

Chapter 138

TREE PRESERVATION AND LANDSCAPE PLANTINGS

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§ 138-1. Findings and purpose.

- A. It has been established that trees provide a natural habitat for the wildlife of our area, absorb air pollution, provide oxygen, deter soil erosion and flooding, support stormwater management, and offer a natural barrier to noise. Trees play a vital and cost-effective role in stormwater management, particularly in a low lying coastal area. Their canopies facilitate evaporation, while their root systems enhance soil infiltration and slow the movement of water into stormwater infrastructure. These natural processes significantly decrease both the volume and speed of stormwater flows, improving resilience and reducing pollution. As the removal of trees deprives us of these benefits and disrupts the ecological balance in nature, it is therefore the purpose of this chapter to prevent the indiscriminate destruction and removal of trees in the Village of Woodsburgh.
- B. The Board of Trustees further acknowledges that the Village serves as a steward of air, water, land and living resources, and the extent to which the village is obligated to protect the environment for the use of this and further generations. It is the intent of the Board of Trustees to recognize these responsibilities in part, by providing these procedures, as well as to preserve the health, welfare and general character of the community, which is reflected in the abundance of trees in the Village of Woodsburgh.

§ 138-2. Definitions.

For the purpose of this chapter, the following terms, phrases and words shall have the meanings ascribed herein:

APPLICANT — The owners of Real Property or the duly authorized agent of such owners.

DECIDUOUS TREE- A deciduous tree is a plant that sheds all its leaves for part of the year, typically in autumn or the dry season, as a survival strategy to conserve energy and water, entering a dormant state until conditions improve, characterized by broad leaves that allow for efficient photosynthesis but also high water loss, unlike evergreen trees.

HABIT — The natural growing characteristics of any tree, which includes branch spread and distribution, branch height aboveground and root spread and distribution.

PERSON — Any individual, firm, partnership, association, corporation, company, public agency, public utility or organization of any kind or the agent thereof.

REAL PROPERTY — All privately owned real estate in the Village, whether improved or unimproved.

SUBSTANTIAL ALTERATION — Any cutting, pruning, elevating or other alteration of the habit of a tree which impairs or endangers the life of such tree or destroys its natural symmetry. The term "substantial alteration" includes, but is not limited to, destruction or removal of a tree, heavy or unnecessary cutting of top branches (topping), cutting of major lower limbs (severe elevating) or drastic pruning, but shall not include customarily accepted or ornamental pruning as defined by the National Arborist Association's standards for pruning of shade trees.

TREE — Any woody plant, its root system and the environment within the area defined by the outermost limits of its branches, which is at least seven (7) inches in diameter at a height of four feet six (4.5) inches above the base of the trunk.

TRUNK -- **The thick, vertical, woody part of a tree that rises from the roots and extends up to where the branches begin.**

NUISANCE, HAZARD, DEBRIS and LITTER - Any waste material, including but not limited to garbage or other substance, refuse, rubbish, inoperable vehicles and parts, discarded furniture, appliances, water heaters, bottles, cans, building or construction materials or supplies when stored outside on a site where no active construction is taking place or discarded or strewn papers or material or other junk substances, tree stumps, tree trunks, branches or limbs that have fallen or been cut down, or any other matter attractive to vermin, likely to breed disease, present a fire hazard, create offensive odors or otherwise be prejudicial to good health or being so unsightly in appearance as to be offensive to surroundings.

VILLAGE OFFICIAL — The Village Building Inspector or such other person as may be designated by the Mayor with the approval of the Board of Trustees.

§ 138-3. Permit required; non applicability.

- A. It shall be unlawful for any person to remove, destroy or substantially alter the habit of one or more trees on any Real Property unless a permit has been obtained pursuant to this chapter.
- B. This chapter shall not apply in an emergency situation (as determined by the Village Official) or to the removal, destruction or substantial alteration of any tree made in accordance with an approved landscape plan that is part of an approved subdivision, building permit, site plan or other permit approved and issued by the Village of Woodsburgh.

§ 138-4. Administration and enforcement.

- A. The Village Official shall administer and enforce this chapter and choose replacement trees, as hereinafter provided.
- B. The Village Official shall perform the following duties:
 - (1) Receive and keep accurate records of tree removal permit applications.
 - (2) Visit and inspect the site and the trees described in the application, as well as contiguous and adjoining lands.
 - (3) Grant or deny applications for permits based on the standards for granting permits as described in § 138-6 of this chapter.

§ 138-5. Application for permit.

- A. Any person who proposes to substantially alter one or more trees on any real property within the Village shall make application to the Village Official for a permit for such activity.
- B. The permit application shall be made on such form as may be prescribed by the Village Official and shall include, but not be limited to, the following:
 - (1) The names and address(es) of the property owner. If the owner is a legal entity other than a natural person, the application must state the status of that entity as a corporation, partnership or

other legal form.

- (2) Location of the real property, including the street address.
- (3) The number of trees which are proposed to be substantially altered or removed.
- (4) The purpose of the proposed substantial alteration or removal.
- (5) A diagram of the area or section of real property where trees are proposed to be substantially altered or removed, whether located on or off the site, or where any disturbance of land is proposed, showing location of all trees, indicating and identifying those trees to be substantially altered and those trees to be preserved or maintained, and the diameter and species of each such tree. Such diagram shall also indicate the name and address of the person who prepared the diagram.
- (6) Location of all existing structures and driveways on the site, including any proposed grade changes that might adversely affect or endanger any trees on the site, and details of how the applicant proposes to maintain and protect trees which are proposed to be preserved or maintained.
- (7) The company performing the work shall submit to the Village:
 - A. A copy of its Nassau County Consumer Affairs License
 - B. Liability Insurance with the Village of Woodsburgh as the certificate holder and additionally insured.
 - C. Workers' Compensation Insurance with the Village of Woodsburgh as the certificate holder.
- (8) Any additional information which the Village Official may deem necessary for evaluation of the application.

§ 138-6. Standards for granting permits.

In determining whether to grant an application for a permit pursuant to this chapter, the Village Official shall consider all pertinent factors, including but not limited to the following:

- A. The physical condition of the tree(s) proposed to be substantially altered and whether any tree proposed to be substantially altered is a tree worthy of preservation.
- B. The proximity to existing or proposed improvements of trees proposed to be substantially altered, including the necessity of removing one or more of such trees in order to construct proposed improvements.
- C. The ease with which the applicant or owner could alter or revise the proposed development or improvement to accommodate and preserve existing trees.
- D. The effect of the proposed substantial alteration on the ecological systems, including the erosion potential, soil moisture retention and flow of surface waters on the property.
- E. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
- F. The effect on the area of substantial alteration as determined by accepted tree management practices and/or the landscaping of the premises.
- G. The tree(s) are dead, dying, diseased or structurally unsound, which may require a letter from an arborist if requested by the Village Official.

§ 138-7. Permit conditions.

The Village Official shall, as a condition of granting a permit:

- A. Require the planting of the same or agreed upon alternative native species of deciduous tree for each tree proposed to be substantially altered or removed, which shall be at least two inches in diameter, at a height of four feet above the base of the trunk or at least eight feet in height. The Village Official may, at his discretion, waive part or all of this requirement.
- B. Require the reasonable relocation of proposed driveways, surfaces and subsurface improvements or drainage systems to protect the trees to be preserved.
- C. Regulate the days and hours of substantial alteration.
- D. Require such safeguards as appropriate to minimize the environmental impact of the proposed substantial alteration or any activities in furtherance thereof.
- E. Impose such other reasonable conditions as may be necessary to effectuate the purposes of this chapter.

§ 138-8. Permit application fee.

Each tree removal permit application shall be accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees.

An exemption of permit fee shall apply to the removal of a tree or trees that have received a notice of violation from the Building Inspector, due to the dead, dying and dangerous condition of said tree or trees.

§ 138-9. Landscape plantings.

- A. Any landscape plantings located within 10 feet of a roadway shall not exceed three (3) feet in height and shall not extend into the roadway.
- B. On a corner lot, within the triangular area bounded by the lot lines connecting at the street corner of the lot and a point 30 feet from that intersection on each of said connecting lot lines, no plantings shall be installed and/or maintained.
- C. All new construction, major renovations and landscape renovations shall provide a landscape plan with species native to long island to the building inspector for his/her approval.
- D. Any landscaping, trees, shrubs or hedges existing as of August 1, 2026, are permitted to remain. Removal and replacement of existing landscaping, trees, shrubs or hedges must be brought into compliance with sections 138-9.A and 138-9.B.

§ 138-10. Landscaping maintenance.

All owners, occupants or tenants of any privately owned property within the Village of Woodsburch shall maintain grass or other ground cover, trees and shrubbery in a safe and attractive condition, free of noxious weeds and otherwise free of nuisance, hazard, debris, litter and unsightly materials. For the purposes of this provision, all grass and other ground cover shall be trimmed to a height of no greater than eight (8) inches. Dead or diseased trees or any portion thereof which present any hazard to life or property shall be removed. Trees, tree branches or shrubs that have been cut or that have fallen shall also be removed. No owner, tenant, or occupant shall blow leaves or other debris onto adjacent property or any street. The failure to maintain property as required by this section shall be deemed an offense.

§ 138-11. Penalties for offenses.

- A. Any person who violates any of the provisions of this chapter shall be guilty of an offense and shall be punished by a fine as provided in § 1-15 of this Code. Any person found guilty of violating this

chapter may also be required by the court to replace any or all trees the habit of which was substantially altered, with trees of a size and type selected by the Village Official, and to plant said replacement trees within a specified period of time. All such replacement trees must be at least two inches in diameter at four feet above the base of the trunk. Where such direction for replacement of trees is made, no building permit, certificate of occupancy or certificate of compliance shall be issued until such replacement has been completed.

- B. In addition to any other remedy provided by law, this chapter may be enforced by civil action by the Village, including injunctive relief. In such action, the Village may also seek a judgment requiring replacement of any or all trees, the habit of which was substantially altered, with trees of a size and type selected by the Village Official, and planting of said replacement trees within a specified period of time. All such replacement trees must be at least two inches in diameter at four feet above the base of the trunk. Where such direction for replacement of trees is made, no building permit, certificate of occupancy or certificate of compliance shall be issued until such replacement has been completed.

§ 138-12. Appeals.

Any person aggrieved by a determination of the Village Official under this chapter shall have the right, within 30 days from the date of such determination by the Village Official, to appeal to the Board of Trustees, in writing. Any such written appeal shall identify the manner in which the appellant is aggrieved by the said determination and shall state the reason for the appeal. The Board of Trustees shall render a decision on the appeal within 60 days of the filing of the appeal, and such determination shall be final and conclusive. The Board of Trustees shall consider the standards for permits provided in Section 138-6 and if an appeal is granted may impose conditions as set forth in Section 138-7.
