



## Board of Architectural Review

Village of Mamaroneck  
169 Mount Pleasant Avenue - Third Floor  
Mamaroneck, New York 10543  
(914) 825-8758

Thomas Murphy and Board of Trustees  
Mayor

William Bintzer  
Chair

To: Agostino Fusco, Village Clerk  
Sally Roberts, Deputy Village Clerk

From: Board of Architectural Review *WLP-Planning Staff*

Cc: Jerry Barberio, Village Manager  
Daniel Sarnoff, Deputy Village Manager  
Robert Spolzino, Village Attorney  
Christy Mason, Deputy Village Attorney  
William Long, Planning Director

Date: August 21, 2020

Re: **Recommendation Concerning Amendments to the Village's Tree Ordinance – Chapter 318**

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Dear Village Clerk's Office:

The Board of Architectural Review (BAR) has the following points of consideration regarding the proposed Tree Ordinance Amendment:

- That the proposed amendment is aligned with the Village's Master Plan from an aesthetic standpoint as trees add to the beauty of the sites, neighborhoods and the Village.
- That there should be additional definitions added to the Code as provided in the attached. (The BAR's additions are in "red" in the attached pdf of the proposed Tree Ordinance.)
- That the numbering system within each "Article" of the proposed Ordinance should start with the number #1 as opposed to a continuous numbering system throughout the Ordinance. The recommended numbering system makes it easier to amend one section without having to renumber the entire ordinance.
- That a "Severability" clause should be added as typically found in most ordinances.

- That the tree ordinance should identify and provide a clear and succinct process as to when and how a determination is made about whether a tree is considered “healthy”.
- That there should be a clear and succinct process for enforcement.
- That a provision should be made about the removal of trees as part of solar panel applications. The BAR is concerned that solar panel companies are influencing/prompting property owners to remove long standing healthy trees to install solar panels. Many of these solar panel companies have “Tree Cutting Divisions”. The solar panel companies’ Tree Cutting Division’s job it is to remove any long-standing healthy trees on private property when the tree(s) obstruct the installation of solar panels. The removal of trees for solar installation is the antithesis of making the Village an environmental-friendly locality especially as it relates to the aesthetic beauty that trees offer. This is very concerning and must be addressed in this ordinance.
- That there should be tougher penalty if a person injures a tree. An injured tree is essentially killing a tree. There should be a succinct penalty for anyone who injures a tree. This presents a technicality absent any mention of this provision.
- While Diameter at Breast Height (DBH) is standard measurement for a tree’s diameter at maturity, the term Diameter at Breast Height is antiquated. Perhaps a better way to classify this is to define “Tree Measurement” as “the diameter or caliper of a tree measured at a point 5 feet above ground level at the base of the tree on the uphill side.”
- That there should be alignment and compatibility between:
  - the definition of “Vegetation” (Section 342-3 of the Zoning Code);
  - the requirements for Site Plan Review/Approval (Section 342-75(c) of the Zoning Code);
  - the definition of “Vegetation” as the BAR is proposing in the amended tree ordinance; and
  - the definition of “Clear Cutting” as proposed in the amended tree ordinance.

The BAR finds these recommendations to assist in providing clarity for the public, the Boards, applicants and any other interested stakeholders.