

[§ 385-1 Intent.](#)

Trees and shrubs are necessary to protect the health, safety, beauty, environment, ecosystems and general welfare of the inhabitants and properties of the Village of Sleepy Hollow. Trees and their canopies are infrastructure as they act as a natural noise barrier, provide oxygen, impede soil erosion and flooding, aid water absorption, absorb CO₂ and other pollutants, provide shade, screening and privacy, and improve the character of the neighborhood. They also promote species diversity. The intent of this chapter is to regulate the quantity of healthy trees, the quality and canopy of trees, and the distribution of trees within the Village, to promote community stewardship of the full Village tree canopy, and thus to enhance the total urban forest.

[§ 385-2 Definitions.](#)

The following terms, as used in this chapter, shall have the following meanings:

[CANOPY](#)

The foliar cover of trees or groups of trees.

[DEAD TREE](#)

Any deciduous tree that fails to leaf out during the growing and flowering season, a coniferous tree that sheds all its needles and fails to green in the growing season, or any other tree certified as dead by the Village, the Tree Officer or a certified arborist.

[DIAMETER AT BREAST HEIGHT \(DBH\)](#)

The diameter of the tree trunk or sum of the trunks, measured at 4.5 feet above natural grade level. The diameter may be calculated by using the following formula: DBH equals circumference at 4.5 feet divided by 3.142.

[EAC](#)

The Environmental Advisory Committee of the Village of Sleepy Hollow.

[FALL ZONE](#)

The area around a tree based on topography, site conditions, wind, and other factors that influence natural direction where the entire tree or pieces of a tree would land on a property.

[HAZARDOUS TREE](#)

A tree identified as structurally defective which poses a risk or increased likelihood that all or part of the tree would fall, resulting in a risk of imminent danger or of property damage in the fall zone.

[IMMINENT DANGER](#)

A hazard that puts someone at immediate serious risk of death or serious physical harm.

[INJURY](#)

With respect to any tree, any action that either immediately or within five years of the initiation of such action will cause the death of the tree. Such action shall include, but shall not be limited to, excessive topping or pruning, causing or permitting oil, gasoline, herbicide, paint, brine, hot water, steam, or other gaseous liquid or solid substances that are deleterious to trees to contact any tree or to enter the soil about the base or root system of any tree. Such action shall also include the compaction of soil due to construction or other activities and altering the grade around any tree in any manner that may cause injury to the tree.

[INVASIVE SPECIES](#)

An introduced, nonnative organism (disease, parasite, plant, or animal) that begins to spread or expand its range from the site of its original introduction and that has the potential or is likely to cause economic or environmental harm or harm to human, animal, or plant health.

[MAINTENANCE PLAN](#)

Commented [RM1]: Thought it might be helpful for this to be broader. If a resident has a report from an arborist that a tree is dead - do you still want to send out the Tree Officer or might that be sufficient?? Or what if the Building Inspector sees a dead tree on the property?

A plan devised by the Village for the care of trees and plantings on Village property.

PERSON

Any individual, partnership, association, corporation, public agency, public utility organization of any kind, or any agent of any thereof.

PRIVATE PROPERTY

All parcels of real property not owned by any unit of government situated in the Village of Sleepy Hollow, whether occupied or vacant, regardless of size, topography or location.

SITE PLAN

A drawing prepared by an architect, landscape architect, urban planner, or engineer that shows existing and proposed conditions for a parcel of land that is to be modified.

SPECIMEN TREE

Any tree which, by virtue of its legend, heritage, history, or municipal importance, has been recognized, designated and named a tree of significant Village importance by resolution of the Board of Trustees.

TREE INVENTORY

The number of healthy trees on Village property.

TREE OFFICER

A person appointed by the Mayor, subject to the approval of the Village Board, whose functions and duties are set forth herein.

VILLAGE

The Village of Sleepy Hollow and its officials and appointees, including its Boards and Commissions.

VILLAGE PROPERTY

Every street, highway, public right-of-way to the full width thereof, between property lines of property owned by persons other than the Village, every public park owned by the Village, and all other property owned by the Village, including underdeveloped streets and public areas from which no tax revenue is derived by the Village.

§ 385-3 Removal of trees.

A.

A permit for the removal of trees shall not be required in the following instances:

(1)

Any tree within 10 feet of any front, side, or back of any building, as determined by the Tree Officer.

(2)

Any tree smaller than eight inches DBH, as determined by the Tree Officer.

(3)

A hazardous tree, as determined by the Tree Officer.

(4)

A dead tree, as determined by the Tree Officer.

(5)

Any tree being removed as shown on a site plan approved by the Planning Board.

B.

Any tree identified in Subsection A(3) of this section shall be immediately removed by the owner of the property on which such tree(s) is located, and any tree identified in Subsection A(4)

shall be removed by a date determined by the Tree Officer. Failure to comply with tree removal will result in the Village having the authority to remove the identified tree and charge the cost of removal to the property owner.

[§ 385-4 Prohibited conduct.](#)

No person shall:

[A.](#)

Except as set forth in § [385-3](#) of this chapter, cause injury to any tree on private property or on Village property without first obtaining a tree removal permit.

[B.](#)

Install any trees, shrubs or bushes that are classified as prohibited invasive species in 6 NYCRR Part 575, Prohibited and Regulated Invasive Species(https://extapps.dec.ny.gov/docs/lands_forests_pdf/isprohibitedplants2.pdf) or determined as invasive by a list maintained by the Tree Commission.

[C.](#)

Perform any digging operation within the root system of any tree on Village property without prior written approval.

[D.](#)

Fasten or tie any animal to any tree on Village property, allow any animal under such person's control to cause injury to any tree on Village property, or attach any sign, bill, card, poster, notice, advertisement, or other attachment to any tree on Village property.

[§ 385-5 Tree Commission.](#)

[A.](#)

The Tree Commission shall meet monthly for the purpose, among others, of:

[\(1\)](#)

With respect to trees on Village property:

[\(a\)](#)

Discussing their preservation;

[\(b \)](#)

Deciding the removal and maintenance of trees and other greenery;

[\(c\)](#)

Overseeing the taking of an inventory of public trees to assess what is needed in coordination with the Tree Officer;

[\(d\)](#)

Developing a comprehensive management plan for the care and maintenance of trees in coordination with the Tree Officer; and

[\(e\)](#)

Developing a comprehensive plan for replacing and/or adding trees in coordination with the Tree Officer.

[\(2\)](#)

With respect to any tree on private property:

[\(a\)](#)

Holding a hearing on:

- i. an application for a tree removal permit for more than 3 trees on one property in the preceding 365 days; or
- ii. an appeal filed by an applicant if a tree removal permit for up to 3 trees was denied by the Tree Officer.

(c)

B.

Advise the Board of Trustees, the Planning Board and the Zoning Board of Appeals, and make written recommendations to the Board of Trustees for the best utilization of the Tree Fund for the benefit of the Village.

C.

The Tree Commission shall have five members, including three residents of the Village, one member of the EAC and one member of the Board of Trustees. Resident and EAC members shall each be appointed for a two-year term by the Mayor subject to the approval of the Board of Trustees. The Board of Trustees member shall be designated by the Mayor for their current term of office.

D.

Any member who misses two consecutive monthly meetings, or four in any twelve-month period, may be removed from the Commission and a replacement member shall be appointed in his/her stead as per 385-5-B.

E. The Tree Commission Chair shall prepare agendas and preside at meetings of the Tree Commission.

§ 385-6 Tree Officer responsibilities.

The Village shall hire a certified arborist to act as the Village's Tree Officer.

A.

The Tree Officer shall attend meetings of the Tree Commission, except when the Tree Commission is hearing an appeal of a determination by the Tree Officer.

B.

The primary responsibilities of the Tree Officer are as follows:

(1)

To review applications for tree removal permits and:

- a) For applications for less than three trees in the preceding 365 days on the same property, review the application, inspect the tree(s) sought to be removed, and issue or deny a permit if one is required;
- b) For applications for three or more trees in the preceding 365 days on the same property, forward the application to the Tree Commission for review and assist in the

Commented [RM2]: Do you want the Tree Commission to also advise Planning Board, ZBA, etc? If yes, we can add another section here: "Advise the Board of Trustees, Planning Board, and Zoning Board of Appeals as requested with regard to the priorities of this Chapter."

review by inspecting the trees sought to be removed and providing advice to the Commission.

(2)

To ensure the positive husbandry of trees located on Village property, which includes but is not limited to:

(a)

Overseeing the taking of an inventory of trees to assess what is needed coordination with the Tree Commission.;

(b)

Developing a comprehensive maintenance plan for the care and maintenance of trees in coordination with the Tree Commission;

(c)

Developing a comprehensive plan for replacing and/or adding trees in coordination with the Tree Commission.;

(d)

Providing for the care and maintenance of trees located on Village property in conjunction with the Department of Public Works and/or the Department of Parks and Recreation;and (f) Preparing,, in conjunction with the Tree Commission, an annual report, to be submitted to the Board of Trustees on or before December 31, which shall at minimum include, a plan for the care and maintenance as well as the removal and replacement of trees on Village property, the current inventory of trees on Village property, the number of applications received for tree removal permits, the number of denials and the number of trees removed in the Village in a calendar year.

(3) Grant permission for the installation of any wire, insulator, or device on any tree.

(4) Approve the performance of any digging operation within the root system of any tree located on Village property.

C. The Tree Officer is a full voting member of the Tree Commission except in instances where the Tree Commission is hearing an appeal of a determination by the Tree Officer, in those situations the Tree Officer shall be recused from the meeting and public hearing.

§ 385-7 Tree removal permit criteria.

The Tree Officer or the Tree Commission, as the case may be, shall consider the following criteria before granting or denying an application for a tree removal permit:

A.

The type of tree and whether it is unique to the area or is a specimen tree.

B.

The condition and species of the tree with respect to overall health, disease, age, insect attack, damage, proximity to existing trees/structures or proposed structures, or potential interference with utility services and/or potential hazards.

C.

The effect of the removal on the environment and/or ecological systems supporting wildlife, including but not limited to the effect of removal on erosion, soil moisture retention, steep slopes, flow of surface waters and drainage, and CO₂ and breathable particulate removal.

D.

Location(s) considered for replacement trees.

E.

The proximity of the tree to existing structures.

F.

The effect of the removal on neighborhood characteristics, including the screening of any road or highway bordering the property in question

G.

The necessity of removal.

H.

The then current use of the land and the use to which the land will be put after removal.

I.

The general welfare of the immediate surrounding area and the overall public interest.

§ 385-8 Application for tree removal permits.

A.

Application for permits for the removal of trees shall be in writing on a form prescribed by the Tree Commission. The application is available online or in person from the Building Department and upon submission, shall be accompanied by all applicable fees.

B.

(1) Each application shall include: proof of notice to land owners adjacent to and across the street from the property on which the tree(s) are located; the number of trees to be removed; reason(s) for removal; type(s) of tree(s) to be removed; height and DBH of tree(s) to be removed; and location of tree(s) on property. Where the proposed removal is for more than 10 trees, the applicant must include existing and proposed contours at two-foot intervals at a scale of one inch equals 50 feet.

(2) Each application shall contain an acknowledgment by the property owner that the Tree Officer and members of the Tree Commission may access the property to inspect the trees subject to the application.

§ 385-9 Application review process.

A.

Within two days of receipt of a completed application with supporting documentation and the required fee, the Building Department shall refer the application to the Tree Officer for review.

B.) For applications for removal permits for trees that are either dead, hazardous or an invasive species, the Tree Officer will grant or deny the tree removal permit within five days of his or her receipt of the application and notify the applicant by both telephone and in writing by certified mail.

(1) The Tree Officer may grant an application for a removal permit subject to conditions, including but not limited to the requirement to plant replacement trees of specific types and sizes in specified locations within a specific time frame.

(2) Tree removal permits may be denied upon a finding by the Tree Officer that the tree is neither dead, hazardous or an invasive species. The denial of the tree removal permit application may be appealed to the Tree Commission pursuant to Section §385-10.

C. For application(s) for the removal of up to 3 trees in a 365-day period,

(the Tree Officer shall decide whether to issue a tree removal permit,;issue a tree removal permit subject to conditions, or deny the tree removal permit application not more than 30 days following his or her receipt of a completed application and shall notify the applicant in writing by certified mail.

D.

For applications seeking the removal of more than three trees in any preceding 365-day period, the Tree Officer shall forward the application to the Tree Commission who shall

(1)

:

Convene a hearing to be held by the Tree Commission not more than 30 days from receipt of the application by due notice to its members and:+

(a)

Advise the applicant, in writing, of the date and time of such hearing;and

(b)

Publish notice of such hearing on the Village website not less than seven days prior to the date of the hearing;

(2)

Prior to the hearing and/or a decision on the application, the Tree Officer shall inspect the property and trees proposed to be removed and advise the Tree Commission of his or her findings..

(3)

The applicant, property owners adjacent to and across the street from the property on which the tree(s) are located, and the public shall have the right to be heard at the public hearing.

(4)

The Tree Commission may grant the application subject to conditions, including but not limited to the requirement to plant replacement trees of specific types and sizes in specified locations within a specific time frame.

(5)

Not more than 60 days following receipt of a completed application, the Tree Commission shall decide whether to issue a tree removal permit, to issue a tree permit subject to conditions, or to deny the application and shall so notify the applicant, in writing, by certified mail.

§ 385-10 Appeals process.

A.

Any applicant aggrieved by the Tree Officer with respect to an application for a tree removal permit may, within 15 days of such determination, request an administrative appeal to the Tree Commission by filing a notice of administrative appeal with the Village Clerk. To perfect the appeal, a statement setting forth the reasons for the appeal must be filed with the Village Clerk and the Tree Commission within five days thereafter. The Tree Commission shall conduct a hearing on the appeal within 30 days of perfection and shall, based upon the criteria set forth herein and documentation submitted, issue a tree permit, issue a tree permit subject to conditions, or deny the appeal.

B.

Any determination, decision or order of the Tree Commission may be appealed to the Board of Trustees by the applicant or an adjacent property owner within 15 days of such determination by filing a notice of administrative appeal with the Village Clerk. To perfect the appeal, a statement setting forth the reasons for the appeal must be filed with the Village Clerk and the Board of Trustees within five days thereafter. The Board of Trustees shall conduct a hearing on the appeal and shall, based upon the criteria set forth herein and documentation submitted, deny the appeal, direct the Tree Officer to issue a tree permit, or issue a tree permit subject to conditions.

[§ 385-11 Replacement of trees.](#)

Any tree removed from private property requiring the issuance of a permit shall be replaced with two trees either on the same property or in a location determined by the Tree Officer in consultation with the Tree Commission. Consideration shall be given to replacing trees that, upon maturity, will be similar in height and canopy potential to the tree(s) removed. In lieu of replacing the tree, the owner may contribute to the Village Tree Fund an amount equal to the cost of the two trees as determined by the Tree Officer.

[§ 385-12 Maintenance of trees.](#)

[A.](#)

Trees on Village property shall be kept pruned so that any branches projecting out over a public street or sidewalk are not less than 15 feet from ground level; provided, however, that trees shall not require pruning in their first two years unless such trees interfere with any person using the sidewalk or public right-of-way or obstruct any streetlight or traffic signal.

[B.](#)

Trees on private property shall be kept pruned so that any branches projecting out over a public street or sidewalk are not less than 15 feet from ground level; provided, however, that trees shall not require pruning in their first two years unless such trees interfere with any person using the sidewalk or public right-of-way or obstruct any streetlight or traffic signal.

[C.](#)

Trees shall be kept pruned so as not to obscure traffic signs or the vision of motorists approaching intersections or to obstruct any streetlight or traffic signal.

[D.](#)

Refuse must be removed after pruning.

[E.](#)

Trees that interfere with a public sewer, a public water line, or utility distribution lines shall be considered a public nuisance.

[F.](#)

If any person fails to comply with either Subsection [B.](#), [C.](#), [D.](#), or [E.](#) of this section with respect to any tree on private property, the Village shall have the right to cause such pruning or removal of trees and removal of refuse and assess the cost thereof against the owner of the private property on which the tree was located.

[§ 385-13 Village Tree Fund.](#)

[A.](#)

The Village Tree Fund shall be used solely for the planting and maintenance of trees on Village property.

B.

Disbursements from the Village Tree Fund shall be made upon the recommendation of the Tree Commission and, in the discretion of the Board of Trustees, approved by the Board of Trustees.

C.

Appropriations for the Village Tree Fund may be requested by the Tree Commission by application to the Village Budget Officer for inclusion in the proposed budget.

