

- (4) Site preparation within the one-hundred-year floodplain of any watercourse.
- (5) Excavation which affects more than 200 cubic yards of material within any parcel or any contiguous area.
- (6) Stripping which affects more than 20,000 square feet of ground surface within any parcel or any contiguous area.
- (7) Grading which affects more than 20,000 square feet of ground surface within any parcel or any contiguous area.
- (8) Filling which exceeds a total of 100 cubic yards of material within any parcel or any contiguous area.
- (9) Site preparation pursuant to a special exception permit issued by the Town Planning Board or the Town Board.
- (10) Site preparation affecting or contiguous to the shoreline of the Hudson River.
- (11) On all properties, the removal or destruction of more than three (3) trees ten inches (10") or over D.B.H. during any period of twelve (12) consecutive months or any one (1) tree thirty (30") or over D.B.H.

**B. The following activities are exempted from permit regulations:**

- (1) Activities not meeting the criteria in Subsection A;
- (2) Agricultural operations;
- (3) Excavations for the basements and footings of single-family houses and for septic tank systems, wells and swimming pools attendant to single family homes;
- (4) Household gardening and activities related to the maintenance of landscape features on existing developed lots, excepting such activities as are required to obtain permits under Subsections A(5) through (8);
- ✗ (5) Governmental activities, but only to the extent that such activities are exempted from the provisions of this chapter by law;
- (6) Home occupations requiring a special exception permit under Chapter 210, Zoning; and
- (7) The removal of trees (a) within forty linear feet (40') of the exterior walls of an existing single-family or two-family house on the same lot; or (b) which pose an imminent hazard to life or property provided a waiver from the permit requirements hereunder is first obtained from the Authorized Official or (c) on a lot of one acres or less, substantially developed with improvements and having a single-family or two family house situated thereon.

SECTION 1 – TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 101 Entitled ‘Erosion Control’ of the Code of the Town of Highlands.”

SECTION 2 – LEGISLATIVE INTENT

The preservation and maintenance of trees is necessary to protect the health, safety, environment, and general welfare of the inhabitants of the Town of Highlands. Trees provide necessary shade, green space and aesthetic appeal, impede soil erosion, aid water absorption and provide other environmental benefits and generally enhance the quality of life within the Town. The destruction and damage of trees and the indiscriminate and excessive cutting of trees cause barren and unsightly conditions, create surface drainage problems, increase municipal costs to control drainage, impair stability of real property values and adversely affect the character of the community. This local law seeks to address these conditions.

SECTION 3 - AMENDMENT TO CHAPTER 101

Chapter 101 entitled “Erosion Control” of the Code of the Town of Highlands be and hereby is amended as follows:

1. § 101-6 entitled “Definitions” is hereby amended by the addition of new definitions for “D.B.H.or DIAMETER BREST HEIGHT” and “TREE” to read as follows:

“D.B.H. or DIAMETER BREST HEIGHT – The diameter of a tree measured at a point four and one half feet (4 ½’) above the ground.”

“TREE – A living woody plant with an erect perennial trunk four inches (4”) or more D.B.H. with a definitely formed crown of foliage and total height of at least thirteen feet (13’) from the ground.”

2. § 101-7 entitled “Activities requiring a permit” is hereby amended to read as follows:

**“101-7. Activities requiring a permit.**

A. None of the following activities shall be commenced until a permit has been issued under the provisions of this chapter from the planning board:

- (1) Site preparation in the subdivision of land into two or more parcels.
- (2) Site preparation within waterlands.
- (3) Site preparation on slopes which exceed 1 ½ feet of vertical rise to 10 feet of horizontal distance.

**Mel Jennings Tree Service  
Highland Falls, NY 10928**

To whom it may concern:

I, Mel Jennings, being duly sworn, deposes and states as follows:

1. That I have been in the tree removal business for many years within the Town of Highlands and other areas. I current own and operate Mel JenningsTree Service.
2. Much of my occupation involves removing dead and dying trees due to disease , defoliation, wind,and weather damage.
3. I assert that the extreme Gypsy Moth infestation that has occurred over the last few years in and around the Town of Highlands has severely impacted the health of many mature trees that have and will certainly succumb to this blight.
4. I have observed many mature trees, particularly oak, that become hollow on the interior of the trunk and filled with insects, mostly ants.
5. That said, it is clear that hollow, dying and dead trees are prevalent and abundant in this community.
6. I therefore would state , that with my experience and knowledge, the Tonneson property is no exception to all the vast dead and dying trees in our community.

Date: MARCH 12<sup>th</sup>  
FEB, 20<sup>th</sup> IN 2020

Signature: [Handwritten Signature]

Notary: [Handwritten Signature]

JUNE PATTERSON  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No 01PA6146631  
Qualified in Orange County  
Commission Expires May 22, 2022

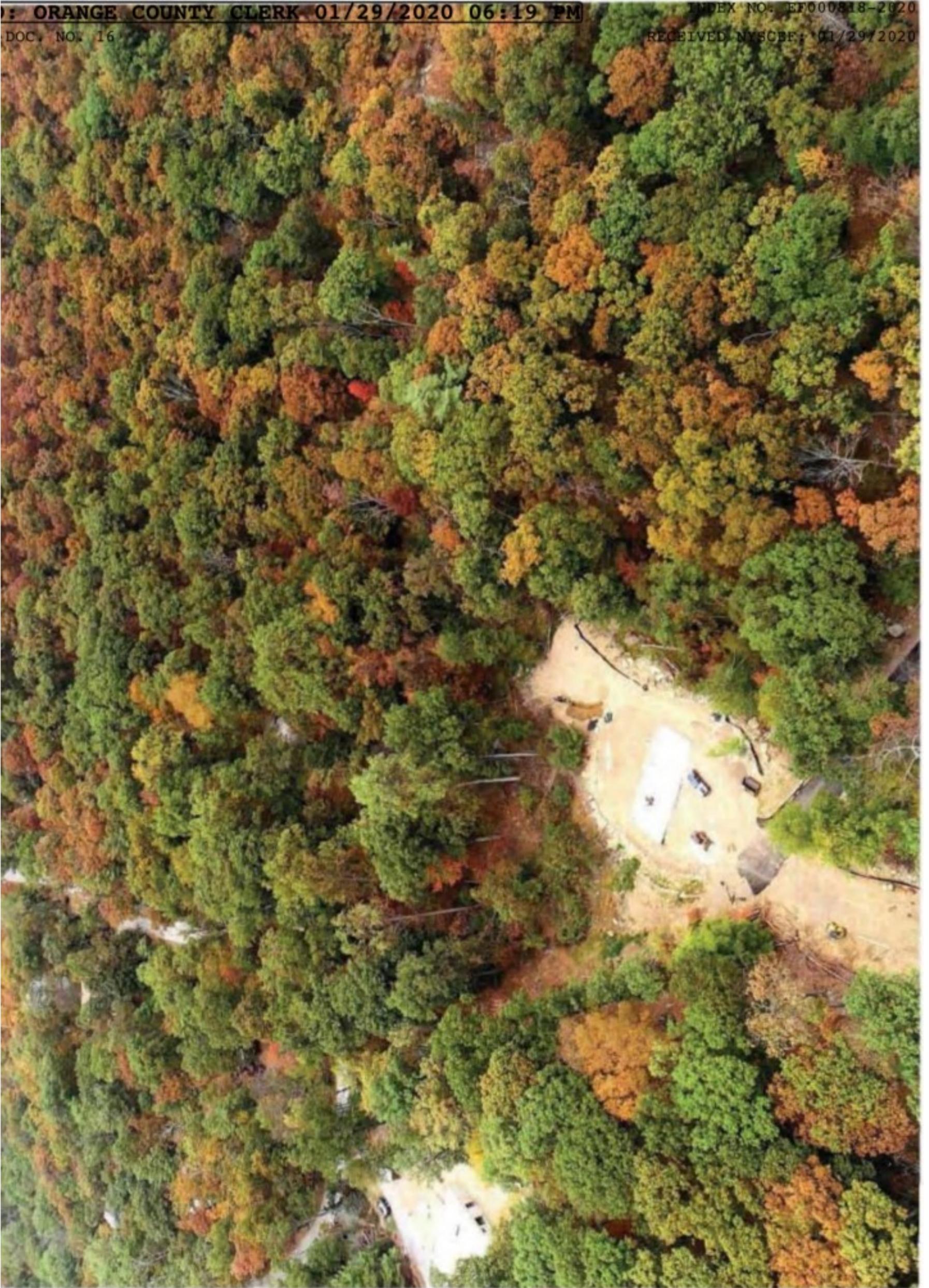


ORANGE COUNTY CLERK 01/29/2020 06:19 PM

INDEX NO. EF000818-2020

DOC. NO. 16

RECEIVED NYSCEF: 01/29/2020



ORANGE COUNTY CLERK 01/29/2020 06:19 PM

INDEX NO. EF000818-2020

DOC. NO. 16

RECEIVED NYSCEF: 01/29/2020









