

The following are the requirements to maintain landscaping on premises that have been developed subject to an approved site plan.

7-2-7. Enforcement and Maintenance.

- A. All landscaped areas required and/or permitted by these regulations shall be maintained and preserved according to the approved landscape plan. Landscaped areas shall be kept free of trash, litter, weeds and other such materials.
- B. All plant materials provided for a development in accordance with the approved landscape plan shall be in a healthy and vigorous growing condition, exhibit good form, and display in excess of 75 percent leaf cover, as determined by the Division of Forestry, in order to be considered acceptable for the purposes of compliance with the site plan at the time of inspection for Certificate of Occupancy or Certificate of Compliance. All plant materials which are considered to be unacceptable for the purposes of compliance with these regulations shall be replaced with acceptable plant material prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance.
- C. Trees which existed on the site prior to development and are identified on the landscape plan as trees to be preserved cannot be removed during construction without first obtaining a Tree Removal Permit or an amendment to the site plan. The removal of existing trees to be preserved without Town approval shall be considered a violation of the Town of Amherst Tree Law, also known as Local Law 8-1992, as amended.
- D. After the issuance of a final Certificate of Occupancy or Certificate of Compliance, plant materials which die or are not maintained in a healthy and growing condition with at least 50 percent leaf cover shall be replaced within the next growing season with plantings of a similar nature. Plantings intended to serve as a visual screen which die or are not maintained in a healthy and growing condition after three years from the date of issuance of the final Certificate of Occupancy or Certificate of Compliance shall be replaced with plantings of a size and nature sufficient to achieve the visual screen intended.
- E. All trees shall be planted in accordance with the methods illustrated by the planting details required to be shown on the approved landscape plan. Trees not planted in accordance with these methods will not be considered acceptable for the purposes of compliance with the Site Plan and shall be replanted in accordance with the methods illustrated in the details, or the method of planting otherwise corrected so as to be acceptable to the Town prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance. Where tree stakes and guy wires are used, they shall be removed from newly planted trees no sooner than 12 months after planting and no later than 18 months after planting.
- F. Inspections required by this Section shall be the responsibility of the Division of Forestry.