

**VILLAGE OF HEAD OF THE HARBOR
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW NO. 3 OF 2021 AMENDING CHAPTERS 149 AND
165 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR
REGARDING TREES AND DISTURBANCE OF NATURAL VEGETATION**

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Head of the Harbor as follows:

Section 1. Amendments.

A. Chapter 149 of the Village Code, entitled "Trees," is hereby amended to read as follows:

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§ 149-3. Prohibited acts; permit required; exceptions.

- A. Permit for substantial alteration or removal of mature trees. It shall be unlawful for any person to remove, destroy or substantially alter or to cause the removal, destruction or substantial alteration of any mature tree located on any real property within the Village of Head of the Harbor without a permit.
- B. Permit for substantial clearing. It shall be unlawful for any person to perform a substantial clearing of brush or woody vegetation on any real property located within the Village of Head of the Harbor without a permit.
- C. The foregoing provisions of this section shall not apply to:
- (1) Horticultural pruning done pursuant to customarily accepted ornamental or therapeutic practice, which does not substantially alter the habitat of the tree.
 - (2) Any emergency situation in which the removal, destruction or substantial alteration of any tree is necessary to prevent imminent danger to human life or property.
 - (3) The removal of a dead tree.
 - (4) Approved removal of invasive species.
 - (5) The removal or substantial alteration of any tree or substantial clearing of brush or woody vegetation required for the maintenance of any road or utility right-of-way or easement.

- (6) The removal or substantial alteration of any tree or substantial clearing of brush or woody vegetation approved by the Planning Board as part of site plan review.

§ 149-3a. Limitations on tree removal and substantial clearing.

Except for trees and vegetation that qualify for one or more of the exceptions set forth in Section 149-3(C), the Building Inspector shall not issue a permit for the removal of trees or substantial clearing within the following areas:

- (1) Within 25 feet of the border, lot line, or boundary of the property with an adjoining property.
- (2) Within 25 feet of any roadside frontage of the property, except for construction of a driveway.
- (3) Within 100 feet of mean high water of Long Island Sound or Stony Brook Harbor.
- (4) Within 100 feet of the landward edge of any barrier bluff.
- (5) Within 100 feet of the boundary of any freshwater or saltwater wetland, marshland, lake, seasonal drainage channel, stream, pond, or other water body, including but not limited to, any freshwater or tidal wetland, as identified on and shown on the Freshwater or Tidal Wetlands Maps, as such maps may be from time to time amended, prepared by or for the State of New York, and filed by the Department of Environmental Conservation pursuant to Article 24 and Article 25 of the Environmental Conservation Law of the State of New York.
- (6) On any slope exceeding 25% in grade, except as permitted on any steep slope as defined and as allowed in Chapter 85.

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B. Chapter 165 of the Village Code, entitled "Zoning and Land Development," is hereby amended to read as follows:

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§ 165-21. Limitations on disturbance of natural vegetation.

A. The amount of disturbance of natural vegetation shall not exceed the following percentages on all residential lots:

Lot Size (square feet)	Percentage of Site
1 to 15,000	75%

Lot Size (square feet)	Percentage of Site
15,0001 to 30,000	60%
30,001 to 60,000	50%
60,001 to 90,000	35%
90,001 to 120,000	30%
120,000 or greater	20%

- B. On nonresidential lots, the amount of disturbance of natural vegetation shall be determined by the Planning Board as an element of site plan review, in no event to exceed 50% of the lot.

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Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

Section 2. Effective date.

This local law shall take effect immediately upon filing with the New York Secretary of State.