

§ 183-11. Determination by approval authority.

- A. In making its determination to grant, grant with conditions or deny a tree removal permit under this chapter, the factors to be considered by the approval authority shall include, but shall not necessarily be limited to, the following:
- (1) Whether the proposed tree removal is consistent with the purpose and findings of this chapter, as set forth in § 183-2 above.
 - (2) Whether the proposed tree removal will have a deleterious effect on the health, safety or general welfare of the residents of the Town of Ossining or its neighboring communities.
 - (3) The physical condition of the tree(s) proposed for removal (species, size and health) shall be identified with regard to their relative value of preservation.
 - (4) The effect of disturbance on the existing trees by accepted forest management practices, including the effect on ecological systems, erosion and sedimentation potential and the relationship to the surrounding vegetation and habitat.
 - (5) The effect of disturbance or removal of existing vegetation on the historical context and the scenic resources of the surrounding community.
 - (6) The effect of disturbance or removal due to utility placement that might damage a tree or spoil the symmetry or otherwise mar the appearance of a tree or trees.
 - (7) Whether the proposed action will have adequate safeguards for the protection and preservation of the environment.
 - (8) The possible or practicable alternatives to the tree removal.
- B. Notwithstanding any other factors, the removal of a regulated tree may be favored by the approval authority if:
- (1) 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 or proposed 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 structure; or
 - (d) The proposed subsurface improvement, structure, sidewalk, driveway or roadway cannot be relocated.
- (2) The tree removal(s) will have a positive effect upon matters, including but not necessarily limited to:
- (a) Drainage patterns in the vicinity.
 - (b) Growth of existing or proposed adjacent vegetation.
 - (c) Property values and aesthetics of nearby properties and that of the property owner.
 - (d) Solar access of nearby properties and that of the property owner.
- (3) The property owner shall replant replacement trees of a similar species or add other vegetation to offset the negative effects of the tree removal, based upon an approved graphic plan.
- (4) The tree is an invasive species.
- (5) The presence of the tree would cause hardship or endanger the public or the property of the owner or of an adjoining owner.
- (6) The tree substantially interferes with a permitted use or the enjoyment of the property.
- (7) The tree is diseased or threatens the health of other trees.
- C. With consideration of the above factors, the proposed tree removal may be granted by the approval authority with conditions or denied if:
- (1) The tree(s) is a significant tree, as defined in this chapter;
 - (2) The tree removal(s) will have a significant negative effect upon things including, but not limited to, the following:
 - (a) Erosion potential and drainage patterns in the vicinity;
 - (b) Growth of existing adjacent vegetation;
 - (c) Property values and aesthetics of nearby properties;

(d) Solar access of nearby properties and that of the property owner; or

(e) Wildlife habitat; or

(3) The tree(s) to be removed is a species listed on the New York State list of endangered trees or trees of special concern.

D. Notification of decision.

(1) In the case where the Building Inspector is the approval authority, the applicant will be notified of tree removal permit decisions within 15 days of the application being received by the Town. The Building Inspector may extend this time frame by no more than five days for good cause.

(2) In the case where a board is the approval authority, the applicant shall be notified of the permit decision according to the schedule set forth for other approvals or permit applications pending before the board.