



Zoning Board

Village of Mamaroneck

169 Mount Pleasant Avenue – Third Floor

Mamaroneck, New York 10543

(914) 825-8758

Thomas Murphy and Board of Trustees
Mayor

Robin Kramer, Esq.
Chair

To: Village Board of Trustees

From: Zoning Board of Appeals

Cc: Jerry Barberio, Village Manager
Daniel Sarnoff, Deputy Village Manager
Robert Spolzino, Village Attorney
Christy Mason, Deputy Village Attorney
Michael Hartman, Zoning Board Attorney
William Long, Planning Director
Amber Nowak, Planning Assistant
Agostino Fusco, Village Clerk
Sally Roberts, Deputy Village Clerk
Barbara Ritter, Office Assistant

Date: September 10, 2020

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

Dear Mayor and Village Board of Trustees:

Thank you for bringing this matter to the Zoning Board's attention. The Zoning Board is greatly concerned with the preservation of the Village's character and appearance, including its trees. The Zoning Board has the following point of consideration regarding the proposed Tree Ordinance Amendment:

The proposed Chapter 318-8(H) states that "Any applicant who has been denied a tree removal permit may appeal to the Village Manager or the Village Manager's designee. The appeal must be submitted in writing to the Village Manager or the Village Manager's designee within 30 days of the determination. In determining an appeal, the Village Manager or the Village Manager's designee may consult a certified arborist selected by the Village Manager or the Village Manager's designee and paid for by the property owner."

The Board is concerned that one person within the Village or their designee is making the decision about whether a tree is to be removed when a private property owner is aggrieved by a denial of a tree removal permit and there is no appeal of that decision

We would ask the Trustees to consider allowing the Planning Board to hear a further appeal when a private property owner is aggrieved by a denial of a tree removal permit. This (1) ensures that a

collective body is rendering tree removal decisions and (2) provides discretion as to whether another tree should/could be planted somewhere else on the property, if the subject tree(s) is removed. While we recognize that the Planning Board could be the sole decision maker, we acknowledge that a quick decision may be needed which cannot be provided by the Planning Board. This process will allow a property owner to decide whether to take the time to appeal the denial further and, hopefully, reduce the number of such applications going to the Planning Board.

The Zoning Board believes that this recommendation will provide additional fairness to property owners.