

**VILLAGE OF AIRMONT  
STATE OF NEW YORK**

**LOCAL LAW No. \_\_\_\_ of 2021**

**A LOCAL LAW TO REPEAL AND REPLACE VILLAGE  
CODE AT CHAPTER 195-26 REGARDING TREE  
MAINTENANCE AND MANAGEMENT**

**BE IT ENACTED** by the Village Board of Trustees of the Village of Airmont as follows;

**Section 1. Title of Local Law.**

This Local Law shall be entitled “a Local Law repealing and replacing the Village Code at Article III Section 195-26, et seq. regarding tree maintenance and management.

**Section 2. Authorization**

The Local Law amending Section 195-26 et seq. of the Village Code of the Village of Airmont is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Section 10 and the Village Law of the State of New York, including but not limited to Village Law Article 4.

**Section 3 Purpose**

The Board of Trustees of the Village of Airmont has determined that both the existing character of the community and the control of erosion are dependent on the wooded landscape and that the need for appropriate open space for the construction of residential housing are both important needs that must be balanced and the Village enacts this Local Law for that purpose

- A. To provide for appropriate land areas for the provision of housing for those in need of such housing in the Village.
- B. To ensure the continuation of the wooded character of the Village consistent with the continuation of providing places for appropriate residential housing in Village.
- C. To comply with the requirements of the 2003 EPA Stormwater Phase II of the Clean Water

**Section 4. Amendment**

The Village Code at Section 195-26 et seq., Article III is hereby repealed and replaced in its entirety with a new Section 195-26 et seq. at Article III as follows:

**Title: §195-26. Tree Maintenance and Management Operations**

The removal of any Tree within fifteen (15) feet of each and every residential property line shall be prohibited unless an area variance is obtained from the Village Zoning Board of Appeals. Said removal shall include intentional actions to remove a tree as well as negligent damage to trees through excessive pruning, improper application of herbicides, excavation or grading or any other willful damaging activity. The removal of any other Tree within a residential lot shall be permitted, but the minimum number of such Trees only shall be removed consistent with the design of any residential structure as such balance is determined by the property owner in consultation with any professional retained by said property owner.

**Title: Section 195-27. Definition**

The word “tree” as utilized herein shall mean any woody perennial plant characterized by having a single trunk or multitrunk structure at least 10 feet high and having a major trunk with a caliper of at least four inches measured 54 inches above the ground level

The word “residential structure” as used herein shall refer to a principal residence only.

The word “professional” as used herein shall refer to a licensed architect, engineer or arborist.

**Title: Section 195-28. Compliance with other Laws and Regulations**

Nothing herein this Local Law shall be deemed any waiver of, nor permission to, nor approval of the cutting of trees where permission is required from any New York State or Federal Authority, including but not limited to compliance with New York State Department of Conservation Regulations concerning the Protection of Northern Long-Eared Bats within any Occupied Habitat or any tree designated by the New York State Department of Environmental Conservation as a protective native plant or tree or any tree within a New York State or Federal Wetland or within 25 feet of the top of the bank of any drainage way.

**Title; Section 195-29 Establishment of a Tree Committee**

The Village Board of Trustees for the Village of Airmont may from time to time establish a “Tree Committee” for the purpose of recommending to Property Owners the planting or removal of trees on any property owned by any Property Owner within the Village. The Village Board of Trustees shall establish rules and regulations for the composition of such Tree Committee which shall be no less than three Village Residents and no more than five Village Residents whose terms of Office for said Tree Committee shall be for one year. The Tree Committee shall be advisory only with its recommendations and no such recommendation of the Tree Committee shall be binding on any Property Owner

**Title: §195-30. Costs and Penalties**

- A. The penalty for violating this ordinance shall be no less than \$250 and no more than \$2,500 per violation.

**Title: §195-31. Suppression of the Village Law**

This Local Law is enacted pursuant to the authority of Section 10(1)(ii)(3) of the Municipal Home Rule Law authorizing villages to adopt local laws which may amend or supersede any provision of the Village Law in relation to the property, affairs of government of the Village or in relation to any other enumerated subject matters in such Section 10.

**Title: §195-32. Removal of Trees in an Emergency or other Situation**

Nothing herein this Local Law shall prevent the removal of any tree that poses a threat to public safety as certified by the Village Building Inspector or a licensed arborist or for actions taken by a utility company or governmental agency as part of the regular maintenance and protection of infrastructure.

**Title: §195-33 Severability**

Should any section, sentence or provision of this local law be determined by any court of competent jurisdiction to be unconstitutional or invalid in any way, such determination shall not affect the validity of this local law as a whole or any part thereof other than the part expressly so determined to be unconstitutional or invalid.

**Section 5. Effective Date**

This Local Law shall take effect immediately upon its filing with the Secretary of State