

**VILLAGE OF PLANDOME  
LOCAL LAW 4-2016  
“MORATORIUM ON REMOVAL OF TREES”**

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Plandome as follows:

**SECTION 1. Legislative Intent and Purpose:**

The Board of Trustees hereby finds as follows:

(1) Since the adoption of the updated Zoning Code in 2002, residential development has continued throughout the Incorporated Village of Plandome, there has been an intensified interest in using residential property in a manner which may not be customary or incidental to the primary residential use of properties in the Village. This growing interest in the accessory use of residential properties in the Village may not be adequately regulated by the current Village laws.

(2) The Village Board of Trustees is desirous of immediately beginning a review of the tree removal regulations in the Village.

(3) It is the purpose of this law to provide a temporary moratorium suspending tree removal on any single property for more than two (2) trees, 10 inches in diameter during the term of this moratorium while the Board’s review is being conducted in order to prevent unnecessary and irreparable destruction or damage in the Village, to protect the ecology of the Village; to preserve the existing quality of life and property values in the Village; and to secure the health, safety and general welfare of the community.

**ARTICLE II.**

**Section 1.** Effectively immediately and continuing for a period of six (6) months from and after the effective date of this law, no more than two (2) trees having a diameter of 10 inches in diameter or more on any property in the Village of Plandome shall be removed during the term of this moratorium.

**Section 2.** The Board of Trustees may, by resolution, terminate the moratorium prior to its expiration, or alternatively, extend the moratorium for two (2) additional three (3) month periods as the process of the Village review may require.

**Section 3.** In the event that this local law causes a severe and substantial hardship to any property owner, an application may be made in writing to the Board of Trustees requesting an exemption from the provisions of this law. After due notice and a public hearing on such application, the Board of Trustees may grant such exemption and impose any conditions as may be deemed reasonable or necessary. No exemption shall be granted pursuant to this section, except upon a determination in the sole discretion of the Board of Trustees, that severe and substantial hardship exists as a result of the application of the provisions of this law.

**ARTICLE III**

**Section 1.** Violations. Any activity that is commenced or is conducted contrary to this moratorium may be enforced by injunction or otherwise provided by law.

**Section 2.** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this moratorium shall be guilty of a violation punishable by a fine not exceeding \$5,000 per tree.

If any Section or provision or part of this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the local law as a whole or any Section, provision or part thereof not so adjudged invalid or unconstitutional.

**SECTION 2.** This Local Law shall take effect immediately upon filing with the Secretary of State.