



Paul J. Feiner
Supervisor

TOWN of GREENBURGH
Department of Community Development and Conservation
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Phone: (914) 989-1530

TREE REMOVAL PERMIT APPLICATION

Garrett Duquesne, AICP
Commissioner

Aaron Schmidt, ISA
Town Forestry Officer

INCOMPLETE SUBMISSIONS WILL BE REJECTED AND RETURNED

Application Fee:	\$30 for first five trees	\$30	Permit Number:	
Additional Tree Removal Fee:	\$10 for each additional tree X _____ trees	\$		
	Total	\$		

Applicant Information

Name: _____ Street: _____

City: _____ State: _____ Zip: _____

Telephone: _____ - _____ - _____ Fax: _____ - _____ - _____ Cell: _____ - _____ - _____ Email: _____

Subject Property

Address of subject property (include P.O.): _____

Streets which site abuts: _____

Parcel ID#: _____ Total site area (sq. ft): _____

Proposed Action

- 1) Total number of regulated trees proposed to be removed from the site: _____
 - 2) Description of Landscaping Plan or restoration associated with action. (Please include a Site Plan of the proposed work)
- _____
- _____

Relationship to other actions

- 1) List any further action that may be undertaken of which the proposed action is related to (e.g., subdivision, site plan, building permit):
- _____
- 2) List any actions, which are dependent upon this proposed action, and therefore should be reviewed as a part of this action (e.g., house construction in the case of a residential subdivision):

Additional Attachments

- 1) Tax Map showing subject property and all abutting properties.
- 2) Typed names and addresses of all abutting property owners on self-adhesive mailing labels.
- 3) 1'-20" scale map of parcel showing existing trees and trees to be removed

Signature of Applicant

Print Applicant's Name

Date

NOTE: The completion of this Tree Removal Permit Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.

Final Approving Authority:	<input type="checkbox"/> Town Forestry Officer	Date:	
	<input type="checkbox"/> Town Board		
	<input type="checkbox"/> Planning Board		

AFFIDAVIT

STATE OF NEW YORK)
)SS
COUNTY OF WESTCHESTER)

_____ being duly sworn, deposes
and says:

that _____ is the owner in fee of the premises
to which this application applies; that I am duly authorized to make this application; and that the statements
contained here are true to the best of my knowledge and belief. I have received a copy of Tree Ordinance. I
further state that I understand that the cutting down or removal of trees is extremely dangerous and that it
should be done by competent tree personnel taking proper safety precautions.

SIGNATURE OF APPLICANT

SIGNATURE OF OWNER
(if other than applicant)

NOTE: If applicant is not owner of premises, signature (or written permission) of owner must be affixed to
this application.

SWORN TO BEFORE ME THIS

_____ DAY OF _____

(NOTARY PUBLIC, WESTCHESTER COUNTY)

Chapter 260: TREES

[HISTORY: Adopted by the Town Board of the Town of Greenburgh 12-18-1991 by L.L. No. 39-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 200.

Protection of steep slopes — See Ch. 245.

Subdivision regulations — See Ch. 250.

Watercourse protection — See Ch. 270.

Zoning — See Ch. 285.

§ 260-1. Legislative intent.

The preservation and maintenance of trees is necessary to protect the health, safety, environment, ecosystems and general welfare of the inhabitants of the Town of Greenburgh. Trees provide necessary shade, green space and aesthetic appeal, impede soil erosion, aid water absorption and provide other environmental benefits and generally enhance the quality of life within the Town. The destruction and damage of trees and the indiscriminate and excessive cutting of trees cause barren and unsightly conditions, create surface drainage problems, increase municipal costs to control drainage, impair stability of real property values and adversely affect the character of the community. This chapter seeks to address these conditions.

§ 260-2. Prohibited acts; application for removal.

- A. No person or firm shall purposely, carelessly or negligently cut down, kill or otherwise destroy or commit any act which will lead to the eventual destruction of any tree exceeding six inches in diameter measured at a height of four feet from the ground on any property, unless said person is in possession of a tree removal permit issued pursuant to this chapter. A lot of one acre or less, substantially developed with improvements or a structure or structures situated thereon, shall be exempt from this chapter.
- B. Notwithstanding any other provision of this chapter, any property owner applying for subdivision, site plan, special permit, variances or other development approval whose plans would require the removal of any trees on said property shall make application to the Forestry Officer for a tree removal permit. There shall be no site disturbance and the status quo shall be maintained until such time as a tree permit is granted or denied and the appeal process is completed. The Forestry Officer may grant or deny such application on such terms and conditions as he may prescribe, it being understood that there must, in any event, be full compliance with the subdivision or site plan regulations of the Town. In no event shall a tree removal permit be issued for the removal of any tree specifically designated to be saved by the Town Board, Planning Board or Zoning Board of Appeals as a condition of any development approval unless said tree would cause hardship or if the Forestry Officer determines said tree to be hazardous to life or property. **[Amended 8-3-2004by L.L. No. 5-2004]**

§ 260-3. Forestry Officer.

- A. The Town Board shall appoint a Forestry Officer who shall serve at the pleasure of the Town Board.
- B. The Forestry Officer is hereby authorized and empowered to obtain the assistance, when necessary, of persons especially qualified by reason of training or experience in tree planting, preservation and landscaping.

§ 260-4. Permits.

- A. Permits for the removal of trees may be granted under the following circumstances:
 - (1) If the presence of trees would cause hardship or endanger the public or the person or property of the owner.
 - (2) On property to be occupied by buildings or structures within a distance of 10 feet around the perimeter of such building or structure, depending upon tree species and conditions to be determined by the Forestry Officer. However, in proper instances the Forestry Officer may require proposed buildings or structures to be relocated or removed from a building plan in order to save an important tree or trees.
 - (3) If the trees substantially interfere with a permitted use of the property and the removal of the trees shall be performed in a selective manner.
- B. The determination of the Forestry Officer shall be final and shall depend upon the species of the tree, the degree of

injury and the likelihood of the survival of the tree, economical considerations of land use and consideration of the general welfare and the overall environment of the area, except that it shall be subject to such review as authorized below.

C. In the event that the Forestry Officer determines that a tree or trees are hazardous to life or property or substantially interfere with a permitted use of the property, the Forestry Officer shall have the right to grant immediate approval for the removal of said tree or trees, waiving all notices as required under this chapter. In the event that such approval is granted, the Forestry Officer, subsequent to the cutting of said tree or trees, shall have the authority to require complete compliance with all other provisions of this chapter as applicable thereto.

D. Requirements.

- (1) All applications for permits shall be made in writing upon forms prescribed by the Forestry Officer.
- (2) For all applications, the Forestry Officer may require the applicant to submit plans showing existing and proposed contours at two-foot intervals on a map or plan at a scale no smaller than one inch equals 40 feet. Where trees are to be removed or destroyed, existing trees, specifying types and sizes, shall be shown and the reasons for removing or destroying said trees shall be set forth. The plans must provide for new trees to be planted and specify their location and type to replace the existing trees in kind. When the existing trees are so large and matured that they cannot be replaced, the Forestry Officer may require planting of multiple trees instead.
- (3) The Forestry Officer may require additional information such as the design of walls, disposition and design of storm drainage and any other information pertinent to the individual circumstances.
- (4) Where extensive tree cutting is planned, the Forestry Officer may require the applicant to pay for an inspector to be assigned by the Forestry Officer to supervise the orderly development of the land and ensure the protection of the trees.
- (5) The Forestry Officer may require that the applicant furnish the Town with a performance bond as approved by the Town Attorney in an amount sufficient to cover 90% of the planting and restoration work to be completed in accordance with the plans accompanying all applications. The remaining 10% of the cost of restoration and replanting shall be in cash and deposited by the applicant in a special tree preservation escrow account maintained by the Town. The total amount of the bond and cash deposit shall reflect all restoration and protection costs and shall be in accordance with each set of individual circumstances. Upon completion of all planting and restoration work to the satisfaction of the Forestry Officer, the performance bond shall be canceled and replaced with a maintenance bond to be approved by the Town Attorney and to run for a term to be fixed by the Forestry Officer, but in no case for a period longer than two years. The ten-percent cash in escrow shall remain on deposit with the Town until the maintenance bond is canceled.
- (6) The Forestry Officer, within 20 days from the date the application is submitted in final form, shall notify the applicant of his intent to approve the application or shall disapprove the application for permit. No trees shall be cut for a period of 10 days from the date of the issuance of said notice.
- (7) Decisions; appeals.
 - (a) All decisions or determinations made by the Forestry Officer approving applications pursuant to this chapter shall be sent to adjoining property owners and to the Conservation Advisory Council.
 - (b) Any person aggrieved, affected or interested in the determination or decision of the Forestry Officer shall have the right, within 10 days from receipt of the decision of the Forestry Officer, to appeal to the Town Board, which shall review the decision. Any decision or determination of the Forestry Officer which is appealed to the Town Board shall be stayed pending review by the Town Board.
- (8) The Forestry Officer has the right to refuse permits for tree destruction if he feels that the best interests of the public are not served by the proposed destruction. He may further revoke any permit if the work is not proceeding according to permit and in an orderly and diligent manner.
- (9) The amount of the application shall be set by the Town Board.

§ 260-5. Required acts.

- A. All persons who remove trees or cause trees to be removed shall restore the area by backfilling all holes and by creating an acceptable grade and covering, subject to approval by the Forestry Officer. Any tree damaged during construction or development of the property shall be either replaced in kind or, where existing trees are so large and mature that they cannot be replaced, the Forestry Officer may require the planting of multiple trees instead. Minor tree damage shall be replaced in accordance with accepted tree surgery practice.
- B. Tree stumps shall be removed, not cut flush except where the Forestry Officer determines that the stumps may be

left for aesthetic purposes, to prevent soil erosion or for other reasons. After the planting of trees, removal of all debris in the disturbed area shall be made immediately. The property where such planting is done must be left in a neat and orderly condition in accordance with good and acceptable planting and tree surgery practice.

- C. All tree planting, tree dressing and associated restoration work must be substantially completed within one year from the date of issuance of the permit, except that the permit may be extended by the Forestry Officer, who shall have sole discretion to grant such an extension. Under all circumstances the performance bond obtained by the permit holder shall continue in full force and effect until there has been full compliance and approval of all restoration work by the Forestry Officer. In the event that the planting and restoration work has not been substantially completed within one year and no permit extension has been applied for or granted, the Forestry Officer shall have the right to consider the permit abandoned and declare the performance bond in default, and may apply the escrow deposit and/or the proceeds of the bond to perform all required planting and restoration work. By accepting a permit, the holder thereby agrees to this procedure and grants unconditional access to the land for such restoration purposes.
- D. All newly planted trees which fail to survive following planting shall be replaced by the permit holder at no expense to the Town. Said replacement shall be within 60 days following written demand for such replacement from the Forestry Officer or within an extended period of time as may be specified. Should the permit holder fail to replace the trees pursuant to demand within the required period of time, the Forestry Officer has the right to serve a summons and/or declare the maintenance bond, if any, in default and apply the escrow cash deposit and/or the proceeds of the bond to replace the required trees.

§ 260-6. Certificate of occupancy.

No final certificate of occupancy shall be issued by the Building Inspector until all tree planting, tree dressing and associated restoration work shall be completed to the satisfaction of the Forestry Officer, except that between October 31 and April 1 the permit holder may obtain a temporary certificate of occupancy, and all planting and restoration work must be completed to the satisfaction of the Forestry Officer on or before the first day of the following May. The escrow cash deposit and the bond obtained by the permit holder shall continue in full force and effect until the planting and restoration work has been completed. Should the permit holder fail to complete the restoration work on or before May 1 next following the execution of the agreement, the Forestry Officer shall have the right to declare said performance bond in default and apply the escrow cash deposit and the proceeds of the bond to restore the land.

§ 260-7. Removal of trees from Town property.

- A. No employee, department, agency, commission or authority of the Town or any firm or individual retained by the Town shall propose to or shall cut down, kill or otherwise destroy any tree in any Town park or on other Town property, with the exception of Town highways, without first filing a statement with the Town Board. For any tree(s) to be removed from a Town right-of-way, approval shall be sought from the Highway Superintendent.
 - (1) The statement required above shall be made in writing on a form approved by the Town Board. Such statement shall specify the particular type of work to be performed, the exact location, a general description of the tree or trees that shall be removed, a sketch plan if appropriate and required, together with the reasons for the removal of said tree.
 - (2) Upon filing said statement with the Town Board, notification shall be sent to the owners of record of land adjoining the property from which the tree or trees are to be removed. In addition thereto, notice of the proposed removal of said tree shall be published in the official newspaper of the Town of Greenburgh.
 - (3) The Town Board shall be stayed from making any decision or determination for a period of 10 days from the date of publication. In the event that any person, firm, organization or corporation aggrieved, affected or interested in the removal of said tree or trees shall file an objection with the Town Board, in writing, five days prior to the Town Board meeting, said Town Board shall not make any decision or determination until its next regular or special Town Board meeting following the filing of said objection.
- B. All contracts entered into by the Town with firms or individuals for work to be performed on Town-owned land, excluding Town highways, shall contain a provision that there shall be complete compliance with this section of this chapter.

§ 260-8. Enforcement; penalties for offenses.

- A. This chapter shall be enforced by the Forestry Officer and/or his designees, except where such enforcement is vested with the Highway Superintendent by the laws of the State of New York.
- B. Any person violating any of the provisions of this chapter shall be guilty of a violation and shall be fined not more

than \$500 and/or imprisoned not to exceed 15 days. Each day the violation continues shall constitute a separate offense. No building, demolition, or excavation permit may issue, and if previously issued, shall be revoked, until such violation is cured in accordance with §§ 260-8D and 260-5. **[Amended 8-3-2004 by L.L. No. 5-2004]**

- C. In addition thereto, any person violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$200 each day the violation continues for every tree.
- D. The violator will also be required to replace each tree removed, killed or destroyed in accordance with this chapter.