



# **CRRNKECVKOP 'HOT'VTGG'TGO QXCN'RGTO KV''**

## **For activities in accordance to Village Code—Chapter 281**

*As per Village Code § 281-3, a property owner may remove a tree on nonpublic property as of right, provided that:*

- *The tree is removed under an actual or ongoing emergency when such tree removal is necessary for the protection and preservation of life or property, including adjoining parcels. The property owner shall give notice of said removal to the Village Engineer as soon as practical.*
- *The tree is an invasive species as defined.*
- *Two trees on each property greater than 6 inches DBH and less than 24 inches DBH may be removed within a 12-month period. Prior to removal, a written notification of removal shall be delivered to the Village Engineer.*

Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Application Date: \_\_\_\_\_

**Rtqr gtv' Oy pgt:** Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

*For activities that include proposed removal of tree(s) that straddle a property line, the signature from the adjacent/affected property owner acknowledging the application for tree removal(s) shall be included below.*

**Cflcegpv' IChgewf' Rtqr gtv' Oy pgt** Signature < \_\_\_\_\_ Date \_\_\_\_\_

Address: \_\_\_\_\_

**KUC' Ctdqthk <** Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Vtgg' Egpvt cewqt <** Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Description of Project: \_\_\_\_\_

Any land use board determinations in the past 4 years? Yes / "No" F cte of Determination: \_\_\_\_\_

Is the proposed tree removal activity located within a freshwater wetland controlled area? Yes / "No"

\*\* For each tree greater than 24 inches DBH, one replacement tree of 3 inch caliper size must be planted on the property. For every 24 inches of aggregate DBH removed above 120 inches but less than 240 inches, two (2) replacement trees of 3 inch caliper size must be planted on the property. For every 24 inches of aggregate DBH removed above 240, three (3) replacement trees of 3 inch caliper size must be planted on the property.

Replacement trees shall be native to the northeast United States, of a genus and species expected to grow to maturity at a similar size to the removed tree. Trees known to be invasive species are excluded for use as replacement trees. Replacement trees shall be selected by the property owner from the Village's list of recommended native trees. If the planting replacement trees on the property is not feasible, a donation to the Village of Scarsdale Tree Preservation Fund will be required.

**This section to be completed by Engineering Department**

**PERMIT #:** \_\_\_\_\_

Total Number of Trees to be Removed: \_\_\_\_\_ Total Number of Replacement Trees: \_\_\_\_\_

Permit Fee: \_\_\_\_\_ Permit Deposit: \_\_\_\_\_ Replacement Deposit: \_\_\_\_\_ Tree Fund Donation: \_\_\_\_\_

**APPROVED BY:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Approved**

**Approved with Stipulations**







## **XKNCI G'EQFG''**

### **Tree removal activities in accordance to Village Code Chapter 281**

**Section 281-1 of the Village Code** states that the preservation and maintenance of trees is necessary to protect the health, safety, environment, ecosystems and general welfare of the inhabitants of the Village of Scarsdale. Trees provide necessary shade and aesthetic appeal, enhance green space, improve air quality, reduce energy use and atmospheric carbon dioxide, provide and promote habitat for wildlife, impede soil erosion, aid water absorption and provide other environmental benefits and generally enhance the quality of life within the Village.

#### **Section 281-2. Key Definitions.**

**DBH** – The diameter of a tree trunk measured at 54 inches above the ground on the uphill side.

**DISEASED TREE** - A tree not capable of being cured by a tree expert and capable of infestation of the disease to other trees and plant life.

**EMERGENCY** - A serious situation or occurrence that happens unexpectedly and demands immediate action.

**INVASIVE SPECIES** - A nonnative species that adversely affects the habitats it invades economically, environmentally or ecologically and is listed as a prohibited species in the Prohibited and Regulated Invasive Species plant list of the New York State Department of Environmental Conservation.

**HAZARDOUS TREE** – Any tree which meets two criteria: (1) a defect which will likely result in a failure, as determined in accordance with the ISA (International Society of Arboriculture) Risk Assessment Manual, and (2) the existence of a target; including structures, objects, power lines, or people that would suffer personal injury or property damage if said tree failed.

**HERITAGE TREE** – A tree designated by the Village with the consent of the owner upon finding that the tree is unique and/or of importance to the community as set forth in §281-6.

**PROTECTED TREE** – A tree designated as protected in accordance with the Protected Tree List maintained by the Village, including but not limited to, those trees listed in the Endangered Native Plants list of the New York State Department of Environmental Conservation as amended from time to time. The listing of trees so designated shall be maintained by the Engineering Department.

**REPLACEMENT TREES** – Any tree planted under the provisions of this chapter or required by a decision of a land use board. Replacement trees shall not be an invasive species or smaller than three inches in diameter at the time of planting, unless specifically approved as part of a tree replacement plan.

**TREE EXPERT** – An ISA-certified arborist, landscape architect or other professional certified by a recognized program of higher education or governmental agency as a tree expert.

**TREE PRESERVATION FUND** – A fund established by the Village of Scarsdale to receive payments pursuant to this chapter, as well as voluntary donations to be used in accordance with this chapter or to augment the planting of public trees.

**TREE REMOVAL PERMIT** – Permit issued by the Village Engineer in conformance with an application submitted by an applicant and approved by the Village Engineer.

#### **Section 281-3. Activities permitted as of right on nonpublic property.**

A property owner may remove a tree(s) on nonpublic property as of right, provided the tree removal is not regulated by Chapter 171 if the Village Code as well as the following:

- A. The tree(s) to be removed are six inches DBH or less, except the following small caliper native trees and their cultivars or hybrids that are three inches or greater: Hawthorn, *Crataegus*, Crabapple, *Malus*, Redbud, *Cercis*, Mountain Ash, *Sorbus Americana*, Amelanchier (Serviceberry), *A. arborea* and *A. laevis*, Birch, *Betula*.
- B. The tree is removed under an actual or ongoing emergency when such tree removal is necessary for the protection and preservation of life or property, including adjoining parcels. The property owner shall give notice to the Village Engineer as soon as practical.
- C. The tree is an invasive species as defined herein.
- D. Two trees on each property greater than 6 inches DBH and less than 24 inches DBH may be removed in a 12 month period. Prior to removal, a written notification shall be delivered to the Village Engineer.

#### **Section 281-4. Tree removal permit.**

A. The following tree removal activity requires a tree removal permit:

1. Except for those removed pursuant to § 281-3(D), the removal of one or more trees greater than 6 inches DBH.
2. The removal of one or more small caliper native trees as identified under § 281-3(A).
3. Trees identified to be removed or protected as a result of a land use board determination.
4. Removal of replacement tree(s) six inches or less DBH that are planted as a result of a land use board determination or pursuant to § 281-11.
5. Removal of tree(s) determined to be preserved by a land use board for at least two growing seasons after the issuance of a certificate of occupancy or land use board approval.
6. Removal of one or more trees greater than six inches DBH that are dead, dying, diseased or hazardous as determined by a tree expert. These tree removals shall not be subject to a fee or the replacement requirements under § 281-5.
7. Tree removals governed by Chapter 171 if the Village Code.

#### **Section 281-5. Replacement trees**

- A. A tree removed pursuant to § 281-4(A–7), that is 24 inches DBH or greater must be replaced with a replacement tree of 3 inch caliper size. For every 24 inches of aggregate DBH removed above 120 inches but less than 240 inches, two (2) replacement trees of 3 inch caliper size must be planted on the property. For every 24 inches of aggregate DBH removed above 240, three (3) replacement trees of 3 inch caliper size must be planted on the property.
- B. The Village Engineer, as a condition of granting any tree removal permit, shall have the authority to require replacement trees of comparable size and species.