

Inc. Village of Laurel Hollow

**Procedure for Tree Removal
Pursuant to Chapter 125 of the Village Code**

- A permit from the Village is required in order to remove any protected tree or mountain laurel (permit application available at Village Hall or on the Village Website). A protected tree has a caliper of 7 inches or more or a circumference of 22 inches at a height 3 feet above the ground. See §125-2 of the Village Code for more information.
- A homeowner is automatically entitled to a permit to remove up to a total of five (5) protected trees and/or mountain laurel during a four (4) year period as long as the trees/laurel are not located in a required front, side or rear yard setback, sloped area or on the “Big Tree List” of rare specimen trees.
- Any application for a permit to remove more than five (5) protected trees and/or mountain laurel during a four (4) year period (including if the removal is in connection with construction) must be presented to the Planning Board for consideration and determination (see attached rules and regulations regarding such applications).
- No permit is required for maintenance of protected trees and mountain laurel in accordance with accepted arboricultural standards and practices. See §125-2 of the Village Code for more information.
- No permit is required to remove a dead tree. Photographic evidence demonstrating that the tree(s) is/are dead must be furnished to the Village Clerk prior to removal.
- Contact Village Hall at (516) 692-8826 with any questions.

§125-1. Findings; purpose.

- A. The Board of Trustees of the Village of Laurel Hollow hereby finds that there is a direct relationship between the preservation and planting of trees, laurel, shrubs and associated vegetation in sufficient number in the Village and the health, safety and welfare of Village residents and that trees, laurel, shrubs and associated vegetation are related to the natural, scenic and aesthetic values and the physical and visual qualities of the environment which the Village is obligated to protect. Trees and such vegetation reduce noise, provide welcome shade to Village residents, preserve the balance of oxygen in the air by removing carbon dioxide and fostering air quality and create a bucolic and rural atmosphere in the Village, especially along the roads. Trees and such vegetation also stabilize the soil and control water pollution by preventing soil erosion and flooding, yield advantageous climatic effects and provide a natural habitat for wildlife.
- B. The indiscriminate destruction and removal of trees, laurel, shrubs and related vegetation disrupts the ecological balance in nature and causes increased Village costs for proper drainage control, impairs the benefits of occupancy of existing residential properties and impairs the stability and value of both improved and unimproved real property in the area of the destruction and adversely affects the health, safety and general welfare of the residents of the Village of Laurel Hollow.

§125-2. Definitions.

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

ACCEPTED ARBORICULTURAL STANDARDS

Pruning standards approved in the publication "Pruning Standards" published by the International Society of Arboriculture, as the same now exists and as may be revised from time to time.

APPLICANT

The owner, contract-vendee or lessee of real property or its duly authorized agent seeking a permit to substantially alter, destroy or remove protected trees, laurel, shrubs and associated vegetation within the boundaries of such property pursuant to the provisions of this chapter.

DESTROY

Includes, but without limitation: poisoning; ringing the tree; excessive peeling of bark; damaging, compacting or overburdening the roots; using herbicides or fire; or excessive pruning or cutting in such manner as to bring about the ultimate death of such tree, laurel, shrubs and associated vegetation.

OTHER PROTECTED VEGETATION

All mountain laurel.

PERSON

Includes any individual, firm, partnership, association, corporation, company, public agency, public utility or organization of any kind and its successor or agent thereof.

SHRUBS

Shall include plants with several permanent woody stems dividing from the bottom.

SPECIMEN TREE

Any tree that has been individually designated by the Planning Board to be notable by virtue of its outstanding size and quality for its particular species.

SUBSTANTIALLY ALTER

Any intentional action that diminishes the health and vigor of a tree, shrub or other protected vegetation. "Substantially Alter" includes, but is not limited to, any tree topping, excessive or improper cutting or pruning of trees, shrubs or other protected vegetation including grade changes around or near a tree, excessive irrigation of a tree, and trenching in the root zone of a tree. "Substantially Alter" does not include periodic trimming, shaping, thinning or pruning of a tree or shrub to preserve or protect its health, growth or appearance, in accordance with accepted arboricultural standards and practices.

TREE TOPPING

The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

PROTECTED TREE

A living woody perennial plant being either deciduous or evergreen, its root system and environment within the area defined as the outermost limit of its branches, which is seven inches or more by caliper or 22 inches in circumference at a height of three feet about the ground. This definition shall, however, include mountain laurel of any size.

VILLAGE

The Village of Laurel Hollow.

§125-3. Permit required; exception.

- A. It shall be unlawful for any person, including, but not limited to, a property owner, contractor, tree removal service or other entity/individual, to remove, cut down, destroy or substantially alter any protected tree or other protected vegetation in the Village, or remove, cut down, destroy or substantially alter any tree, shrub, or other protected vegetation regardless of size, in the Village which is located on a steep slope, very steep slope, severely steep slope or bluff, or any tree, shrub or other protected vegetation within a freshwater wetland, or any tree, shrub or other protected vegetation in a Village-owned park or nature preserve, or within any public right-of-way, or any rare or endangered species of trees or shrubs as listed by any governmental agency of New York State or the United States, or any large or outstanding specimen or smaller species, or any historic tree, or tree on New York State's "Big Tree List," or any tree within a critical environmental area of the Village, unless a permit has been obtained pursuant to this chapter.
- B. Nothing in this chapter shall be construed to prohibit the alteration of the habit of any trees made in accordance with accepted arboricultural standards and practices.
- C. Except as otherwise provided herein, a permit shall not be required to cut or remove a tree(s) that do not meet the criteria to be considered a protected tree as defined above.
- D. This chapter shall not apply to the Village, or in an emergency situation or for the normal tree trimming and cutting by a utility company to maintain utility lines or cables. In the case of an emergency, photographic evidence of the emergency condition must be sent to the Village Clerk prior to any removal, if practicable. If not practicable, then such photographic evidence must be submitted as soon as possible thereafter. Emergency shall be defined as creating an imminent danger to person or property.

§125-4. Administration.

This chapter shall be administered by the Planning Board except for applications with respect to property located within the Residence/Institutional District of the Village. Such applications will be administered by the Board of Trustees in accordance with the provisions of this Chapter.

- A. The Planning Board may adopt rules and regulations for efficiently discharging its responsibility under this chapter, may create subcommittees or designate individual members to act on its behalf and may, in its discretion, require a public hearing in connection with any application made hereunder. In the event a public hearing is required, the applicant must adhere to the notice requirements set forth in §145-12(C)(4) of the Village Code and provide to the Village a deposit for stenographic fees as required for other hearings held by the Planning Board and hearings held by the Board of Zoning Appeals.
- B. The Planning Board, in making a determination concerning removal or substantial alteration of protected trees, laurel or shrubs, may obtain the services of a professional arborist regarding the advisability of such removal or substantial alteration. The cost of such professional evaluation shall, in all cases, be borne by the applicant.
- C. The Planning Board, in making a determination concerning removal or substantial alteration of protected trees, laurel or shrubs may approve, deny or modify the request for such removal or substantial alteration and may issue conditions upon any such approval including, but not limited to, replacement of protected trees, laurel or shrubs as set forth herein.

§125-5. Application for permit; criteria for issuance of permit.

- A. The application shall be made in such form as may be prescribed by the Planning Board, or its designee, and shall include, but not be limited to, the following:
 - (1) The name and address of the applicant and the owner of the real property.
 - (2) Written consent of the owner or owners of the real property if the applicant is not the owner.
 - (3) Location of the property, including a street number and address and Tax Map designation.
 - (4) Purpose of proposed protected tree removal or alteration.
 - (5) Site of proposed protected tree removal or alteration.

- B. A sketch or plan of the property indicating some or all of the following may be required by the Planning Board when deemed necessary to carry out the provisions of this chapter:
- (1) An outline of existing heavily wooded areas on the site, showing the tree type and range of sizes.
 - (2) Property boundary lines and required setback lines as set forth in Chapter 145 of the Village Code ("Zoning") within 100' of any trees, shrubs or other protected vegetation proposed to be removed.
 - (3) The location of any existing and proposed improvements and structures on the real property.
 - (4) Any proposed grade changes that might adversely affect or endanger any protected trees on the site and specifications of how to maintain them.
 - (5) Designation of all diseased, dead or damaged trees.
 - (6) Location of all protected trees and identification of size and species and identification of the protected trees to be removed and the protected trees to be maintained.
 - (7) The size, species and planting method of all proposed replacement trees.
 - (8) Any additional information that the Planning Board may reasonably deem necessary for evaluation of the application.
- C. The decision of the Planning Board or its designee shall be based upon the following criteria:
- (1) The condition of the protected trees or other protected vegetation with respect to disease and danger of falling, proximity to existing or proposed structures and interference with utility services.
 - (2) The necessity of the removal, destruction or alteration of the protected tree or other protected vegetation in question.
 - (3) The effect of the removal, destruction or alteration on ecological systems.
 - (4) The intended impact at the proposed site of the removal, destruction or alteration with respect to existing vegetation and landscape management practices.
 - (5) The impact of any removal, destruction or alteration upon existing screening of any neighboring property or properties and/or any road or highway bordering the property.
- D. In the event that any protected trees, or other protected vegetation are to be removed, cut or substantially altered as a consequence of any construction, whether an addition, expansion or new structure, the Building Inspector shall require a removal or alteration plan showing the location of the protected trees, laurel or other protected vegetation to be removed. No cutting, removal or alteration in connection with construction shall be permitted until the plan is approved by the Planning Board or its designee. The existing indigenous and naturalized tree canopy shall remain in its natural state on all lots and parcels to the maximum extent possible in conformity with the goals and purposes of this chapter.
- E. In the event that any protected trees or shrubs are to be removed, cut destroyed or substantially altered as a consequence of any proposed subdivision or partitioning of real property and the potential development thereof, simultaneously with the submission of any application to the Planning Board, in addition to the required maps which must show a suitable dwelling sited on each proposed new lot, as well as access to said dwelling, the applicant shall also submit a tree survey prepared by a licensed land surveyor showing the location of all protected trees and stands of mountain laurel to be affected by each siting and access, the size of such protected trees and the type or species thereof, including those protected trees that might be affected not only by the construction but by any associated grading, in order that the Planning Board may consider all this when it inspects the site to determine if any protected trees or laurel can be saved by the applicant or warrant special protection pursuant to the guidelines of §125-3A.
- F. In the event that any protected trees are to be removed, cut, destroyed or substantially altered as a consequence of any application to the Board of Zoning Appeals, then, simultaneously with the submission of an application to said Board, the applicant shall also submit to the Planning Board an application provided for in this chapter and a sketch or plan as provided hereinabove. The Planning Board shall review the application and submit its written recommendations to the Board of Zoning Appeals concerning the application.

- G. Notwithstanding any provisions to the contrary herein, an applicant shall have the absolute right to obtain a permit to remove no more than five (5) protected trees and/or five (5) laurel within a four (4) year period. Such permit shall be issued upon completion of the application set forth in subsection A above. In the event an applicant seeks to obtain a permit to remove more than five (5) protected trees and/or more than five (5) laurel during a four (4) year period, the applicant must adhere to all applicable provisions and processes set forth herein. However, such permission as set forth in the preceding sentence shall not authorize removal of any tree, shrub or other protected vegetation located within any required front, side or rear yard setback, on a steep slope, very steep slope, severely steep slope or bluff, or any tree, shrub or other protected vegetation within a freshwater wetland, or any tree, shrub or other protected vegetation in a Village-owned park or nature preserve, or within any public right-of-way, or any rare or endangered species of trees or shrubs as listed by any governmental agency of New York State or the United States, or any large or outstanding specimen or smaller species, or any historic tree, or tree on New York State's "Big Tree List," or any tree within a critical environmental area of the Village. Applications for removal of all such trees, shrubs or other protected vegetation shall be issued only after adherence to all applicable provisions and processes set forth herein.
- H. A permit issued under this Chapter shall have a duration of ninety (90) days unless such permit is issued in conjunction with a Building Permit for construction of an addition, expansion or new structure. In such case, the permit issued hereunder shall have the same duration as such Building Permit.

§125-6. Replacement

- A. The Planning Board or its designee, as applicable, may require the planting of the same species or an agreed-upon alternate species of specimen or nonspecimen trees which are as nearly comparable in type and size as practical to the specimen or nonspecimen protected trees to be removed, destroyed or affected by the alteration, when the individual character of the specimen or nonspecimen trees or the ecological setting requires special consideration, as a condition for the issuance of a permit for removal, destruction or alteration. The location for planting of the replacement specimen or nonspecimen trees shall be specified prior to issuance of the permit for removal.
- B. Any proposed change in landscaping that involves the removal of protected trees and/or other protected vegetation in excess of that authorized by §125-5(G) herein must be accompanied by a landscape plan, submitted by a certified landscape architect with seal and signature, showing the caliper of protected trees and/or other protected vegetation to be removed and a list of replacement trees.

§125-7. Appeals.

- A. Any person aggrieved by any act or determination of the Planning Board or its designee in the exercise of the authority herein granted shall have the right to appeal to the Board of Trustees, the decision of which shall be final and conclusive.
- B. All appeals shall be in writing, stating the decision appealed from and reasons for the appeal.

§125-8. Penalties for offenses.

- A. Each tree protected tree or other protected vegetation removed, cut down, destroyed or substantially altered in violation of this chapter shall be a separate violation.
- B. The Planning Board's designee and/or the Building Inspector shall stop all tree work and/or construction activity on any premises where a violation of this chapter has occurred, and the Building Inspector shall be prohibited from issuing any certificate of occupancy or additional permits for construction at the property or permitting work to resume unless and until there has been complete compliance with the provisions of this chapter.
- C. Any person committing an offense against any provision of this chapter, or any rule, regulation of specification promulgated hereunder shall, upon conviction, be punishable by a maximum fine of \$5000 or imprisonment for a term not exceeding 15 days, or both for each such violation. Further, minimum fines shall be imposed as follows: \$500.00 per tree, protected tree and/or other protected vegetation removed up to three (3) such tree, protected trees and/or other protected vegetation and \$1000 per tree, protected tree and/or other protected vegetation in the event more than three (3) trees, protected trees and/or other protected vegetation are removed. In addition, the minimum fine in connection with removal of a Specimen Tree or protected tree located within a required setback as set forth in Chapter 145 of the Village Code ("Zoning") shall be \$2500. In addition, such person shall be required to replace, in kind, each and every tree, protected tree or other protected vegetation removed, cut down or destroyed. In the event a protected tree was so large and mature that it cannot be replaced, the court, upon the recommendation of the Planning Board, may require the planting of multiple trees.

§125-9. Enforcement; presumptions.

- A. The Village Building Inspector, the Code Enforcement Officer, or an authorized peace officer, are hereby vested with the authority to enforce the provisions of this chapter.
- B. It is a rebuttable presumption, for the purpose of enforcing this chapter, that the owner or occupant on whose land any protected tree or other protected vegetation has been removed, cut down, destroyed or substantially altered without the necessary permit is the person responsible for performing or permitting the act complained of.

§125-10. Repair or removal of dangerous trees.

Every owner, lessee, tenant, occupant or other person having possession or charge of any land, parcel or lot in the Incorporated Village of Laurel Hollow shall maintain all trees on such land, parcel or lot in such condition that they do not constitute a hazard and/or danger to the traveling public or to the streets, the public right-of-way or underground or aboveground improvements in the streets or public right-of-way. In the event such a hazardous and/or dangerous condition shall exist, a notice shall be served upon the owner, lessee, tenant, occupant and/or other person having possession or charge of the land, parcel or lot upon which such condition exists, requiring that such condition be corrected within 10 days after receipt of such notice and, in case of the failure of the owner, lessee, tenant, occupant and/or other person having possession or charge of the land, parcel or lot to comply with such notice within said ten-day period, said condition may be corrected by the Incorporated Village of Laurel Hollow at the expense and charge of such owner, lessee, tenant, occupant or other person having possession or charge of the land, parcel or lot, such expense to be certified by the Board of Trustees and shall constitute a lien and charge on the real property on which it is levied until it is paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes, and if the owner of said property is a nonresident, a notice to so correct said condition mailed to such owner, addressed to his/her last known address, shall be sufficient service thereof.

RULES AND REGULATIONS FOR ISSUANCE OF TREE REMOVAL PERMITS

(adopted by the Planning Board 11/22/2016)

The following rules and regulations are hereby established regarding applications for and issuance of permits regarding removal of trees as set forth in Chapter 125 of the Village of Laurel Hollow as authorized by Code Section 125-4(A):

- (1) All applications for permits submitted to the Village pursuant to Village Code Sections 125-5 shall contain the following items in addition to those set forth in Section 125-5(B):
 - (a) all trees to be removed shall be flagged; and,
 - (b) photographs of trees to be removed which clearly show the flags attached as required by (a) above or a tree survey as described in 2(a) below.
- (2) For applications other than those pursuant to which an applicant has an absolute right to issuance of a permit pursuant to Section 125-5(B) of the Village Code, the following must also be submitted;
 - (a) a tree survey depicting all trees within a 10 foot radius of each tree to be removed. However, at the discretion of the Planning Board, a tree survey of the entire property under application, including property boundaries and setbacks, may be required;
 - (b) a report prepared by a professional arborist or landscape architect selected by the Planning Board which addresses the criteria for permit issuance set forth in Village Code Section 125-5(C). The expense associated with such report will be borne by the applicant;
 - (c) if trees to be removed are located on Sloped Land as defined in Section 145-2 of the Village Code, a topographic survey/slope survey may be required in the discretion of the Planning Board; and,
 - (d) a statement on the tree survey identifying whether any trees to be removed are Specimen Trees and/or listed in the New York State Big Tree Register and, if so, such trees shall be labeled accordingly, on the tree survey. If no such trees are to be removed, a statement must be set forth on the tree survey to that effect.
- (3) The permittee shall notify the Village that the work has been completed within 30 days of completion of said work.
- (4) The Planning Board may, in its discretion, require an inspection of the tree removal work performed pursuant to any permit issued hereunder.

RELEASE OF LIABILITY

In the event that the Planning Board requires a report from a professional arborist pursuant to Section 125-4(B) of the Village Code in connection with an application for removal or substantial alteration of protected trees, such report will be prepared solely to provide the Planning Board with information to assist in rendering a determination on the application.

The applicant hereunder, its agent, assigns and heirs hereby releases and holds harmless the professional arborist issuing such report in connection with any claims they have or may have in connection with such report.

(Applicant)

Sworn to before me the ___ day
_____ 20__.

(seal)

Notary Public