

Questions Regarding Proposed Tree Ordinance Revisions

Scarsdale, NY 10583

Mayor Hochvert, and Trustees Callaghan, Finger,
Pekarek, Ross, Samwick and Veron
Village Hall
Scarsdale, NY 10583

December 3, 2017

Dear Mayor Hochvert and Trustees:

At a joint meeting of the Sustainability and Law committees on November 28, proposed amendments to the existing Village Code (Chapter 281) were presented to the public. The existing tree preservation law, which provides a restrictive scheme for permitted tree cutting and replacement, was enacted nearly nine years ago in response to what some members of the community thought was a serious problem with excessive tree cutting in conjunction with new home construction. The existing law requires permits for tree removal and the involvement of several land use boards and the Village Engineer in many circumstances. As a result of these requirements, the Village should have a robust set of tree removal and replacement data gathered for nearly a decade.

What quickly became apparent at the joint meeting was that neither the Village staff nor the members of the Friends nor the Scarsdale Parks nor the Conservation Advisory Council presented any factual record that demonstrated the existence of a real problem that the proposed amendments would solve. The Village presentation claimed that the problem is that too many trees are being removed. To support this assertion, the Staff said that 741 trees were removed between January 1 and October 31, 2017, but offered no context, detail or historical comparisons. Moreover, they presented no factual record on public safety, which must be paramount in any considerations.

To help the Board of Trustees assess the costs and benefits of the proposed tree ordinance, we have canvassed residents for questions that they want answered before the BOT brings this out of the Sustainability and Law committees.

1. Before we can determine whether too many trees are being removed, we need to know how many trees we have in Scarsdale. We need a reasonably accurate base inventory of trees. Then we need to figure out how many trees have been removed in Scarsdale over the past ten, five, three, and one years. What percent of all Scarsdale trees do they represent, breaking these numbers down by percent of public and private property?
2. What are the primary reasons for tree removals (e.g., disease, end of life, storm damage, danger to property/people, new construction, teardowns, expansion, homeowner preference)? If trees are removed by residents, what are the cited reasons? Please quantify tree removals for each category.
3. How many endangered or protected species of trees do we have in Scarsdale? What percent of total tree inventory does that represent?

4. How many trees are being removed from properties under .25 acres, between .25 acres and .50 acres, between .5 acres and .75 acres, between .75 acres and 1 acre, between 1 and 2 acres, over 2 acres?
5. What are the sizes of the trees being removed and do they differ depending on the plot size?
6. How many trees have fallen during strong winds, hurricanes, and snow and ice storms each year over the past 15 years?
7. How do Scarsdale's tree statistics compare to those of other municipalities of a similar socioeconomic level and population density?
8. How many trees have been replaced over the last 10 years? How many have been on private property? Public property?
9. Does the Village know how many trees have been voluntarily planted by residents?
10. How many trees are being replaced naturally each year? In the Northeast, what is the normal rate of natural propagation?
11. Does the Village have knowledge that residents are planting invasive species?
12. What is the optimal number of trees in the Village by average density per acre?
13. What number and percentage of total tree population are appropriate to be removed every year to sustain the tree canopy?
14. Much of the residential property in the Village was built in the 1920s and 1930s. Is it reasonable to assume that many of the Village trees were planted at that time and may be reaching the end of their useful lives? Please provide an inventory of property vintages.
15. What are the costs to residents of the existing tree program and what are the Village staff's estimates of the "enhanced" program, including the "tree fund"? During its presentation, the Village staff provided no information regarding the costs of its existing tree program.
16. How much money has the Village expended over the last ten years on non-emergency tree removal?
17. How much money has the Village expended over the last ten years on emergency tree removal following storms or other events? This should include direct and indirect tree removal costs, police and Village overtime and any restorative expenses.
18. How many power outages have there been in the Village due to trees falling during storms over the period and how many total days each year has power been lost?
19. What has been the cost to Village residents for tree permits, tree experts to supervise tree removals, bonds or cash deposits, and enforcement penalties?
20. How many enforcement penalties has the Village issued since the enactment of the existing ordinance?
21. Does the Village have data on property and personal damage caused by trees over the period, including personal injuries and deaths?
22. Has the Village Staff canvassed local realtors on the effects these amendments may have on property values and the relative attractiveness of Scarsdale?
23. Will the administration of this new ordinance increase government expenses? The proposed amendments to the ordinance add additional responsibilities to the Village Engineer.
24. Has the Village assessed the liability risks of denying homeowners their right to remove trees and then the tree causing damage to the homeowners' property? Has this occurred in the past?

25. The proposed amendments to the existing ordinance adds a new requirement that the Village Engineer shall charge a fee when a tree is removed and the planting of replacement tree is not possible. How many FTE will the new database of trees require?
26. The proposed amendment adds a new category of Protected Trees in addition to Endangered Trees. What are the anticipated costs of administering the inspection and determination of dead, dying or hazardous Protected and Endangered Trees?

We look forward to answers to these questions before any proposed legislation moves out of the Sustainability and Law committees.

Sincerely,

Robert Berg

Jane Curley

Mary Beth Gose

Linda Killian