
(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF POUND RIDGE

LOCAL LAW NO. 5 OF THE YEAR 2012

Chapter 93 of the Town Code

Adopted by the Town Board of the Town of Pound Ridge by L.L. 1-1990 and amended September 6, 2012 by L.L. 5 of 2012.

§ 93-1. Findings.

A.

The Town Board finds it has been established that trees stabilize the soil and control water pollution by preventing soil erosion and flooding, reduce air pollution, provide oxygen, yield advantageous microclimatic effects, temper noise, provide a natural habitat for the wildlife of the Town and further, that unusual, large and old trees, especially protected, specimen and native species, have unique visual, aesthetic and historic values. Indiscriminate removal of trees causes deprivation of these benefits and disrupts the town's ecological systems. It is, therefore, the purpose of this chapter to prevent the indiscriminate or unnecessary destruction of trees within the Town of Pound Ridge.

B.

Since the Tree Code was adopted in 1990, environmental science has identified invasive tree species which are non-native to the local environment and dominate to the exclusion of native and naturalized trees. These invasive tree species have been identified by the New York State Office of Invasive Species (April 13, 2011.)

C.

The Town, furthermore, takes note of the findings of the New York State Environmental Quality Review Act, among them being the obligation of the Town to serve as a steward of air, water, land and living resources and the obligation to protect the environment for the use of this and further generations. It is the intent of the Town to recognize these responsibilities in part by providing these procedures as well as to preserve the public health and welfare and rural character of the community which is reflected in the woodlands of the Town of Pound Ridge.

§ 93-2. Definitions.

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

TREE

A living woody plant with an erect perennial trunk six (6) inches or more diameter at breast height (dbh) with a definitely formed crown of foliage.

CLEAR-CUTTING

The cutting of more than one half (1/2) of the existing trees in an area of one acre per parcel over the period of five (5) consecutive years.

DBH (DIAMETER AT BREAST HEIGHT)

The diameter of a tree measured at a point 4 1/2 feet above the ground measured in inches.

INVASIVE TREE SPECIES

A species of tree that is non native to New York State and whose introduction has been known to cause or is likely to cause economic or environmental harm or harm to human health.

PROTECTED TREE

Any living tree species designated by the New York State Department of Environmental Conservation as endangered, threatened, rare or vulnerable in the New York Natural Heritage Program: New York Rare Plant Status List or any living tree species designated by the Town because of its uniqueness or vulnerability in the wild as a result of environmental stress. A list of protected tree species appears in Appendix A.

SPECIMEN TREE

A living woody plant with an erect perennial trunk 24 inches or more dbh, and exclusive of invasive tree species. A list of invasive tree species appears in Appendix B.

SUBDIVIDABLE ACREAGE

Acreage that is two or more times the minimum lot size required within the applicable zoning district (i.e., two or more acres in a one-acre zone, four or more acres in a two-acre zone and six or more acres in a three-acre zone).

TREE CUTTING and TREE REMOVAL

Terms used throughout and interchangeably to mean the destruction of a living tree.

§ 93-3. Administration and Enforcement.

A.

The Town Board designates the Building Inspector to administer and enforce this Tree Ordinance.

B.

The Building Inspector shall perform the following duties:

(1)

Receive and keep accurate records of tree removal permit applications.

(2)

Inspect the trees described in each application.

(3)

Determine the disposition of the application based on the standards for granting permits described in § 93-4C.

(4)

Carry out such other duties as pertains to this Tree Ordinance as may be assigned from time to time by the Town Board.

§ 93-4. Tree Removal permit

A. **General regulations.** A tree removal permit will be required before:

(1)

Removing, cutting or causing injury to living trees 6" dbh or greater growing on slopes over fifteen percent (15%), including the ridgelines when two rising slopes meet forming a narrow hilltop.

(2)

Removing, cutting or causing injury to any specimen tree 24" dbh or greater or protected tree regardless of size anywhere on the property.

(3)

Removing, cutting or causing injury to any living trees 6" dbh or greater within 25 feet of any property line.

(4)

Removing, cutting or causing injury to living trees 6" dbh or greater growing on designated wetland setbacks (see §93- 4D (4).)

(5) Clear-cutting.

(6) On sub-dividable acreage, removing, cutting, or causing injury to living trees 12" dbh or greater anywhere on the property.

B. Exceptions. Regulated trees may be removed as may be necessary:

(1)

To maintain Town, County, state or utility right-of-way or to control forest fires by the public agency with appropriate jurisdiction. Two weeks' prior notification of tree removal and highway maintenance activities within the Town roads right-of-way should be given to the Conservation Board.

(2)

If the presence of the tree endangers the public, the person or the property of the owner or of an adjoining owner.

(3)

If the tree is dead.

C. Standards for the granting of permits. The granting of a tree removal permit by the Building Inspector shall be based on the following criteria:

(1)

The tree is diseased, is in poor physical condition or is an invasive tree species which threatens the environment.

(2) The proximity of trees to existing or proposed improvements if located:

(a)

Within "striking distance" of a foundation wall, inground swimming pool, or tennis court.

(b)

Within five feet of a sidewalk, driveway, or driveway/roadway intersection.

(c)

Within 10 feet of leaching fields, other leaching devices, dry well, septic tank or other subsurface improvement.

(3)

The effect of the removal on the ecological systems, including the erosion potential of the property.

(4)

The effect of removal on the area as determined by accepted tree management practices, such as appropriate thinning to promote proper crown development (see Appendix C), the removal of invasive tree species, and the maintenance or improvement in the mix of age and species of tree.

(5)

The effect of the removal on the property values and aesthetics of the neighborhood.

(6)

The effect of the removal on the solar access of existing or proposed structures on the property.

D. Other permits deemed tree removal permits.

(1)

Where tree removal is proposed in connection with any site plan or subdivision application submitted or to be submitted to the Planning Board for approval, trees shall be removed from the affected property only in conjunction with the final field inspection of the proposed subdivision and right-of-way as stipulated in § A117-33 of the Land Subdivision Regulations.

The Planning Board shall apply the same criteria and procedures set forth herein for tree permits granted by the Building Inspector.

(2)

Commercial District site plans approved by the Planning Board showing trees to be removed and trees to be preserved shall be deemed a tree removal permit for the removal of trees so designated.

(3)

Administrative permit granted under the freshwater wetlands activity permit issued by the Building Inspector shall be deemed a tree removal permit for the removal of trees so designated.

(4) Wetlands activity permit issued by the Water Control Commission shall be deemed a tree removal permit for the removal of trees explicitly designated to be removed on plans approved by the Water Control Commission for which a wetlands activity permit has been issued.

(5)

Logging operations permits granted by the Town Board shall be deemed a tree removal permit.

§ 93-5. Permit Application

A. The applicant shall file three copies of the tree removal permit application with the Building Inspector. The application shall include the following information:

(1)

Name and address of applicant

(2)

Address and Town Tax Map designation of the property on which the tree(s) is/are located.

(3)
Total land area of the parcel and total land area involved in cutting operations.

(4)
The number, size and species of trees to be removed.

(5)
The purpose of the tree removal.

(6)
In the case of site plans and subdivisions, the tree survey shall be submitted to the Planning Board as a part of the site plan or subdivision construction plans. A survey of that section to be disturbed and the adjacent twenty-five-foot perimeter not to be disturbed showing the location of all trees regulated herein to an accuracy of one foot, indicating those trees to be cut and those to be preserved, their species and their diameter.

(7)
Where no subdivision or site plan is involved, the survey requirement may be eliminated and a simple sketch drawn by the applicant may be substituted for Subsection A6 above. This sketch should include the location of the trees requested for removal in relation to the property's benchmarks and other information as may be necessary.

(8)
Any additional information as may be required by the approving agency.

B.

A permit shall be granted or denied within 15 business days after the receipt of all required information.

§ 93-6. Conditions for granting a permit

The Building Inspector may, as a condition of granting a permit:

A.

Require the reasonable relocation of proposed foundation walls, driveways, surface and subsurface improvements or drainage systems to preserve specific trees.

B.

Regulate the days and hours of operation.

C.

Require a performance bond to ensure compliance with this Article.

D.

Require that each tree approved to be cut or removed has been marked.

E.

Require such safeguards and guidelines as appropriate to minimize the environmental impact of such removal operations. When appropriate, requirements may include safeguards and

guidelines as recommended in Standard 12 of the Westchester County: Best Management Practices for Construction Activities and/or as recommended by the New York State Department of Environmental Conservation State Forester, environmental consultant, arborist or landscape architect.

§ 93-7. Fees.

A tree removal permit application for tree removal shall be accompanied by a fee to be determined by the Town Board and set in the fee schedule, except when the applicant is the Town of Pound Ridge.

§ 93-8. Penalties for offenses

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an offense, which shall be punishable by a fine of not more than five hundred dollars (\$500) for each and every regulated tree removed, cut down or damaged, by a direction of the Building Inspector, directing a violator to replace any trees removed or damaged with native and/or non invasive nursery stock trees, as specified by the Building Inspector in consultation with the Conservation Board and planted within a specified time and with a guarantee that said trees shall be maintained in a healthy living condition for a minimum of two years, or by all of the above. Where such a direction is made, no building permit, certificate of occupancy or certificate of compliance shall be issued until such replacement has been completed.

§ 93-9. Appeals.

Any applicant aggrieved or affected by the determination of the Building Inspector shall have the right, within 10 days from the date of action by the Building Inspector to appeal to the Zoning Board of Appeals and shall state the reason for the appeal. The Zoning Board of Appeals shall render a decision on the appeal within 60 days following the close of a public hearing.

When effective

This chapter shall take effect upon proper filing with the Secretary of State.

TREES

APPENDIX A

PROTECTED TREES

Protected trees identified as endangered (E), threatened (T), rare (R), or vulnerable in the New York Natural Heritage Programs: New York Rare Plant Status List, February 1989, defined in regulation 6 NYCRR 193.3, New York State Environmental Conservation Law ~ 9-1503 (amended 5-22-1989):

Scientific Name	Common Name
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar (R)
<i>Diospyro virginiana</i>	Persimmon (R)
<i>Gymnocladus dioica</i>	Kentucky Coffee Tree (R)
<i>Malus glaucescens</i>	American Crab (R)
<i>Pinus echinata</i>	Shortleaf Pine
<i>Pinus virginiana</i>	Virginia Pine (E)
<i>Populus heterophylla</i>	Swamp Cottonwood (T)
<i>Quercus marilandica</i>	Blackjack Oak (R)
<i>Quercus phellos</i>	Willow Oak (E)

Locally designated protected trees:

Scientific Name	Common Name
<i>Castanea dentata</i>	American Chestnut (6 or more inches dbh)
<i>Juglans nigra</i>	Black Walnut (6 or more inches dbh)
<i>Ulmus americana</i>	American Elm (6 or more inches dbh)

TREES

APPENDIX B

INVASIVE TREE SPECIES

Invasive tree species are non-native to New York State and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. The following invasive tree species are identified by the New York Office of Invasive Species (April 13, 2010)

<u>Scientific Name</u>	<u>Common Name</u>
Acer Platanoides	Norway Maple
Acer pseudoplatanus	Sycamore Maple
Ailanthus altissima	Tree of Heaven
Aralia elata	Japanese Angelica Tree
Paulownia tomentosa	Princess Tree
Phellodendron amurense, P. Japonicum	Amur Cork Tree
Robinia pseudoacacia	Black Locust
Vitex rotundiflora	Beech vitex, Roundleaf, Chastetree

TREES

APPENDIX C

TREE SPACING DETERMINATION

Space between dominant trees can be determined by averaging their dbh and adding six, the resultant being the advisable space in feet. For example, a twelve-inch dbh tree and a twenty-two-inch dbh tree should be 23 feet apart.

Tree A:	12dbh
Tree B:	22dbh
Sum:	34
Average:	$34/2 = 17$
Add	+ 6
Distance Apart:	23 feet