kevin,

Thank you for looking into this. I understood when we spoke that the builder, when applying for the permit, said that only trees that were struck by lightning or weren't doing well according to an arborist, were going to be removed. So I am skeptical about their plans to replant.

Best,  
Wendy

On Jun 21, 2021, at 11:57 AM, Claire Wolkoff <[clwolkoff@verizon.net](mailto:clwolkoff@verizon.net)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** Kevin Doyle <[kdoyle@vomny.org](mailto:kdoyle@vomny.org)>  
**Date:** June 21, 2021 at 11:19:54 AM EDT  
**To:** [clwolkoff@verizon.net](mailto:clwolkoff@verizon.net)  
**Subject:** RE: More tree removal at 1010 Orienta Ave.

Claire,

I was just there and they are taking down more trees. They had the property surveyed and are waiting to here back from DPW about then right of way to see if the 1 tree next to the driveway is on village property.

The project manager did tell me that they are planning on planting new trees as part of the overall project.

Kevin Doyle

**From:** Claire Wolkoff <[clwolkoff@verizon.net](mailto:clwolkoff@verizon.net)>  
**Sent:** Monday, June 21, 2021 10:27 AM  
**To:** Kevin Doyle <[kdoyle@vomny.org](mailto:kdoyle@vomny.org)>  
**Subject:** Re: More tree removal at 1010 Orienta Ave.

Removing more now along left property line

Sent from my iPhone

On Jun 21, 2021, at 10:11 AM, Kevin Doyle <[kdoyle@vomny.org](mailto:kdoyle@vomny.org)> wrote:

Claire,

I will stop by there this morning and see what's going on.

Kevin Doyle

**From:** [clwolkoff@verizon.net](mailto:clwolkoff@verizon.net) <[clwolkoff@verizon.net](mailto:clwolkoff@verizon.net)>

**Sent:** Monday, June 21, 2021 9:06 AM

**To:** Kevin Doyle <[kdoyle@vomny.org](mailto:kdoyle@vomny.org)>

**Cc:** Wendy Zoland <[wzoland@optonline.net](mailto:wzoland@optonline.net)>

**Subject:** More tree removal at 1010 Orienta Ave.

Kevin,

I tried calling your cell and left a message. I know your office doesn't answer phones before 10. Attached is one photo from yesterday.

Would you be able to check out 1010 Orienta this morning? Ramos truck is there again, probably removing downed trees but I don't know if they plan on cutting down anything else.

Wendy and I have both been in contact with mayor, trustees, village manager over the weekend.

Thanks,

Claire

Hi Jerry, I am wondering if an inspector has been out to 1010 to take a look at the violation(s) with regard to the cutting down of any trees that are in the Village right of way.

Can you let me know? If you'd prefer, I can make the call myself Tuesday morning.

They cut the stump off of the tree closest to the wall in the photos that I sent. I have a new photo of the stump.

Thank you,

Wendy

**Daniel Sarnoff** Thu, Jun 10, 8:39 AM (12 days ago)

to **Ellen, Gail, Joe, Marlene, Nora, Sean, Thomas**, Beverly, Wendy

In regard to the tree removals at 1010 Orienta Avenue, upon inspection it appears as if the trees that were removed were on private property.

Dan

**Attachment 16**  
**We Have No Teeth If We Have No Tree Law**

## **We have no Teeth if we have no Tree law**

Inbox

**Gormley, Sean** [via mamaroneckvillageny.onmicrosoft.com](mailto:mamaroneckvillageny.onmicrosoft.com) Wed, Jun 2, 4:51 PM

to Wendy, Jerry, TreeCom

Wendy, Beverley et al

Pretty sad – very very sad – From the picture Wendy just sent – I can attest to the fact that I have seen a tree, on a local street next to Florence Park, cut down on the property, at the Village's expense, at least as deep, as what I see in the photograph.

And I was told, about 4 years ago, it was sanctioned because I asked and was told, it was on Village Property. So I think the same is true, based on the above, for 1010 Orienta Ave.

The Right of way is pretty Deep – We have no Teeth if we have no Tree law, but in this case, I think we have a legitimate case that these trees were in the Village right of way, wall notwithstanding.

Nora any chance to get the law pushed thru ASAP as, at this stage, the Tree Committee including yourself and Jerry put hard work and plenty of time into it.

Best

Sean

**From:** Wendy Zoland <[wzoland@optonline.net](mailto:wzoland@optonline.net)>

**Sent:** Wednesday, June 02, 2021 4:39 PM

**To:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>; TreeCom <[treecom@vomny.org](mailto:treecom@vomny.org)>

**Subject:** Re: 1010 Orienta Avenue- Emergency

According to the information Kevin Doyle got they had an arborist come and look at the trees. But they are taking down perfectly healthy trees that aren't even close to the house.

This will never end without a tree law. Where does it stand now?

Sent from my iPhone

On Jun 2, 2021, at 11:56 AM, Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)> wrote:

We do not give permission to cut trees because we do not have a tree law. We give out permits to demo the building. The trees are not under our control unless they are in the right of way. I'm not certain if these trees are. If so, they have a problem. If the trees are on their property, nothing stops them from cutting them down. The two items are separate but seem to be connected. They are not.

I hope this helps. Dennis would add if I missed something. JB

**Jerry Barberio**  
*Village Manager*

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**From:** Beverley Sherrid <[mrssherrid@gmail.com](mailto:mrssherrid@gmail.com)>  
**Sent:** Wednesday, June 2, 2021 11:37 AM  
**To:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>  
**Cc:** Wendy Zoland <[wzoland@optonline.net](mailto:wzoland@optonline.net)>; TreeCom <[TreeCom@vomny.org](mailto:TreeCom@vomny.org)>; Dennis Drohan <[ddrogan@vomny.org](mailto:ddrogan@vomny.org)>; Frank Tivolacci <[ftivolacci@vomny.org](mailto:ftivolacci@vomny.org)>  
**Subject:** Re: 1010 Orienta Avenue- Emergency

I am truly confused about how things work in the Village. This doesn't seem to fit the process that we understood on the Tree Committee.

Beverley

On Wed, Jun 2, 2021 at 11:28 AM Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)> wrote:

They applied for a demo permit for the property. I have copied Dennis and Frank.

**Jerry Barberio**  
*Village Manager*

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**From:** Wendy Zoland <[wzoland@optonline.net](mailto:wzoland@optonline.net)>  
**Sent:** Wednesday, June 2, 2021 11:00 AM  
**To:** Jerry Barberio <[jbarberio@vomny.org](mailto:jbarberio@vomny.org)>; TreeCom <[TreeCom@vomny.org](mailto:TreeCom@vomny.org)>  
**Subject:** Re: 1010 Orienta Avenue- Emergency

Hi again,  
We really need to get tree legislation on the books. Kevin Doyle happened to drive by and is checking it out.  
Thanks all.  
Wendy

Sent from my iPhone

## **Attachment 17 -- Protective Mulch Rings**

**Gail Koller** Thu, Jun 17, 11:02 AM (4 days ago)

to Jerry, TreeCom

Hi Jerry,

Were those protective rings ever purchased and placed around trees? I recall you were going to order several and see if they would actually be helpful.

Best,  
Gail

**Jerry Barberio** Thu, Jun 17, 11:08 AM (4 days ago)

to **Jeff, Jason**, Gail, TreeCom

I believe so. I will need to ask Jeff or Jason since Barry is retired.

## **Attachment 18 -- Identification Badges for Citizen Pruners**

Good afternoon,

I am currently creating your identification cards on our identification system, when possible, please provide the following information to complete your ID profiles in our system:

- Height
- Weight
- Eye color
- Hair color
- Date of birth
- Gender

Thank you and have a great day!

Det. Sgt. P.J Trujillo  
Investigations Division  
169 Mt. Pleasant Ave  
Mamaroneck, NY 10543  
Work : (914) 825-8760  
Fax : (914) 777-7708

## **Attachment 19 -- Tree Identification App**

Hi Jerry,

I was recently with a friend who showed me an app he has: PictureThis. We were walking around Flint Park together and through the app he snapped photos of trees and immediately got an ID. I double checked the species on Google and the app was spot on each time. This app would be very helpful to the TC in identifying trees in the VOM. Would the VOM be willing to pay \$19.99 for a 1-year subscription?

Best,

Gail

**Courtney Wong**

to Gail, Jerry, me

Hi Gail,

Circling back to this e-mail. If any members of the tree committee would like to subscribe to this app please do so and we can reimburse you

Thanks,

Courtney

Beverley  
Sherrid Jun 17, 2021, 1:11 PM (4 days ago)

Actually, the app that Jocelyn recommended, "Seek", is excellent, does the same identification, and seems to be free. Too good to be true?

THE VILLAGE OF MAMARONECK'S TREE COMMITTEE AND  
THE MAMARONECK PUBLIC LIBRARY PRESENT A VIRTUAL

# AUTHOR TALK

WITH

# DOUGLAS TALLAMY

Thursday, October 14, 2021, 7:00pm

## GET THE BOOK

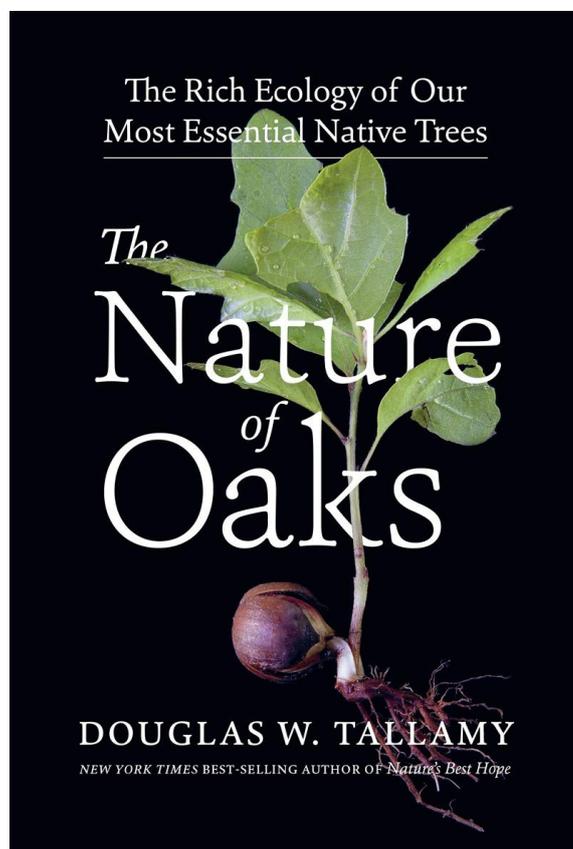
Place a hold on the print edition of THE NATURE OF OAKS in the library catalog. The eBook and eAudiobook are also available through Hoopla with your Mamaroneck Public Library card. Do you prefer to purchase your own copy? It's available at **Andersons Larchmont** too. Perfect for your summer reading!

## JOIN THE DISCUSSION

Beverley Sherrid, Co-Chair of the Village's Tree Committee, will also lead a virtual Book Discussion Group of Douglas Tallamy's book THE NATURE OF OAKS on Wednesday, September 29, at 7pm. Join the discussion on 09/29 and then meet the author on 10/14!

Register for the September 29th Book Discussion Group and/or the October 14th Author Talk (both on Zoom) at [www.mamaronecklibrary.org](http://www.mamaronecklibrary.org)

Professor of entomology and wildlife ecology at the University of Delaware, Douglas Tallamy is the *New York Times* best-selling author of THE NATURE OF OAKS (Timber Press, 2021). From woodpeckers who collect and store hundreds of acorns for sustenance to the beauty of jewel caterpillars, THE NATURE OF OAKS illuminates and celebrates the wonders of nature. It will inspire you to treasure these trees and spring into action to help nurture and protect them.



Special thanks to **Mamaroneck High School** and **Rye Neck High School** for incorporating THE NATURE OF OAKS into their classes.



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To learn more, visit [Mamaroneck-Reads.Eventbrite.Com](http://Mamaroneck-Reads.Eventbrite.Com).

PROPOSED LOCAL LAW B – 2020

A Local Law amending Chapter 318 of the Code of the Village of Mamaroneck (Trees) regarding the regulation of trees in the Village of Mamaroneck.

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

*Section 1.*

Section 296-11 of the Code of the Village of Mamaroneck is repealed.

*Section 2.*

Chapter 318 of the Code of the Village of Mamaroneck (Trees) is repealed and replaced with the following:

Chapter 318 Trees

Article I Purpose and definitions

§ 318-1 Purpose.

The Board of Trustees finds and determines that mature trees contribute to the character of a neighborhood and increase property values. Mature trees help stabilize soil, clean water, and reduce the risk of soil erosion and flooding by absorbing rainfall. Sufficient tree canopy provides shade that mitigates heat, reduces cooling costs and increases a community's foot traffic. Mature trees reduce air pollution and its related respiratory effects; they remove carbon dioxide from the air, release oxygen, and slow climate change. Trees also temper noise, enhance privacy and provide wildlife habitat. They give visual continuity to neighborhoods and make them more welcoming in appearance. A tree's ability to absorb carbon and provide other benefits increases as it ages, so the preservation of mature trees is requisite for achieving the full benefits of an urban forest. Trees are a community asset that contribute to the public good regardless of where they are, whether they are on private or public property.

Studies show that a minimum tree canopy cover of forty percent is the threshold needed to reap the full benefits of trees. A goal of the Board of Trustees, supported by the Tree Committee, is to achieve a minimum tree canopy coverage of forty percent and maintain it on an ongoing basis.

The Board of Trustees further finds and determines that indiscriminate and uncontrolled destruction of trees, including clear cutting, causes greater municipal costs for proper drainage control and water treatment, lowers the value of neighboring property, creates barren and unsightly conditions, and has adverse effects upon the health, safety, environment, ecosystems, and general well-being of the residents of the Village.

The purpose of this chapter is to preserve trees, to minimize damage to and removal of trees, and to increase the tree canopy of the Village of Mamaroneck.

§ 318-2. Definitions.

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

**ANSI A300 STANDARDS**

The standards with respect to the care and treatment of trees developed by the American National Standards Institute and designated as ANSI A300, a copy of which is available for

public review in the office of the Building Inspector.

#### APPLICANT

Any person who or entity which has submitted an application for a permit to remove a tree.

#### CERTIFIED ARBORIST

An arborist certified by the International Society of Arboriculture (ISA).

#### CLEAR CUTTING

The removal of 30 percent or more of the healthy trees eight inches or more in Diameter at Breast Height (DBH) from any property over any five-year period.

#### DANGEROUS TREE

A dead or diseased tree which constitutes a hazard to life or property, including other trees, or harbors insects, fungus or diseases which constitute a potential threat to other trees by reason of death or disease.

#### DESTRUCTIVE PRUNING PRACTICES

Pruning a tree or shrub in a manner that does not comply with ANSI A300 Standards.

#### DIAMETER AT BREAST HEIGHT (DBH)

The diameter or caliper of a tree measured at a point 4 1/2 feet above ground level at the base of the tree on the uphill side.

#### DRIP LINE

The roughly circular line defined by the points extended from the maximum spread of the limbs of a tree to the ground.

#### EMERGENCY CONDITION

A condition in which severe weather, storms, natural or non-natural causes severely affect the integrity of a tree, posing an immediate threat to life, property or the general public.

#### GUY WIRE

A tensioned cable designed to add stability to a free-standing structure.

#### INJURE

Any act that may cause a tree to die within a three-year period from the date of the act, including, but not limited to, chopping into the tree, scarring the trunk of the tree, driving nails into the trunk or limbs of the tree, stripping the tree of bark, engaging in destructive pruning practices, severing the tree's roots, removing or compacting soils or changing the grade within the drip line, storing materials or equipment within the drip line, setting a fire in, on or near the trunk of the tree or under its branches, intentionally applying chemicals in quantities harmful to the tree or the soil within the drip line or pouring or depositing oil, gasoline, tar, creosote, salt or other injurious substances on the soil within the drip line.

#### PERSON

Any individual or entity and, in the case of an entity, any officer, employee or agent of the entity.

#### PLANNING BOARD

The Planning Board of the Village of Mamaroneck.

#### PROTECTED TREE OR SHRUB

Any of the following:

- A. A tree with a DBH of eight inches or more, regardless of location;
- B. A tree with a DBH of three inches or more located in a wetland or wetland adjacent area, as defined in § 192-2 of this Code;
- C. A tree with a DBH of three inches or more located on a steep slope;
- D. A tree designated as protected on a site development plan or tree preservation plan approved by the Planning Board;
- E. A significant tree or shrub; or
- F. A tree with a DBH of three inches or more designated by the New York State Department of Environmental Conservation as a protected native plant for our region.

#### PRUNE

Cutting the leaves or branches of a tree or shrub in order to remove dead or diseased foliage or branches, control or direct growth, increase quality or yield of flowers or fruit or ensure the growth position of the main branches to enhance structural strength and safety of the tree.

#### RIGHT-OF WAY

The unpaved area owned by the village, county or state adjacent to the paved surface of a village, county or state road.

#### SHRUB

A low-growing evergreen or deciduous woody plant that is naturally smaller than a tree and produces multiple stems instead of a single trunk.

#### SIGNIFICANT TREE OR SHRUB

A tree or shrub on public property designated by a certified arborist as having historic or unique value because of its unique or noteworthy characteristics or intrinsic value, including, but not limited to, its species, age, location, historical significance, ecological value, or incomparable or irreplaceable aesthetic benefit to the community or environment, such as a “Champion” tree listed on an accredited tree registry, or shown to be of comparable size to a listed tree, a tree or shrub of a rare or endangered species on federal or state lists, or specimen tree or shrub exhibiting qualities such as noteworthy leaf color or shape, peeling bark, floral display, fruit, overall form or habit, unique wildlife habitat support, or rarity. No later than August 1, 2021, the Village Manager will cause to be prepared a list of significant trees. The list will be available for public inspection in the Village Manager’s office.

#### STEEP SLOPE

Any ground area where the grade changes by one or more feet of vertical rise for each four feet of horizontal distance.

#### STREET TREE

A tree located within the Village right-of-way.

#### STUMP

The part of a tree attached to the root that remains after the trunk is cut.

#### SUBSTANTIALLY WOODED LOT

A lot greater than 4,000 square feet in area with, on average, one tree or more for every 500 square feet of lot area.

#### TREE

A living deciduous or coniferous plant with an upright perennial trunk and a definitively formed crown of foliage.

## TREE CANOPY

The spread of leaves, branches and stems of a tree.

## TREE COMMITTEE

The Tree Committee established by this chapter.

## TREE CONTRACTOR

A person or entity in the business of removing trees for a fee.

## TREE PRESERVATION PLAN

A plan of property approved by the Planning Board in conjunction with a site plan and subdivision plat showing contours of the entire plot at intervals of not more than two feet and the location, species, DBH and condition of all trees eight inches DBH or greater, identifying all trees to be removed and all trees to remain and detailing the methods and practices to be used to provide protection from injury during construction for all trees that will remain.

## TREE REMOVAL PERMIT

A permit issued under this chapter authorizing a person to remove a tree or trees.

## TREE TOPPING

The cutting back of the vertical stem (leader) and upper primary limbs (scaffold branches) of a tree.

## Article II Tree Committee

### § 318-3 Establishment of the Tree Committee.

The Tree Committee created by Local Law 1 of 1988 is continued, as follows:

- A. Composition. The Tree Committee will be comprised of seven volunteer residents of the Village of Mamaroneck appointed by the Board of Trustees.
- B. Terms of office. Members of the Tree Committee will each serve for one three-year term and may be reappointed for a second consecutive three-year term. Each member may be appointed for additional terms following a one-year hiatus at the end of each six-year rotation.
- C. Chairperson and secretary. The Board of Trustees will designate a chairperson and the Tree Committee will select a secretary from among the members of the committee.
- D. Meetings. The Tree Committee will meet at such times as it deems appropriate to accomplish its purposes. All meetings will be convened and conducted in accordance with the requirements of the Open Meetings Law.

### § 318-4 Duties and Responsibilities.

The Tree Committee must:

- (1) 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;
- (2) Follow, revise and update Village of Mamaroneck's Tree Management Plan as needed;
- (3) Make recommendations to the Board of Trustees regarding (a) the preservation and

replenishing of trees, woods and landscaping so as to minimize undesirable environmental impacts and further beautify the Village in furtherance of the health, safety and welfare of present and future Village residents; (b) propose shade tree planting, landscaping and other beautification projects to be performed by the Village throughout its various rights-of-way and Village-owned properties; and (c) such other matters as it deems appropriate for the preservation and replenishment of trees throughout the Village;

- (4) Develop and recommend a policy for replanting and restoration agreements;
- (5) Review and document violation conditions in its annual report;
- (6) Provide education for Village residents about tree preservation, tree risk assessment, appropriate tree choices for given site conditions and any other aspects of tree stewardship;
- (7) Advise Village boards, committees or departments on tree-related matters;
- (8) Review site development plans and environmental impact statements upon request by the Planning Board;
- (9) Consult with the Village Engineer regarding utility vegetation management and street tree issues;
- (10) Develop, maintain and file with the Village a list of species of trees which the Tree Committee recommends as suitable for planting in the Village of Mamaroneck; and
- (11) Review any proposal by the Village Manager or the Village Manager's designee to remove a tree on public property.

### Article III Trees on public property

#### § 318-5 Protecting trees on public property.

- A. No person, including a person employed by or acting on behalf of a public utility, may
  - (1) 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;
  - (2) Attach a sign or poster to a tree on public property;
  - (3) Injure or destroy any tree on public property;
  - (4) Prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated a tree on public property, except at the direction or with the approval of the Village Manager or the Village Manager's designee and in accordance with ANSI A300 Standards;
  - (5) Climb a tree on public property with the aid of spurs;
  - (6) Pass any public service utility wire through the branches of a tree on public property without sufficient insulation to prevent damage to the tree;
  - (7) Attach a guy wire to a tree on public property in such a manner as to girdle or restrict the growth of the tree; or
  - (8) Attach a guy wire or cable to a tree on public property except by means of a lag hook screwed into the trunk or an eyebolt passing through the trunk.
- B. No person, including any person or entity engaged by any person to treat any tree on public

property, may treat a tree on public property without the permission of the Village Manager or the Village Manager's designee.

- C. Any person who removes a tree on public property or causes a tree on public property to be removed, must, within six months after doing so, remove the stump and all debris from the disturbed area, backfill all holes and leave the area graded and covered in a manner acceptable to the Village Manager or the Village Manager's designee.
- D. The Village Manager or the Village Manager's designee may
  - (1) cause trees on public property to be fertilized, pruned and sprayed;
  - (2) cause trees on public property to be removed after consultation with the Tree Committee; and
  - (3) take other measures the Village Manager or the Village Manager's designee deems necessary to control and prevent the spread of insects or disease to trees.

#### § 318-6 Planting trees on public property.

No person may plant a tree on public property without a permit granted by the Village Manager or the Village Manager's designee.

- A. All trees on public property must be planted in accordance with ANSI A300 Standards and such other requirements as may be determined by the Village Manager or the Village Manager's designee in consultation with the Tree Committee, except as may be modified by the Village Manager or the Village Manager's designee where the particular circumstances of the planting so require.
- B. The Village Manager or the Village Manager's designee may accept monetary donations for the planting of non-invasive trees on the list of suggested street tree species established by the Tree Committee to be planted on municipal property or right-of-way, in accordance with the requirements of this section. The Tree Committee may not authorize the planting of trees that are not on the list of suggested street tree species.

### Article IV Trees on Private Property

#### § 318-7 Maintenance of trees on private property.

- A. Every owner of private property on which any tree, shrub or other planting is located must, at the property owner's expense:
  - (1) prune the branches of any tree, shrub or other plant on the owner's property obstructing or overhanging any right-of-way within the Village so that the branches do not obstruct the clear space between the surface of the street or sidewalk and eight feet above the surface of the street or sidewalk, obstruct the light from any street lamp, obstruct the view of any street intersection or any traffic control device or interfere with utilities; and
  - (2) remove, when directed by the Village Manager or the Village Manager's designee, any dangerous tree located on the owner's property.
- B. If the property owner fails to satisfy the property owner's responsibility under subsection A of this section, the Village Manager or the Village Manager's designee may:
  - (1) cause the tree, shrub or other planting to be pruned, without notice to the property owner, at the property owner's expense; or
  - (2) direct the owner of the property to remove or prune the tree, shrub or other planting so

that it complies with the requirements of this section.

- C. If the property owner fails to comply with the direction of the Village Manager or the Village Manager's designee within 30 days after the date on which that direction is given, the Village Manager or the Village Manager's designee may cause the tree, shrub or other planting to be removed or trimmed or the dangerous tree to be removed and charge the cost of doing so to the property owner. If the property owner does not pay that cost within 30 days of the date on which notice of the cost is served on the property owner, the property owner must pay a penalty of five percent of the amount due. The property owner must pay a further penalty of one percent of the amount due for each succeeding month or any portion of the month during which the charge is not paid. The Village Clerk/Treasurer will cause any charges and penalties under this section that remain unpaid for 60 days to be added to the Village tax bill for the property on the next succeeding tax roll. Unpaid charges and penalties are a lien on the real property so affected.
- D. Village right to enter private property. When a complaint is filed that a dangerous tree exists on private property, the Village Manager or the Village Manager's designee, upon determining that there is reasonable cause to believe that the tree is dangerous, may enter upon private property to determine if the tree is a dangerous tree and to treat or remove the tree.
- E. Construction damage. Any tree damaged or removed without permission during construction or the development of any property must be replaced in kind. Where it is not possible to replace an existing tree in kind due to its size or maturity, the tree must be replaced by multiple trees collectively equal in size to the tree that was damaged. Minor tree damage must be repaired in accordance with ANSI A300 Standards.
- F. The Board of Trustees may authorize the planting of a tree on private property at the expense of the Village upon obtaining the consent of the property owner and determining that the planting of the tree will serve the purposes and provide the benefits of trees identified in this chapter. The property owner must execute an agreement, acceptable in form to the Village Attorney, acknowledging that the tree, once planted, is the responsibility of the property owner.

#### §318-8 Removal of trees on private property.

- A. Prohibitions. No person may, without a permit issued by the Building Inspector, either purposely or negligently, engage in clear-cutting or injure any protected tree on private property.
- B. Removal of protected trees in accordance with a permit issued by the Building Inspector. The Building Inspector may grant a permit to remove a protected tree on private property, to the extent necessary, if:
  - (1) the protected tree is within a distance of 10 feet around the perimeter of a building or structure; or
  - (2) the Village Manager, the Village Manager's designee, or a certified arborist chosen by the Village Manager or the Village Manager's designee and paid for by the property owner, determines that the tree is dead or so substantially diseased that it constitutes a potential danger to life and property, or harbors insects or diseases which constitute a potential threat to other trees within the Village; or
  - (3) the protected tree interferes with a permitted use of the property and/or is specifically identified for removal in an approved wetland permit, special use permit, subdivision plat, site plan or landscape plan; or

- (4) the location of the protected tree prevents compliance with state, county or local laws or regulations for visual obstructions, sight lines, driveways or intersections.
- C. The Building Inspector may not grant a permit to remove a protected tree on private property if:
- (1) the property owner seeks a permit to remove more than three protected trees;
  - (2) the property owner has removed more than three protected trees from the property during the preceding 36 months; or
  - (3) more than two trees have been removed from any wetland area on the property during the preceding 24 months by the property owner or any prior owner.
- D. No permit is required for the removal of a tree or trees in accordance with a tree preservation plan approved by the Planning Board.
- E. No tree may be removed while an application for site development plan approval or subdivision plat approval for the property on which the tree is located is pending before the Planning Board.
- F. Permit procedure.
- (1) Application for permit. An application for a permit under this section must be made in writing on the form prescribed by the Building Inspector.
  - (2) Fee. The fee for the application will be as set forth in § A347-1 of this Code and must be paid at the time the application is submitted.
  - (3) Action on tree removal permit application. The Building Inspector will either approve or deny the application within 21 days from the date on which a completed application is submitted, except that the Building Inspector may not grant an application made in connection with construction which requires a building permit until the building permit is issued.
- G. Conditions. In granting a permit under this section:
- (1) the Building Inspector must require, as a condition of the tree removal permit, that:
    - (a) the applicant replace each tree that is removed with a non-invasive tree species of a similar mature height and of a size determined in accordance with the following schedule:
 

DBH of tree removed (inches)	Replanting requirement
Under 8	No replanting necessary
8 to 12	One two-inch to 2 and 1/2 inch DBH tree
13 to 25	Two two-inch to 2 and 1/2 inch DBH trees
26 to 40	Three two-inch to 2 and 1/2 inch DBH trees
41 or greater	Four two-inch to 2 and 1/2 inch DBH trees
    - (b) for three or more tree replacements within five years, the property owner must submit to the Building Inspector a plan identifying the proper location for each replacement tree; and
  - (2) the Building Inspector may require, where extensive tree cutting is planned, that the

applicant pay the cost of a certified arborist assigned by the Building Inspector to supervise the tree removal and ensure the protection of the existing trees.

- H. Any applicant who has been denied a tree removal permit may appeal to the Village Manager or the Village Manager's designee. The appeal must be submitted in writing to the Village Manager or the Village Manager's designee within 30 days of the determination. In determining an appeal, the Village Manager or the Village Manager's designee may consult a certified arborist selected by the Village Manager or the Village Manager's designee and paid for by the property owner.
- I. All tree planting and associated restoration work must be substantially completed within twelve months from the date the permit is issued, unless the permit is extended by the Building Inspector, in the Building Inspector's reasonable discretion. The Building Inspector may revoke any permit if the work is not proceeding according to permit.
- J. Emergency Removals. If the Village Manager or the Village Manager's designee determines that a tree is hazardous to life or property, the Village Manager or the Village Manager's designee may grant a permit for the immediate removal of the tree without following the procedures or requirements otherwise required by this section, but no tree 18 DBH or greater may be removed on an emergency basis by reason of disease without submitting to the Building Inspector a detailed report by a certified arborist justifying the removal. Removal of any tree is permitted by any person when there is an actual or ongoing emergency condition threatening life or property, the immediate removal of a tree is necessary for the protection and preservation of life or property and there is no time to wait for granting of a tree removal permit. Within three business days of removal, documented evidence such as photographs, along with a completed tree removal application, must be submitted to the Village Manager or the Village Manager's designee setting forth the nature and extent of the immediate threat. Failure to submit the required documentation within three business days is a violation of this chapter.
- K. Certificate of occupancy. If a permit to remove a tree is issued in connection with construction that requires a building permit, the Building Inspector may not issue a certificate of occupancy until all tree planting and associated restoration work is completed to the satisfaction of the Building Inspector.

## Article V Enforcement

§ 318-9 Enforcement; penalties for offense.

- A. The Building Inspector will enforce this chapter in the same manner as the Building Inspector enforces the Uniform Code under § 126-15.
- B. Any property owner removing a tree without a permit or otherwise violating any provision of this chapter is guilty of a violation and is subject to a fine of not less than \$1,050 or more than \$5,000 for the removal of one or two trees and not less than \$1,500 or more than \$7,500 for each additional tree removed.
- C. Any person violating any provision of this chapter other than the provision prohibiting the removal of a tree without a permit is guilty of a violation and is subject to a fine of not more than \$250.
- D. The Village Clerk-Treasurer will hold any fine recovered under this section in a Tree Preservation Fund, to be used solely for the purpose of preserving trees, minimizing damage to and removal of trees and increasing the tree canopy of the Village of Mamaroneck.
- E. In addition to any fine which may be imposed under this section, any property owner removing

a tree without a permit must replace the tree in accordance with § 318-8.

- F. Immediately upon the issuance of a notice of violation of any provision of this chapter, work under any building permit, demolition permit, or excavation permit previously issued to the alleged violator is suspended, and no building permit, demolition permit, excavation permit or certificate of occupancy, may be issued with respect to the property, until the notice of violation is withdrawn, dismissed or adjudicated.

*Section 3.*

Section 342-16(B) of the Code of the Village of Mamaroneck is amended by adding subsection (6), as follows:

- (6) To preserve the existing trees on the property and to require that, wherever possible, trees that are removed are replaced.

*Section 4.*

Section 342-16(C) of the Code of the Village of Mamaroneck is amended by adding subsection (4), as follows:

- (4) Trees that do not have to be removed to facilitate the permissible development of the property may not be removed. Trees that are removed must be replaced in accordance with the requirements of chapter 318 of this Code.

*Section 5.*

Section 342-75(D) of the Code of the Village of Mamaroneck is amended as follows:

- D. Any amendment of a previously approved site development plan or the tree preservation plan associated with that site development plan.

*Section 6.*

Section 342-76(B) of the Code of the Village of Mamaroneck is amended as follows:

Landscape. The landscape must be preserved in its natural state minimizing tree and soil removal. Any grade changes must be consistent with the neighboring developed areas. Trees that do not have to be removed to facilitate the permissible development of the property may not be removed. Trees that are removed must be replaced in accordance with the requirements of chapter 318 of this Code.

*Section 7.*

Section 342-79 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-79. Planning Board action.

The Planning Board must review the site development plan and act on the application within 62 days from and after the time of submission of the complete application. As early as reasonably possible in the review process, the Planning Board may, at its discretion, refer the applicant's tree preservation plan to the Tree Committee for review and comment. The Board must comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. In reviewing the site development plan, the Planning Board must take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents

of the immediate neighborhood in particular and must set any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and according to the general criteria and standards defined in § 342-76.

*Section 8.*

Section A347-1 of the Code of the Village of Mamaroneck is amended by adding the following fee:

Chapter 318, Trees.

Application for a permit to remove a tree on private property. \$25.

*Section 9.*

Section A348-11 of the Code of the Village of Mamaroneck is amended by adding subsection I, as follows:

- I. The subdivision must be designed in a manner that avoids the removal of trees that do not have to be removed to facilitate the permissible development of the property.

*Section 10.*

Section A348-12 of the Code of the Village of Mamaroneck is amended by adding subsection C, as follows:

- C. The preliminary plat must be accompanied by a tree preservation plan consistent with the requirements of this chapter. The Planning Board must include in the resolution approving the final plat a condition requiring compliance with the approved tree preservation plan before a certificate of occupancy may be granted.

*Section 11.*

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

*Section 12.*

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

*Section 13.*

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.