

Recommendations from the Tree Committee to the CAC regarding updates to Croton tree ordinance

Our review of the Croton law leads to the conclusion that much of the current law could be very effective – if followed. Updates are also needed. We compared the current Croton law to the new Greenburgh law, keeping in mind that Greenburgh has 11+ times as many people and 6+ times as much land as Croton. We recommend updating the Croton law in the following ways. Elements from the Greenburgh law guide many of these recommendations.

One issue stands out - the need for a certified urban forester who can be consulted when appropriate. Past practice has often been to rely on volunteers in the CAC who had expertise - but that is not working. (An urban forester is trained in the management and conservation of forests, trees and other natural resources, and to develop plans for sustainable forestry practices, such as tree planting and thinning, that balance the needs of the environment with the demands of the people who use the resources.) (An arborist is an expert in the art and science of planting, caring for, and maintaining trees.) The urban forester should work closely with the CAC.

Article I Street Trees 208-1 - 208-13

- Purpose: Add in a duty to plant, preserve, maintain and replace street trees as needed. The section currently gives the village a lot of rights to remove trees, with no accompanying responsibility to replace them.
- Add requirement to consult with a certified urban forester in the places where consultation with CAC is listed, and additional instances where appropriate (eg in monitoring ConEd activities).
- Add requirement that any fines or fees associated with tree permits or illegal harming of trees be placed in a fund dedicated to the care and planting of trees within the Village.

Article II Tree Preservation 208-14 - 208-16

- Purpose - strengthen this section (use language from Greenburgh Purpose, which is more proactive). Add the importance of a healthy and biodiverse ecosystem, and consideration for the environmental value of trees in specific contexts.
- Definitions - keep Croton definition of Clear Cutting and Tree, add in definitions for Excessive Pruning, Girdling, Injury from Greenburgh law
 - Add from Greenburgh - various forms of injury that lead to death of trees (not just removal)
 - Add requirement to get permit in wetland
 - Add requirement to notify neighbors when removal is in buffer zone - after permit issued.
 - Add requirement to consider land use and the general welfare and overall environment of the area
- Add requirement to consider the species of the tree and whether any tree in question is a tree worthy of preservation due to unusual characteristics such as age, history, size, and rarity

- Add requirement to consider steep slope conditions and erosion issues

Article II Section 208-17

- Revise (6) to clarify that surveys are not required for small projects, and clarify what the criteria are for a survey to be required.
- Add that the approving authority may require additional information as it deems pertinent.
- Add that when a survey is required each tree to be cut or removed be marked at one point low enough on the trunk to be visible after removal of the tree so as to permit subsequent inspection.

Article II Section 208-18

- D. Authority may require safeguards as appropriate to minimize the environmental impact of removal operations. Add a reference to the Greenburgh Technical Manual 4.0 (detailed protocols to protect trees during construction), and the option to require some of these strategies where appropriate.
- I. Regarding replacement trees – add in requirements that the trees be predominantly native species, with consideration given to bio diversity, and to the environmental value of the trees removed. Add in the obligation to keep replacement trees healthy for three years, with a two year extension if trees do not survive.

Article II Section 208-20

- Add requirement that all fees collected be dedicated solely to the preservation and planting of trees in the Village
- Specify that fees may be waived under certain circumstances for removing invasive species.

Article III Penalties, Appeals, Dead or Diseased Trees

- We recommend that language be developed for this section that will encourage more effective enforcement. Current application of the law is not adequate.

Submitted March 6, 2024 by the CAC Tree Committee: Eva Thaddeus, Janet Monahan, Sherry Horowitz, Jamie Czuy and Rachel Bernstein

For reference:

1. Croton Code - <https://ecode360.com/9144160#9144160>
2. Greenburgh Code - <https://ecode360.com/6817633#6817633>
3. Greenburgh summary of Code for people who want a tree permit
<https://www.greenburghny.com/626/Town-Tree-Ordinance>
4. Greenburgh Tree Technical Manual (marked DRAFT, but seems to be the latest version)
<https://www.greenburghny.com/DocumentCenter/View/6160/Tree-Tech-Manual-11-16-19-DRAFT>

5. Greenburgh Tree Technical manual appendices (includes tree replacement list, best practices for pruning, etc) <https://www.greenburghny.com/DocumentCenter/View/7280/TREE-MANUAL-APPENDICES>