

## Tree codes: a peer review of upscale communities comparable to Tuxedo Park

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Dear Mayor and Trustees,

May I first wish you all Happy New Year and thank you for your service as stewards of our community. Residents appreciate that your work of legislating and administering for the common good, while eschewing short-term conveniences and individual preferences is a difficult and often thankless responsibility.

Since the Board has always taken informed decisions on legislative actions, in response to Trustee Brookes' proposal to change our tree law, ***I draw your attention to the tree codes of upscale towns and villages across the country. They suggest that we should actually be strengthening our existing tree law (not liberalizing it) to achieve peer status with best-in-class communities.***

As examples, I present to you the tree laws of Chappaqua, Upper Saddle River and Llewellyn Park. These communities are similar to Tuxedo Park in that they are affluent, exclusive enclaves close to a major metropolis, featuring a forested, hilly terrain and boasting historically significant houses that are much more expensive than properties in the surrounding townships.

All of them have adopted stringent codes to regulate tree removal to maintain property values, to protect the environment, and to control erosion caused by storm water runoff.

While the tree laws of these sample communities differ in the details of processes and standards, they all exceed our Village's existing tree code in these important ways:

1) Their tree codes explicitly acknowledge that trees:

- enhance property values
- serve the critical functions of stabilizing soil, controlling water pollution, reducing air pollution, providing oxygen, tempering noise, and providing wildlife habit
- have aesthetic value
- have historic value
- are important to maintain the existing, special character of the town

2) the town boards see themselves as stewards of the environment, health, welfare, and rural character of their communities for the present and future generations of residents

- 3) they require a permit for all tree cutting
- 4) they define the circumstances under which tree removal applications may be approved
- 5) they assign an officer or a “tree commission” to review and approve any tree removal applications
- 6) they have clearly stated enforcement procedures and penalties which include fines, community service as well as replacement of illegally cut trees
- 7) they give special protection to “heritage trees” (generally denoting older trees of a certain age/diameter)
- 8) they have clear definitions of terms for trees, dead trees, understory, tree removal, etc. to prevent removal of healthy trees under false claims
- 9) they require replanting/replacement of legally removed trees to replenish and sustain the invaluable green resource

The findings of this peer review clearly show that Tuxedo Park’s current tree law is way behind the curve and needs improvement.

Specifically, we should direct our efforts to strengthen enforcement, streamline the tree removal application review processes, establish clear standards and definitions (e.g., circumstances under which a tree may be removed, definition of a dead tree so that landscapers can’t claim a tree is dead when it is not), and require replanting to combat decades of both legal and illegal tree removal that has already dramatically altered our landscape and environment.

The tree codes of the above-mentioned communities are appended below. I will share this research with the Chairs of the Board of Zoning Appeals, Planning Board, Lake Committee, Tree Advisory Board, and Architectural Review Board when the new Chair is appointed because their work is impacted by the tree code and it is important that they are aware of best practices.

Thank you for considering this peer review.

Sincerely,

Chiu Yin Hempel

**1. Town of New Castle, Westchester, New York, where the hamlet Chappaqua is situated**

<https://ecode360.com/11750063>

**2. Upper Saddle River, New York**

<https://ecode360.com/8646985>

**3. Town of West Orange, New Jersey, where Llewellyn Park, a historic gated community established 33 years before Tuxedo Park, is situated**

<https://img1.wsimg.com/blobby/go/8b077786-e9ac-41f3-88b5-7b48129212fc/downloads/WO%20TreeOrdinanceSpecificSection.pdf?ver=1661436534603>