

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of OSSINING

Local Law No. __ of the year 2015

A local law entitled "Local Law # of 2015, for the Purpose of Amending the Subdivision of Land and Tree Protection Chapters of the Town Code."

Be it enacted by the TOWN BOARD
of the

Town of OSSINING **as follows:**

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW # ____ OF THE YEAR 2015

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

SECTION 1: TITLE

This Local Law shall be known and cited as “Local Law #__ of 2015, for the Purpose of Amending the Subdivision of Land and Tree Protection Chapters of the Town Code.”

SECTION 2: LEGISLATIVE INTENT

The Ossining Town Board has a desire to amend the Subdivision of Land and Tree Protection chapters of the Town Code in order to improve and update certain provisions of said chapters. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents. This local law also serves to implement recommendations of the Town’s Comprehensive Plan.

SECTION 3: SUBDIVISION OF LAND CHAPTER AMENDMENTS

1. Section 176-20.B shall be amended to read as follows:

B. Natural factors.

(1) Trees.

- (a) In general, no living trees of six inches diameter or larger, that are in areas not covered by pavement or buildings or utilities or other structures, or in areas where the change from the original ground elevation exceeds two feet, shall be removed by the developer.
- (b) Street trees shall be provided as part of the subdivision improvements. Such trees shall be planted along both sides of the street, outside of the street right-of-way, and spaced approximately 50 feet on center with at least two trees per lot.
- (c) In the event certain lots are heavily wooded and do not require these street trees, then said trees shall be planted on less wooded lots, if any, in the confines of the plan in question. The final location determination shall be the duty of the Town Engineer or his duly authorized representative after

site inspection.

- (d) Standards for street trees shall be in accordance with the recommendations as set forth in the Horticultural Standards of the American Nurseryman Association. All trees shall be bare-rooted or balled, first-line nursery stock and not rejects. The caliper of each tree shall be a minimum of four inches, as measured 12 inches above finished grade.
- (e) The planting of bare-rooted trees shall be permitted only during the months of April, May, October and November. Balled trees may be planted any time during the year, provided that ground is not frozen, and shall have a minimum ball diameter of 20 inches.
- (f) Planting of all trees shall be in a properly prepared hole which is twice the diameter of the root ball and no deeper than the height of the root ball. There shall be three inches of topsoil below the roots and the remainder of the hole shall be filled with original soil.
- (g) Guaranties shall be one year from the time of planting in the case of bare-rooted trees and one growing season in the case of balled trees. It shall be the duty of the land developer to provide certification from a recognized landscape contractor, preferably a member in good standing of any accredited Nurseryman Association, attesting to the time and method of planting in accord with these specifications, and providing the guaranties as set forth.
- (h) The following is a list of acceptable street trees. No variation shall be allowed without written permission of the Planning Board:

Genus	Species
Acer (maple trees)	Rubrum (red or scarlet) Saccharinum (sugar)
Platanus (plane trees)	Acerifolia orientalis (London) Acerifolia occidentalis (American)
Quercus (oak trees)	Borealis rubra (northern red oak) Coccinea (scarlet red oak) Palustris (pin oak)
Tilia (linden trees)	Americana (American) Tomentosa (silver)

- (i) If any topsoil is removed from its natural position in the process of grading the subdivision site, such topsoil shall be replaced in compliance with the requirements of the applicable Town laws.

SECTION 4: TREE PROTECTION CHAPTER AMENDMENTS

1. A new Subsection F shall be added to Section 183-6, Activities Permitted Without Tree Removal Permit, and shall read as follows:

F. Removal of any tree listed on the New York State Prohibited or Regulated Invasive Species List as identified in writing on the business letterhead of a tree specialist and submitted to the Building Inspector.

2. Section 183-13.C shall be amended to read as follows:

C. If a public tree is removed, the remover must replace that tree with at least one of the same or similar species, at the same location or another location, and of a specific size, all as determined by the approval authority. The replacement tree(s) shall not be any of those listed on the New York State Prohibited or Regulated Invasive Species List.

SECTION 5: RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 6: INCLUSION IN CODE

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the words “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

SECTION 7: RENUMBERING

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may

renumber this Local Law and sections as are necessary to accommodate these amendments.

SECTION 8: **CODIFICATION**

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

SECTION 9: **CODIFIER'S CHANGES**

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 10: **SEPARABILITY**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 11: **EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.