

Local Law Filing

(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.

County City Town Village
(Select one.)

FILED
STATE RECORDS

of Lloyd Harbor

OCT 25 2023

DEPARTMENT OF STATE

Local Law No. 5 of the year 2023

A local law to repeal Chapter 183, "Trees," and add new Chapter 183, "Trees," to the
(Insert Title)
Code of the Village of Lloyd Harbor.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Lloyd Harbor

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

VILLAGE OF LLOYD HARBOR
LOCAL LAW 5-2023
CHAPTER 183
“TREES”

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Lloyd Harbor as follows:

SECTION I. Repeal Chapter 183, “*Trees*,” in its entirety.

SECTION II. Add new Chapter 183, “*Trees*,” to read as follows:

§ 183-1. Findings

The Board of Trustees hereby finds that the indiscriminate and excessive cutting of trees may result in increased municipal costs for stormwater drainage and erosion control. It may also negatively impact the natural scenic and aesthetic qualities of the environment of the Village. It is to the residents' advantage that the Village monitors and manages the removal of trees.

Naturally established native vegetation is an intrinsic part of the rural and bucolic atmosphere that the Village preserves. The Village acknowledges that the natural environment of Lloyd Harbor is

made up of a variety of habitats: the oak/beach woods, the upland meadows, woodland clearings, drainage corridors, tidal and freshwater wetlands and aging agricultural fields. The Village is therefore compelled to foster an appreciation of the various functions of the habitats by providing guidance and support to residents. The Village encourages the community to preserve and protect this environment for future generations.

§ 183-2 Definitions

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

BUFFER AREA - A vegetated area comprising the outer 40% of the required setback area for side and rear yards.

DESTROY - Includes but is not limited to cutting down, removal, poisoning; ringing the tree; excessive peeling of bark; damaging; compacting or overburdening the roots; using herbicides, or fire, or cutting in such manner as to bring about the ultimate death of such tree.

GRUBBING - Includes the removal of all trees, ground vegetation, brush, rocks and lawn area.

INVASIVE SPECIES - These are plants not native to the region and demonstrate a tendency to quickly overwhelm existing stands of native vegetation. Such plants are specified on the Village of Lloyd Harbor Invasive Species list, available at Village Hall, as may be amended from time to time by Resolution.

PERSON - Includes any individual, their successor, assigns or agent, and any business entity, including partnerships, corporations or other business forms.

REGULATED DECIDUOUS TREE - See REGULATED TREE

REGULATED EVERGREEN TREE - See REGULATED TREE

REGULATED TREE - any deciduous or evergreen tree in the Village which exceeds 12.5 inches in circumference (4 inches in diameter), measured at any point between the ground level and a height of four feet.

SUBSTANTIALLY ALTER - Any cutting or pruning in excess of that is necessary to preserve the health of the plant material or maintain its ornamental quality.

TREE - A living woody perennial plant being either deciduous or evergreen.

UNREGULATED TREE - Any tree deciduous or evergreen, less than 12.5 inches in circumference (4 inches in diameter), measured at any point between the ground level and a height of four feet.

VISTA - Portion of a scenic view that is framed by vegetation located wholly or partially on private property.

§ 183-3. Regulated Activities; Permit Required

A. No person shall remove, cut down, destroy or substantially alter up to 18 Regulated Trees within a 36-month period, not located within a buffer area or vista, without first obtaining a permit from the Village Arborist.

B. No person shall remove, cut down, destroy or substantially alter more than 18 Regulated Trees within a 36-month period, not located within a buffer area or vista, without first obtaining a permit from the Site and Building Permit Review Board upon referral to it by the Building Inspector

and Village Arborist, or the Board's subcommittee at the discretion of the Building Inspector and Village Arborist.

C. No person shall remove, cut down, destroy or substantially alter more than 18 Unregulated Trees, as defined above, within a 36-month period without first obtaining a permit from the Village Arborist.

D. No person shall remove any trees of any size in order to create or maintain a vista without obtaining a Vista Permit as described in §183-5 below.

E. No person shall remove any vegetation having a height greater than 3-feet within a Buffer Area as defined above without obtaining a Buffer Area permit as described in §183-6 of this Chapter.

F. No person shall permit or engage in Grubbing on an area of 20' x 20' or 400 irregular square feet, or greater, without obtaining a Grubbing permit from the Village Arborist and Site and Building Permit Review Board pursuant to §183-7 of this Chapter.

G. This Chapter shall not apply to an emergency situation in which removal, destruction or substantial alteration of any tree is necessary to prevent imminent danger to human life or property or to the removal, destruction or substantial alteration of any tree accomplished pursuant to customarily accepted ornamental or therapeutic practices or the removal of invasive species as defined by this Chapter. In such an event, the permission of the Village Arborist and/or authorized Village representative shall be obtained prior to removal. No permit shall be required for the normal tree trimming and cutting by a utility company to maintain utility lines or cables.

§ 183-4. Application Procedure; Criteria for issuance of permits under this Chapter.

A. Applications pursuant to this Chapter shall be filed with the Village Clerk and shall be made on such forms as may be prescribed by the Village and shall include but not be limited to the following information:

(1) Filing fees and escrow deposits as set by Resolution of the Board of Trustees.

(2) Any additional information that the Village Arborist or Site and Building Permit Review Board may reasonably deem necessary for evaluation of the application.

B. The decision of the Village Arborist and/or the Site and Building Permit Review Board shall be based upon the following criteria:

(1) The condition of the trees 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 or alteration of the tree in question.

- (3) The effect of the removal or alteration thereof on ecological systems.
- (4) The character established at the proposed site of removal or alteration with respect to existing vegetation management practices.
- (5) The impact of any removal or alteration upon the aesthetics of the site and upon existing screening of any contiguous properties or any road or highway bordering the property.

C. The Site & Building Permit Review Board may adopt rules and regulations for efficiently discharging its responsibility under this Chapter and may create subcommittees or designate individual members of these boards, to act on its behalf.

§ 183-5 Vista permit applications.

- A. Vista permit applications shall be subject to the criteria contained in §183-4 above. The site plan shall include photos of the proposed or existing Vista, and the line of cutting necessary for the establishment and/or maintenance of such Vista.
- B. Vista permits may be renewed once every two years upon the filing of a new application subject to §183-5A above.
- C. Vista tree cutting on property not owned by the applicant shall require a signed letter of consent from the owner of such property on which the cutting or trimming is proposed.
- D. For any new Vista, the Village Arborist must be on site prior to the cutting or removal of any trees.

§ 183-6 Buffer areas.

In order to protect the privacy of adjoining property owners and the bucolic nature of the Village, existing vegetation located within a Buffer Area that exceeds 3-feet in height shall be preserved on all lots with the following exceptions:

- A. Existing vegetation may be removed upon application to the Site and Building Permit Review Board pursuant to § 183-4 above, if replaced with alternative plantings as approved by the Village Arborist or the Site and Building Permit Review Board.
- B. Existing vegetation may be removed to provide for a driveway to the premises, subject to review by the Site and Building Permit Review Board, in consideration of the construction site, lot shape and topography and adjacent lots and their structures.

C. All new building lots approved by the Village Planning Board, and/or any lot on which more than 50% of the existing principal dwelling is destroyed by any means, shall be required to install and maintain a Buffer Area and comply with this Section 183-6.

D. The requirements of this section shall be in addition to any other planting, buffering or screening which may be required by the Board of Trustees, Planning Board, Board of Zoning Appeals or Site and Building Permit Review Board as a condition of approval for any application before such Board.

E. All applications that are referred to the Site and Building Permit Review Board under this section will require at least 10 days written notice to all neighbors within 100 feet of the subject property.

F. All approved replanting within the Buffer Areas must be completed within the 12-month period in which the permit is granted.

§ 183-7. Grubbing permits.

A. Applications for Grubbing shall be subject to the criteria contained in §183-4 above and shall be filed with the Village Clerk and approved by the Site & Building Permit Review Board, or if the proposed action is determined by the Village Arborist and Building Inspector to be *deminimus*, its designated subcommittee.

B. The site plan shall show the Regulated Trees and other vegetation to be removed as required by §183-4(A)(4) above, as well as the proposed method of erosion control to prevent stormwater and sediment runoff from affecting neighboring properties.

§ 183-8. Tree Removal Associated with Construction.

If any trees or other vegetation are to be removed, destroyed or substantially altered, for the purpose of any construction, including the construction of a driveway within a Buffer Area, the Building Inspector shall require a tree removal plan and related tree removal schedule, indicating the location of all trees to be removed, to be included as a part of the application for a building permit for the construction. The required tree removal plan and building permit application shall be referred to the Village Arborist for review and approval, or if required, referred to the Site and Building Permit Review Board. *No tree or other vegetation shall be removed, cut down or substantially altered, until the building permit and tree application are approved by the Village Arborist and/or Village Site & Building Permit Review Board.*

§ 183-9. Penalties for offenses.

A. Each Regulated Tree removed, destroyed or substantially altered in violation of this Chapter shall be a separate violation.

B. Any person committing, allowing, permitting or directing any offense of the provisions of this Chapter shall, upon conviction, be punishable and responsible for the following minimum fines: up to \$2,500 per regulated tree removed, destroyed or substantially altered; up to \$1,000 for any other violation of this Chapter.

C. The Building Inspector shall stop all work and construction activity on any premises where a violation of this chapter has occurred. No work shall resume until violation is remedied.

D. In addition to the penalties enumerated above, the penalty for illegally removing a Regulated Tree, shall be the replacement equal to the total circumference of inches removed plus 10%. Tree replacement shall be as per the Village tree list.

§ 183-10. Enforcement; presumptions.

A. The Village Building Inspector, Code Enforcement Officer or Village Police Department 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 tree has been destroyed or substantially altered without the necessary permit is the person responsible for performing or permitting such act complained of.

§ 183-11. Appeal process.

Any person aggrieved by a decision of the Village Arborist or the Site & Building Permit Review Board with respect to this Chapter, shall have the right to appeal the decision to the Board of Zoning Appeals pursuant to the provisions of Article 78 of the Civil Practice Law and Rules within 30-days of the date of filing of the decision in the Office of the Village Clerk.

SECTION III. This local law shall take effect upon filing with the Department of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 23 of the ~~(County)(City)(Town)~~(Village) of Lloyd Harbor was duly passed by the Board of Trustees on October 17, 20 23, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law. ~~(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. ~~(Elective Chief Executive Officer*)~~

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ ~~(Elective Chief Executive Officer*)~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

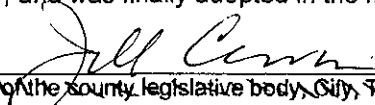
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town, Deputy Village Clerk or
officer designated by local legislative body, Jill Cervini

Date: 10/17/23

(Seal)