

Village of Scarsdale



Memorandum

Village Manager's Office

To: Stephen M. Pappalardo, Village Manager
From: Ingrid M. Richards, Assistant Village Manager *emp*
Date: December 20, 2017
Re: Comments from the Board of Trustees on proposed amendments to Chapter 281 – Trees

The Law and Sustainability Committees of the Board of Trustees (“Committees”) are currently discussing proposed amendments to Chapter -281- Trees. The Committees have held two meetings to review and discuss the proposed amendments with concerns raised over potential impacts including tree canopy, private property owner rights and expense, and additional staff time to manage and administer. At the conclusion of the November 28, 2017 joint Committee meeting, the Mayor requested that the Board members forward their individual written comments to staff to compile into a single document for further review by the Board of Trustees at a subsequent joint committee meeting scheduled for January 23, 2018.

Comments were received from two Board members who essentially conveyed similar sentiments.

First, the members requested that provision A (2) of section 281 -5 (Replacement Trees), which requires a replacement tree for every 24 inches DBH removed within a twelve month period, be removed from consideration. It is understood that this aggregate provision would have the most impact on developers removing large numbers of trees, however, there may be unintended consequences of punitive fees and replacement requirements on individual standalone property owners seeking to further beautify their property or remove a dead or dying tree. One of the members requested municipal comparisons in this regard relative to impacts as there is concern that this novel approach is unprecedented. Additionally, the members requested that the issue of clear cutting by developers should be handled through augmenting regulations in the Land Use Board chapters of the Village Code. There should be consideration given to a more moderate approach in staging the proposed code amendments.

Secondly, the two Board member requested that property owners should have the right to remove two trees per year with a permit, but at no cost.

Finally, if Chapter 281-5A (1) is approved, then language should be added to exempt a property owner from this replacement requirement if he/she removed an aging/diseased tree(s) and has planted trees on the property within the past several years.

In summary, the two board members believe that the proposed amendments to Chapter 281 should be considered and eventually adopted, however, a drastic change should be avoided.

A third Board member suggested modification to the definition of "Tree Expert" by eliminating reference to a licensed landscape architect, which is a separated discipline.