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## Local Law 1 of 2008

### Town of Cortlandt “Tree Preservation Local Law”

#### ARTICLE I: Purpose.

This Article regulates certain activities in the town relating to the cutting of trees and to topographical alterations. The purposes of the Article are to:

1. Preserve, protect, conserve and regulate the forests, woodlands and trees and the benefits derived there from.
2. Prevent uncontrolled, widespread clear cutting of trees.
3. Minimize runoff and prevent soil erosion.
4. Protect wetlands, water bodies and watercourses, air quality, vegetation, wildlife and fragile natural resources.
5. Promote fire protection.
6. Preserve and safeguard natural features of the topography of the town.
7. Reduce greenhouse gases.

It is the also the intent of this ordinance to preserve the rights of property owners in the Town of Cortlandt consistent with the purposes enumerated above.

#### § 283-1. Findings.

- A. The Town Board recognizes that healthy trees stabilize the soil and control water pollution by preventing soil erosion and flooding. Trees also absorb air pollution, provide oxygen, yield advantageous microclimatic effects, act as natural air conditioners and buffer the wind, have an intrinsic aesthetic quality, offer a natural barrier to noise and a natural habitat for wildlife and are integrally involved in fundamental ecological systems.

- B. The Town Board has reviewed the experience of past development and finds that excessive cutting of trees can create surface drainage problems, increase municipal costs to control drainage, adversely affect air quality, impair the stability and value of nearby properties, adversely affect fundamental ecological systems and result in unsightly and barren conditions.
- C. The Town Board further finds that the natural topography of the Town of Cortlandt is a public asset which should be preserved and safeguarded and that the various features of its topography, including the topsoil and other natural materials that constitute the shape and contours of the land, the plant life and wildlife that is fostered on the land and the water or the flow thereof upon the land are of prime concern to the welfare of the people of the town. Therefore, no changes should be permitted in such topography except those which are absolutely necessary in order to permit the proper and appropriate use of the land.
- D. The Town Board, furthermore, takes note of the findings of the New York State Environmental Quality Review Act, among them being the obligation of the Town to serve as a steward of air, water, land and living resources, and the obligation to protect the environment for the use of this and future generations. It is the intent of the Town to recognize these responsibilities in part by providing these procedures, as well as to preserve the health and welfare and rural character of the community which is reflected in the trees and woodlands of the Town of Cortlandt.
- E. Based on these findings, the Town Board has determined that regulations are needed to prevent excessive cutting of trees and topographical alterations which may have adverse environmental impacts.

## FINDING STATEMENTS

Finding statements should be required for tree removal permits regarding subdivisions and all undeveloped single lots.

### § 283-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated (Words and phrases used in this Article that are not specifically defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application):

APPROVING AUTHORITY — The Zoning Board of Appeals, the Planning Board, the Town Board or the Director of Technical Services, as specified in 283-5 of this Article.

ARBORIST: An “ISA certified” arborist as designated by the Town Board.

CALIPER: Diameter of tree at breast height.

CANOPY: the cover formed by the leafy upper branches of a tree.

CONSERVATION ADVISORY COUNCIL (CAC) — The Conservation Advisory Council of the Town of Cortlandt.

CRITICAL ROOT ZONE— The minimum area of retained roots necessary for maintenance of tree health.

DIAMETER AT BREAST HEIGHT (DBH): The diameter of a tree measured at a point 4 ½ feet above the ground.

EXCAVATION — Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or spread and shall include the conditions resulting there from.

FILL — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, compacted, dumped, transported or moved by man to a new location and shall include the conditions resulting there from. All imported fill must be certified as clean, with no construction debris, and structurally adequate for the intended purpose.

HOMEOWNER – A tenant or owner of an existing single-family or duplex residence.

PROTECTED TREE — Trees as set forth in Appendix A.

PROTECTED TREE ZONE –Those trees to be protected as depicted on the approved site plan for a single lot building permit or as part of a subdivision approval

REMOVAL – See “Tree Cutting”.

SITE SURVEY – A map showing relevant, existing site features and vegetation on a site proposed for development

SPECIMEN TREE — A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its age, rarity or special historical or ecological significance as determined by the planning board as part of a subdivision approval process or by the town arborist, environmental monitor or community forestry specialist for a single lot building permit.

TOPPING: - Topping is the indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include "heading," "tipping," "hat-racking," and "rounding over."

TREE — A woody perennial, either deciduous or coniferous, having a diameter greater than (4) inches measured four and one half (4 1/2) feet above ground level.

TREE CUTTING — The clearing, cutting, uprooting or any other similar activity on any tree or trees except normal maintenance such as trimming, pruning, bracing and selective removal of dead or diseased trees as determined by the Town Arborist or Town approved consulting arborist.

**§ 283-3. Cutting or destruction of trees restricted; regulated activities.**

- A. No property owner shall permit and no person, firm or corporation or individual connected with such firm or corporation shall either purposely or negligently cut down, kill, clear cut, top, otherwise destroy or commit any act which will lead to the eventual destruction of any tree in violation of this chapter unless he is in the possession of a permit to do so issued by the Approving Authority or as otherwise authorized pursuant to this chapter.
- B. Activities permitted as of right on privately-held residentially developed property not greater than four (4) acres.
  - (1) Removal of three or fewer trees on a single lot within any 12 month period, provided they are not protected trees, and provided the trees are not within 10 feet of the property line on lots greater than 20,000 square feet.
  - (2) Removal of any tree under an actual or ongoing emergency condition when such tree removal is necessary for the protection and preservation of life or property. Removal of a tree that endangers adjoining property.
  - (3) Removal of a tree that is dead or so substantially diseased that it threatens the health of other trees.
  - (4) Pruning or maintaining a protected or specimen tree unless such pruning or maintenance damages more than 25% of the canopy or roots.
  - (5) When a tree is removed pursuant to this section, within ten (10) days after such removal, the person on whose property the tree(s) is located shall submit to the Director of Technical Services a letter or other documentation explaining and confirming the nature and extent of the tree removal(s).

- C. Privately-held undeveloped property and developed parcels not regulated in “B” above.
- (1) Tree cutting on privately held undeveloped property shall be subject to all provisions as specified in § 283-4(A) and (B) of this chapter. (2) Any property owner applying for subdivision approval and/or site plan approval and/or building permit whose plans would require the removal of four or more trees on said property, shall submit a tree inventory within the 50 feet of the proposed area of disturbance. This inventory shall be compiled by an ISA Certified Arborist or State Licensed Forester appointed by the town but paid for by the applicant and it must include a comprehensive list of all individual trees on said property depicting size, genus, species and cultivar. The property owner must also produce a tree protection plan. The CAC shall act in an advisory capacity on the approval of any tree protection plan submitted in connection with subdivisions, commercial site development plans or special permit applications.

- (3) The tree protection plan, where applicable, shall include:
- (a) An inventory of existing trees, showing type, location, size and condition.
  - (b) An integrated site plan showing the size, number, location and type of trees proposed to be cut; the size, number, location and type of trees proposed to be saved; utilities to be installed; grading; the approximate location of all structures, driveways and curb cuts; and proposed trees, plantings and other landscaping.
  - (c) A detailed plan to protect and preserve trees before, during and for a period of two years after construction. This shall include a written statement setting forth those steps to be taken to protect trees, roots and canopy from damage during all stages of work on the site.

Prior to commencement of any grading, construction or tree removal, a tree protection area for any tree located within 25 feet within the tree’s critical root zone, whichever is greater of any proposed grading, construction or tree removal must be established by physical barriers and maintained until such work is completed.

Active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material placed at the edge of the critical root zone. In addition to fencing, where tree trunks are in jeopardy of being damaged by equipment, the administrator shall require 2 inch by 4 inch boards to be strapped around the trunk of the trees. In addition, where active tree protection is required, each tree to be saved shall be marked at the base of the trunk with blue colored water based paint.

- (d) A reforestation plan that shall conform to the following minimum standards:

- (i) Shade and/or decorative trees shall be planted at a minimum ratio of at least one tree per 1,000 square feet of lot area or major fraction thereof. Trees to be planted shall have a minimum diameter of three inches at a point four and one-half (4 ½) feet above ground level and should be planted in soil suitable for that tree species.
  - (ii) In selecting locations to plant trees, priority should be given to that section of the lot that is within a buffer zone or adjacent to any land owned by the Town.
  - (iii) In determining the number of replacement trees to be planted, the Planning Board and Town Arborist shall consider the size, genus and cultivar of the trees which are proposed to be removed. Each protected tree that is to be removed shall be replaced by at least one and a half times of the same trees removed (rounded-up). On slopes of 25% or greater, two trees shall be planted for each tree which is to be removed.
- (4) The Planning Board shall require, prior to the commencement of any clearing authorized under a permit pursuant to this chapter that the applicant shall post a performance bond in an amount and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit, as shall be determined by the Planning Board.
- (5) The applicant shall be required to pay the cost for the Town to retain a Certified Arborist to review compliance with the requirements of the tree protection plan.

D. Removal of trees on publicly-held property.

- (1) Trees on Town and other public property are an irreplaceable asset. The impact of their removal shall be considered against the benefits of cleared space for recreational activities and other uses. Therefore, the legislative purpose and intent specified in this chapter shall apply to all tree removal on public property.
- (2) No department, agency, commission or authority in the Town of Cortlandt, employee of the Town of Cortlandt or any firm or individual retained by the Town shall cut down, kill or otherwise destroy more than five trees within an area of 2,500 square feet, or any single tree exceeding 18 inches in diameter at a height of four and one half (4 ½) feet above ground level on Town property, with the exception of Town highways and public rights-of-way, without first considering the parameters and intent of this local law.

All actions of the Town are subject to SEQR and the provisions and intent of this local law will be considered as part of the Town's approval of any projects or plans conducted by the Town.

§ 283-4. **Topographical alterations**

A permit as specified by this Article shall also be required for all on site soil movements of 100 cubic yards or greater on any individual lot with a vertical dimension greater than 12 inches or more than 6 inches of fill within the critical root zone of a tree.

§ 283-5. **Approving authority.**

The approving authority shall be as follows:

- A. The Zoning Board of Appeals shall be the approving authority with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Cortlandt.
- B. The Planning Board shall be the approving authority with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Cortlandt.
- C. The Town Board shall be the approving authority with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Cortlandt, including any application which also requires the issuance of any permit or approval by the Planning Board or Zoning Board.
- D. The Director of Technical Services shall be the approving authority with respect to all other regulated activities.

§ 283-6. **Permit procedures.**

- A. Application requirements. An application for a permit required by this Article shall be filed with the approving authority and shall contain the following information and such other information as required by it, except when waived by it as not pertinent or necessary for the proposed activity:
  - (1) Application requirements for permits for all activities regulated by this Article:
    - (a) The name, address and phone number of the property owner and applicant.
    - (b) The consent of the property owner, if the applicant is not the property owner.
    - (c) A written statement indicating the purpose and reasons for the removal of the tree(s).
    - (d) The Tax Map designation of the property.
    - (e) A plan or plans showing the following: the location of the property and property boundaries, the location of structures, driveways and roadways on the property and the location of the proposed work.

- (f) A description of the activity for which a permit required by this Article is sought
  - (g) The location of wetlands, water bodies or watercourses.
  - (h) If tree cutting is proposed to be conducted in stages, the location of each stage.
  - (i) The location and size of loading areas for the removal of cut trees.
  - (j) A plan for tree disposition and clean up.
- (2) Application requirements for permits for topographical alterations. In addition to the information required in Subsection A (1), applications for permits for topographical alterations shall also include the following information:

(a) A plan or plans showing the following:

- [1] Abutting properties and roads.
  - [2] The location of the area where the proposed topographical alteration is to take place; existing and proposed contours at a maximum contour interval of two (2) feet; existing and proposed buildings, paved areas, roads and driveways, underground utilities and water and sewerage facilities.
  - [3] Plans of the proposed topographical alteration, including amounts to be excavated or filled, the location of storage piles and the location of excavating or processing equipment.
  - [4] Computations by a registered engineer or surveyor, showing how amounts shown above were determined.
  - [5] The existing and proposed drainage.
  - [6] Plans for erosion control.
- (3) Application requirements for permits for activities which involve both the cutting of trees and topographical alterations. Applications for permit for both the cutting of trees and topographical alterations shall include the information specified in Subsection A (1), (2) and (3).

B. Referral.

- (1) Upon receipt of an application, the approving authority shall email and send via standard mail said application to the CAC for review and report.
- (2) The CAC shall report back to the approving authority within fifteen (15) days of such referral if the approving authority is the Director of Technical Services,

within thirty (30) days of referral if the approving authority is the Zoning Board of Appeals or the Town Board, and within forty-five (45) days of referral if the approving authority is the Planning Board. The time period within which the CAC shall be required to report back may be extended at the discretion of the approving authority. The approving authority shall give significant weight to the recommendations of the CAC as well as any reports or recommendations offered by the Town Arborist or other environmental officials. Failure by the CAC to report back to the approving authority within the specified time period shall be interpreted as indicating no objection to the application. The approving authority shall send the final approved plan(s) to the CAC.

- C. Notice. For applications to the Zoning Board of Appeals, the Planning Board or the Town Board, such property owners shall have twenty (20) days from said date of notice or until such time as any required public hearings are closed by the approving authority, whichever is later, to submit written comments to the approving authority. The approving authority may waive this notice procedure if it has received responses from the adjoining property owners prior to action by it. Upon receipt of a completed application of this Article, the approving authority shall cause notice of receipt of the same to be mailed by first class mail to adjoining property owners and those across the street adjoining the involved property. For applications to the Director of Technical Services, such property owners shall have twenty (20) days from day of said notice to submit written comment to the approving authority with regard to said application.
- D. Public hearing. For applications involving the Planning Board, the Zoning Board or Town Board, a public hearing shall be held by the approval authority on the application made hereunder at such times, under such circumstances and upon such notice as may be required for the granting of the other permit or approval required of such approval authority pursuant to the local laws and ordinances of the Town.

For single lot applications OR applications which do not involve the Planning Board, upon receipt of a completed application under this chapter, the approval authority shall cause such notice of receipt of the same to property owners and those across any street or right of way abutting the involved property. Such property owners shall have twenty (20) days from the day of notice to submit written comment to the approval authority with regard to said application. The approval authority may waive this notice procedure if responses for all of the above property owners have been received prior to the action.

- E. Action by the approving authority. The approving authority shall review said application to ensure conformity with the requirements of this Article. A determination shall be made to approve, approve with conditions and/or modifications or disapprove the issuance of such permit simultaneously with the determination by the approving authority of any other permit or approval for which application was made.

**§ 283-7. Standards for approval.**

In granting, denying or conditioning any application for a permit required by this section, the approving authority shall evaluate the proposed activity, its purpose, and available alternatives,

and shall determine that the impact of the proposed activity will not be detrimental to public health and safety, soil erosion, wildlife habitat, fire protection and drainage. Such determination shall be made in accordance with the following standards, considerations and conditions:

- A. Notwithstanding any other factors, the removal of a regulated tree may be favored:
- (1) If the tree(s) is located near existing or proposed improvements, especially if:
    - (a) The tree(s) is within three feet of an existing or proposed sidewalk or driveway.
    - (b) The tree(s) is within 10 feet of an existing cesspool, dry well, leaching pit, septic tank or field, or other subsurface improvement.
    - (c) The tree(s) is within 10 feet of any other existing or proposed permanent structure. A permanent structure is one that requires a building permit and certificate of occupancy or a Certificate of Compliance under the NYS building code and is not a shed.
    - (d) The proposed subsurface improvement, structure, sidewalk, driveway or roadway cannot be reasonably relocated.
  - (2) If the tree removal(s) is necessary to achieve compliance with state, county or local standards for sight lines, driveways or intersections.
  - (3) If the tree removal(s) is consistent with good horticultural or vegetation management and will not have an adverse effect on an ecological system.
  - (4) If the tree(s) to be removed, due to disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain.
  - (5) If the tree removal(s) is limited to non-native species of trees.
  - (6) If the tree removal(s) will have a positive effect upon:
    - (a) Wildlife habitat.
  - (7) If the property owner will replant replacement trees of a similar species or add other vegetation to offset the negative effects of the tree removal to the satisfaction of the approving authority.
- B. With consideration of the above factors, the proposed tree removal may be denied or granted with conditions after consideration of the following:
- (1) The tree(s) is a protected or specimen tree, as defined in this chapter, unless there is no feasible alternative to the proposed activity.

- (2) The tree removal(s) will have a significant negative effect upon, among other things:
    - (a) Erosion potential and drainage patterns in the vicinity.
    - (b) Growth of existing adjacent vegetation.
    - (c) Property values and aesthetics of nearby properties.
    - (d) Wildlife habitat.
  - (3) Consideration shall be given to preserving specimen trees and protected trees where feasible and practical.
  - (4) The approving authority may require the replanting of trees as a condition of permit approval and may establish standards for such replanting.
- C. Standards for approval of permits for topographical alterations:
- (1) The planning, design and development of buildings shall provide the maximum in structural safety and human enjoyment while adapting the site to and taking advantage of the best use of the natural terrain.
  - (2) Roads and driveways shall follow the natural topography to the greatest extent possible and shall be consistent with other applicable regulations of the Town of Cortlandt and current engineering practices.
  - (3) Any regrading shall blend in with the natural contours and undulations of the land.
  - (4) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom and sides of regraded slopes.
  - (5) The angle of cut and fill slopes shall not exceed a ratio of one (1) vertical to two (2) horizontal except where retaining walls, structural stabilization or other methods acceptable to the Director of Technical Services are used.
  - (6) Any lakes or ponds that are created shall have a sufficient depth and inflow of water to minimize the possibility of stagnation and excessive aquatic growth.
  - (7) Topsoil removed shall be replaced to a depth of at least four (4) inches over all exposed ground surfaces except rock, and said restored surface shall be planted or seeded and mulched repeatedly as necessary until the area is stabilized.
  - (8) There shall be no processing of excavated materials by a rock crusher or similar equipment on the premises.
  - (9) No excavation shall be made so as to undermine, weaken or deprive support of adjacent land.

- (10) No removal of earth from the ground shall be made so as to prevent or interfere with the orderly development of residential, business, manufacturing or public purposes or other lands in the vicinity or as to unreasonably delay travel from one place to another or as to make unduly difficult or substantially increase the cost of the installation of public utilities or other public services or as to substantially depreciate the value of real property in the vicinity.
- D. Standards for approval of permits for tree cutting and topographical alterations. The standards set forth in Subsections A, B and C of this section shall apply.

**§ 283-8. Permit duration.**

- A. Activities specified by the permit shall be undertaken pursuant to any conditions of the permit and shall be completed according to any schedule set forth in the permit.
- B. A permit shall expire on completion of the activities specified and shall be valid for a period of one (1) year from the date of approval or for the period of any other permit issued by the approving authority.
- C. A permit not issued in conjunction with any other permit, may be renewed by the approving authority for a period of up to one (1) year
- D. The approving authority may revoke or suspend a permit if it finds that the applicant has not complied with any of the conditions or limitations set forth in the permit.

**§ 283-9. Tree Removal; restoration (unauthorized removal of trees)**

- A. All persons who remove or cause to be removed trees without a permit, as required, shall restore the affected area by backfilling all holes and by creating an acceptable grade and plantings, subject to approval by the Director of Technical Services in consultation with the Town Arborist. Any tree damaged during construction or development of the property shall be either replaced in kind or, where existing trees are so large and mature that they cannot be replaced, the Director of Technical Services with consult from the Town Arborist may require the planting of multiple trees instead.
- B. Unless otherwise approved by the administrator, tree selected for replanting must be on the tree planting list as set forth in Appendix "B". Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects and must be of good vigor in order to assume a reasonable expectation of survivability.

- i. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication *Trees and Shrub Transplanting Manual*. Reference the *The Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle books or similar publication for information on tree species site requirements.
- ii. All replanted overstory trees shall be at least 6 feet tall and have a trunk not less than 2 caliper inches. All replanted understory trees shall be at least 4 feet tall or have a trunk not less and 1 caliper inch. Sufficient growing area for planted trees must be observed:  
  
Overstory trees – 200 square feet of pervious root zone.  
  
Understory trees – 75 square feet of pervious root zone.  
  
However, up to 30% of the root zone must be in semi-pervious area.
- iii. In lieu of an onsite restoration, the permitting authority may with the advice of an ISA Arborist, allow the purchase of trees or require planting of trees on public land in lieu of on-site restoration at a ratio of one and half times the number of trees removed (rounded up).

- C. All trees which fail to survive for a period of two calendar years following planting shall be replaced by the permit holder at no expense to the Town or the owner of the land, if other than the holder of the permit. Said replacement shall be within sixty (60) days following written demand for such replacement from the Director of Technical Services or within an extended period of time as may be specified.
- D. All tree planting, tree dressing and associated restoration work must be substantially completed within one (1) year from the date of issuance of the permit except that the permit may be extended by the approving authority, which shall have the discretion to grant such an extension.

§ 283-10. Security.

In granting a permit, the approving authority may require a security in an amount and with surety and conditions satisfactory to it securing to the Town of Cortlandt compliance with the conditions and limitation set forth in the permit.

§ 283-11. Inspection and monitoring.

- A. The approving authority may inspect or cause to be inspected by its representative activities undertaken pursuant to a permit so as to ensure satisfactory completion.
- B. The approving authority may require that the applicant submit for approval a detailed monitoring program including but not necessarily limited to written status reports at specified intervals documenting activities undertaken pursuant to a permit.

- C. The approving authority may require that the activities undertaken pursuant to a permit be supervised by an appropriate licensed professional.

**§ 283-12. Penalties for offenses.**

- A. Any person, who violates, disobeys or disregards any provision of this Article shall be liable to the people of the Town of Cortlandt for a civil penalty not to exceed one thousand dollars (\$1,000) for the first such offense; two thousand (\$2000) dollars for a second offense; and three thousand (\$3,000) dollars for each subsequent violation thereafter. Each week's continuation of a condition violating this Article shall be deemed a separate violation.
- B. In lieu of the above civil fine, any person who violates any provision of this Article shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not more than five hundred dollars (\$500). For a second and each subsequent offense, the violator shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.) or a term of imprisonment up to thirty (30) days, or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- C. In addition to the above civil and criminal penalties, the Town Board and Director of Code Enforcement, with the advice and consent of the Town Attorney, shall have the right to seek equitable relief to restrain and/or remedy any violation of any provisions of this Article.
- D. The Director of Code Enforcement shall have the power to direct a violator to cease violation of this Article and, with the consultation from the Town Arborist and review by the CAC, satisfactorily restore the affected area insofar as that is possible. The exercise of such power may be with or without the imposition of a fine under Subsections A and B of this section.
- E. During the 90 day period following the effective date of this law, anyone who is in violation but who complies after notice from Code Enforcement shall not be subject to any fine or penalty.

**§ 283-13. Repealer.**

In adopting this chapter all prior Tree Ordinances and Regulations and amendments thereto are hereby repealed.

**§ 283-14. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the protection of trees. It is not intended by this Chapter to interfere with, or abrogate, any other greater requirements than are imposed or required by any other ordinance, rule or regulation.

**§ 283-15. Severability**

If any section, sub-section, paragraph, sentence, clause, or phrase of this Chapter is declared by any Court of competent jurisdiction to be invalid, such invalidity shall not effect any other portion of this Chapter.

**§ 283-16. Appeals**

Any decision of an Administrative Official action as the approving authority may be appealed to the Zoning Board of Appeals. Any decisions of the Town, Planning or Zoning Boards, as approval authorities are subject to review under Article 78 of the New York State Civil Practice Law and Rules.

**§ 283-17. Effective Date.**

This local law shall be effective immediately upon its filing with the Secretary of State of the State of New York.

**Adopted on February 25, 2008**

Appendix A

List of Protected Trees

All of the following are deemed to be "Protected Trees" under the Town of Cortlandt's Tree Ordinance.

**Endangered**

Betula glandulosa - tundra dwarf birch  
Betula minor - dwarf white birch  
Cornus drummondii - rough-leaf dogwood  
Crataegus berberifolia - hawthorn  
Crataegus compacta - compact hawthorn  
Crataegus mollis - downy hawthorn  
Crataegus uniflora - dwarf hawthorn  
Gymnocladus dioica - Kentucky coffee tree Malus glaucescens - American crab Prunus pumila  
var. pumila - low sand-cherry Salix cordata - sand dune willow Salix herbacea - dwarf willow

**Threatened**

Betula pumila - swamp birch  
Carya laciniata - big shellbark hickory Populus heterophylla - swamp cottonwood

**Rare**

Chamaecyparis thyoides - Atlantic white-cedar Pinus banksiana - jack pine

**Exploitably vulnerable**

Cornus florida - flowering dogwood  
Juglans cinerea - butternut

Appendix B

Tree Planting List

Trees Acceptable for General Use

*Acer campestre*-Hedge maple  
*Acer griseum*- Paperbark Maple  
*Acer rubrum* -Red Maple  
*Acer saccharum* Sugar Maple  
*Aesculus hippocastanum*-Horsechestnut  
*Aesculus pavia*-Red buckeye  
*Amelanchier x grandiflora* 'Autumn Brilliance'- Serviceberry  
*Betula lenta* -Black Birch  
*Betula nigra*- River Birch  
*Betula papyrifera*-Paper birch  
*Betula populifolia*-Gray birch  
*Carpinus caroliniana*- American Hornbeam  
*Carya cordiformis* -Bitternut Hickory  
*Carya laciniosa* -Shellbark Hickory  
*Carya ovata*-Shagbark Hickory  
*Catalpa speciosa*-Northern Catalpa  
*Cedrus atlantica* Atlas Cedar  
*Cercidiphyllum japonicum*-Katsura Tree  
*Cercis canadensis*-Eastern Redbud  
*Chamaecyparis obtusa* Hinoki False Cypress  
*Chamaecyparis thyoides* Atlantic White Cedar  
*Chionanthus virginicus* Fringetree  
*Cornus alternifolia* Pagoda Dogwood  
*Cornus florida* Flowering Dogwood  
*Cornus mas*-Corneliancherry Dogwood  
*Crataegus phaenopyrum* - Washington Hawthorn  
*Eucommia ulmoides* Hardy Rubbertree  
*Fagus grandifolia* American Beech  
*Fraxinus americana* White Ash  
*Fraxinus pennsylvanica* Green Ash  
*Ginkgo biloba* (MALE ONLY) Ginkgo  
*Gleditsia triacanthos inermis*-Thornless Honeylocust  
*Gymnocladus dioica*-Kentucky Coffeetree  
Japanese tree lilac-*Syringa reticulata*-  
*Juglans cinerea*- Butternut  
*Juglans nigra* Black Walnut  
*Juniperus scopulorum* Rocky Mountain Juniper  
*Juniperus virginiana* Eastern Red Cedar  
*Koelreuteria paniculata*-Golden Raintree  
*Liquidambar styraciflua* ,-American Sweetgum

Cortlandt Tree Preservation Local Law

Liquidambar styraciflua Sweetgum  
Liriodendron tulipifera Tuliptree  
Malus spp. Professor Sprenger' - Flowering Crabapple  
Metasequoia glyptostroboides Dawn Redwood  
Nyssa sylvatica-Black Tupelo  
Ostrya virginiana Hophornbeam  
Oxydendrum arboreum Sourwood  
Picea abies Norway Spruce  
Picea glauca White Spruce  
Picea omorika Serbian Spruce  
Picea pungens Colorado Blue Spruce  
Platanus occidentalis Sycamore  
Prunus 'Accolade' (P. sargentii x P. subhirtella)- Accolade Flowering Cherry  
Prunus sargentii Sargent Cherry  
Prunus serotina-Black cherry,  
Prunus serrulata 'Kwanzan' Kwanzan  
Prunus virginiana Chokecherry  
Pseudotsuga menziesii Douglas Fir  
Quercus alba- White oak  
Quercus bicolor Swamp White Oak  
Quercus coccinea Scarlet Oak  
Quercus macrocarpa-Bur oak  
Quercus muehlenbergii Chinkapin Oak  
Quercus palustris-Pin oak  
Quercus phellos-Willow oak-  
Quercus robur-English oak-  
Quercus rubra-Red oak-  
Quercus velutina-Black oak  
Quercus virginiana-Live oak-  
Robinia pseudoacacia-Black 'Bessoniana' no true form only the following cultivars  
'Frisia' -  
'Inermis' -  
'Lacy Lady'  
'Purple Robe' -  
'Pyramidalis' -  
'Tortuosa' -  
'Umbraculifera'  
Salix babylonica Weeping Willow  
Sophora japonica-Japanese pagodatree  
Taxodium distichum-Baldcypress  
Tilia americana American Linden  
Tilia cordata & cvs. Little Leaf Linden  
Tilia tomentosa Silver Linden  
Ulmus americana- American Elm 'Valley Forge,' "New Harmony"  
Ulmus parvifolia-Chinese or Lacebark Elm  
Zelkova serrata 'Green Vase-' 'Green Vase' Zelkova

**Trees Prohibited for General Use for Planting**

Acer platanoides Norway Maple  
Acer saccharinum Silver Maple  
Ailanthus altissima Tree of Heaven  
Morus spp. Mulberry  
Populus spp. Poplar  
Salix spp. Willows  
Sorbus spp. (except S. alnifolia)  
Pawlonia tomentosa Empress Tree  
Populus deltoides  
Pyrus calleryana 'Bradford'  
Ulmus pumila Siberian Elm