

Village of Catskill – Local Law No: 1 of 2019

Public Tree Protection Program

WHEREAS, The Board of Trustees of the Village of Catskill recognizes the role that trees play in the Village ecosystem and that they contribute to the quality of air, reduce noise and visual pollution, help moderate climate extremes and conserve energy, and the Board further recognizes the role trees play in enhancing property values and the general quality of life in the Village; and

WHEREAS, in order to establish a responsible program for planting, maintaining, cultivating, and removing of trees or shrubs in the Village, the Board of Trustees finds it necessary to enact special legislation governing the protection of public trees and to reaffirm the establishment of a Tree Council for the furtherance of said goals.

Chapters:

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I. Legislative intent and purpose

The Village Board authorizes the Tree Council to strive to achieve the following purposes:

- Establish and maintain the maximum sustainable amount of tree cover on public property in the Village;
- Maintain trees within the Village in a healthy and non-hazardous condition through accepted arboricultural practices;
- Establish and maintain appropriate diversity in species and age classes among public trees within the Village;
- Protect and enhance the character of the Village by assuring that decisions regarding the care and maintenance of trees are consistent within the Village and consistent with the Village Comprehensive Plan.
- Prevent soil erosion and provide protection to wetlands, water bodies, watercourses, air quality, vegetation, wildlife and fragile natural resources; and
- Preserve the natural beauty and community character of the Village.

II. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ARBORICULTURE: The cultivation of trees and shrubs, including the study of how they grow and respond to cultural practices in the environment, as well as aspects of cultivation such as selection, planting, care and removal.

ARBORIST: Trained specialist certified by the International Society of Arboriculture or one of its chapters or other nationally recognized arboricultural organizations with expertise in tree management.

CALIPER: The diameter of a tree trunk, taken 6 inches above ground for up to and including 4-inch caliper size, and the diameter at breast height for larger trees.

CANOPY COVER: A measurement of projection of total crown size that a tree or trees in a specified area will attain at maturity.

CROWN: The top part of the tree, which features branches that grow out from the main trunk and support the various leaves.

DBH (DIAMETER AT BREAST HEIGHT): The diameter or caliper of a tree trunk at the height of 4.5 feet above ground.

HAZARDOUS TREE: Any tree which constitutes a public nuisance by virtue of having an infectious disease or insect problem, being dead or dying, having limbs that obstruct streetlights, traffic lights, etc. or a tree that poses a threat to public safety.

HERITAGE TREE: A tree identified by inventory, or other study of the Village Tree Council, which has certain unique or noteworthy characteristics or values to make that tree deserving of special protection under this chapter.

PARK TREES: Any trees, shrubs, bushes and all woody vegetation on land lying within public parks having names, and in all areas owned by the Village and to which the public has access.

PUBLIC TREE: Any trees, shrubs, bushes and all woody vegetation on land lying within public parks and in all areas owned by the Village and to which the public has access.

PLANNING BOARD: The Village of Catskill Planning Board.

SPECIMEN TREE: A healthy tree which has a minimum diameter of 36 inches at DBH or a minimum crown spread of 15 feet.

TREE CUTTING: Any removal, breaking, pruning, destruction or injury of any tree covered by the provisions of this chapter.

TREE PRESERVATION PLAN: A plan submitted to the Village of Catskill Board in conjunction with any subdivision or other development site plan or special permit application for the preservation, maintenance and protection of trees on the property to be developed.

TREE SURVEY: An inventory of existing public trees, and private trees where possible, within the Village indicating species, location, size, and age. An inventory of Village trees should include public trees, such as street trees, park trees, and roadside trees; and specimen and heritage trees on private and public lands.

VILLAGE BOARD: The Village Board of Trustees of the Village of Catskill

ROADSIDE TREE: Any tree within five foot of the edge of the pavement of a road, street or highway.

III. Tree Council

A: Authority and composition of the Tree Council: The Council was appointed by the President of the Village Board and the Board of Trustees by resolution in 2017. The Board, having established said Village Tree Council, hereby reaffirms the composition, duties and responsibilities of said Council.

The Council shall consist of 2 or more members and as well as an appointee from the Board membership. Knowledge of arboriculture is desirable but shall not be a requirement for membership on the Council. The initial terms of office for the members of the Council shall be 3 years. Thereafter, on the expiration of a member's term, subsequent appointments shall be for a term of 3 years. All appointments to fill vacancies shall be for the expected term. Members of the Council shall, on a yearly basis, appoint a member of the Council to act as Chairperson of the Council for 1 year.

B. Funding and compensation: The members of the Tree Council shall not be compensated for their services.

C. Professional Assistance and Advisement: The Council may, if necessary, to fulfill its functions, utilize the services of a certified professional to assist and advise the Council. Requests for such professional services shall be made to the Village, and hiring of such professionals, with the recommendation of the Council, shall be made by the Village Board.

D. A Tree survey and management plan shall be established in the Village of Catskill. The Council shall strive to create and update a tree survey within the Village parks and Village properties and along public streets. The guidelines for this survey shall be determined in the future.

E. Recommendations for tree maintenance, removal and care: The Council shall make recommendations to the Village Board, its officials and employees, for the planting, maintenance and care of trees along public streets or within the Village parks and Village property. The Board shall, except in cases of emergency, consult with the Council before removing or ordering the removal of a tree or limb of a tree. In providing such advice, the Council may examine the subject tree (s) and may consult with an arborist or other professional consultant. The Council may also make recommendations to the Village Board through the liaison member concerning those trees which present a hazard because of death, age, infectious disease, insect infestation or overgrowth which obstructs street lights and traffic and street signs, or any other condition which requires the treatment, cutting, or removal of trees.

F. Cooperation with other municipalities: The Council shall have the power to work and cooperate with any tree commission (or similar commission or Council) for purposes of protecting, maintaining and/ or planting trees. Such cooperation may take the form of participation by the Tree Council or its members in a joint Tree Council established by other municipalities and the Village of Catskill pursuant to an intermunicipal agreement.

G. Dissemination of tree information: The Council shall assist the officers and employees of the Village, as well as residents, in the dissemination of information regarding the importance of selection, planting and maintenance of trees within the Village.

H. Other responsibilities: The Council shall fulfill such other and further responsibilities imposed upon it by the

Village Trustees, from time to time, as may reasonably be necessary to affect the purposes and intent of this chapter.

I. The Council will report to the Village Board on quarterly basis at a regular board meeting.

IV. Permits required for planting, tree removal, alteration or pruning

A. No person shall, without first obtaining approval from the Village Board plant, remove, cut, top, prune, destroy or injure any park tree, public tree, roadside tree, street tree or any tree growing in or on a street easement or other public place. Approval for planting a tree on or bordering a public street or for removing, cutting, topping or pruning of a public tree is obtained through written request to the Village Board. In all cases, when a complaint is made every effort shall be made to preserve the tree and the least severe approach shall be utilized.

B. Application for tree planting on, or affecting, public land shall be made in writing to the Village Board through the Village Clerk on a form provided by the Village. Upon receipt of application, the Village Clerk shall forward the application within one work week to the Tree Council for recommendation.

C. The Village Board shall give due consideration to the recommendations made by the Tree Council in acting on applications for the planting of new trees and shall issue approval when the Board establishes to its satisfaction that there is a need for the proposed action based on the following:

- The tree planting is in accordance with the tree survey and Village tree management plan.
- The tree is planted in a location that does not interfere with traffic
- The tree (s) does not substantially interfere (s) with a permitted use of property; and
- The location of the tree (s) is in compliance with state, county, or local standards for site lines, driveways and/ or intersections.

D. The Village Board shall give due consideration to the recommendations made by the Tree Council in acting on applications for **alterations**, including removal, to trees and shall issue approval when the Board establishes to its satisfaction that there is a need for the proposed action based on the following:

- The presence of the tree would endanger the health safety or welfare of the general public, the applicant or the adjacent property owner;
- The tree is diseased or threatens the health of other trees;
- The tree (s) substantially interfere (s) with a permitted use of property; and
- The location of the tree (s) prevents compliance with state, county, or local standards for site lines, driveways and/ or intersections.

E. The Village Board may impose such conditions on the issuance of approval as may be necessary and reasonable to mitigate the adverse impacts to the tree.

F. No approval shall be required to cut any tree(s) when:

- It is necessary to control fire;
- The tree cutting is in accordance with a tree preservation plan approved by the Village Board in conjunction with our comprehensive plan and/ or special permit application.

G. Approval may be revoked by the Village Board if it determines that the tree cutting performed by the property owner is not performed in accordance with the approved conditions.

V. Protection of Trees in Development Projects

A. Each application submitted to the Planning Board for site plan approval, special permit approval and/ or subdivision of property within the Village shall be accompanied by a description of all tree removal which is contemplated in conjunction with the project prepared by the applicant. In particular, the description shall include:

- a. Identification of all trees on the property as may be have identified by the Council in its inventory;
- b. A description of all trees having a DBH of 24 inches or greater;
- c. A description of all trees which are locally important in this area; and
- d. A description of all trees having a high ecological or aesthetic value.

B. This description shall be referred by the Planning Board to the Tree Council upon receipt of a complete application from the applicant.

C. The Council shall, within 30 days after receipt of the referral, make a recommendation to the Planning Board of conditions imposed in the Planning Board’s approval of the project in the form of a tree preservation plan to preserve, maintain or protect trees on the property. The Council may also make recommendations concerning the landscaping plans and the protection of trees during the construction project.

D. The Planning Board shall not act on the application until 14 days have expired from the receipt of the referral by the Council or until it has received a recommendation from the Council, whichever is earlier.

E. The Planning Board shall consider, and incorporate where appropriate, the recommendations of the Tree Council in a tree preservation plan for a project or in conditions of approval to be adhered to by the developer in the development of the property. The plan shall, in the discretion of the Planning Board:

- a. Identify and show the location, type, size and health of trees within the development site;
- b. State the ultimate disposition and type, size and location of any trees to be planted;
- c. Set forth measures for protection of trees to be saved before, during and after construction.

VI. Removal or pruning trees interfering with public streets, sidewalks and property

A. In an emergency situation, after reasonable time to contact the Tree Council, the Village shall have the authority to remove all dead and diseased trees or broken or decayed limbs on public property which constitute a verifiable menace to the safety of the public. The cost of said remedy will be borne by the property owner. The Village shall have the authority to prune any tree or shrub on property when it interferes with visibility of any traffic control device or sign.

B. After consultation with the Tree Council and a Certified Arborist the Village shall have the authority to cause removal of any dead, diseased trees on property within the Village when such tree constitutes a hazard to public streets, public ways or other public property within the village. The village, through the Department of Public

Works or the Village Clerk, will notify, in writing, the owner of such tree (s). Removal shall be performed by said owners at their own expense within 60 days after the date of service notice, unless a shorter time period is specified in the notice. In the event of the failure of the owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of the removal as a municipal lien to be levied as a special assessment or tax against the owner of the property upon which the tree is situated. Notices pursuant to this section shall be deemed to be given when delivered personally to the property owner or when sent by certified mail, return receipt requested, to the address of the property owner as shown in the latest tax roll assessment.

C. Upon removal of a tree, all wood left after the tree is cut down must be cleaned up and removed, wood may not be left at the curbside. Removed trees found to be infested with insects or disease are to be treated or burned in a secure location so as not to spread invasive insects & disease.

D. Anyone wishing to have a public tree removed, for whatever reason, must submit the request to the Village Board who will then consult with the Village Tree Council. The Tree Council will work with the DPW in having the tree removed and the replacement tree installed. No public tree can be removed without the consent of the Village Board and Village Tree Council. Any public tree removed at the request of an individual will be replaced at the requester's expense with a new tree approved by the Village Tree Council.

E. When a Village tree is removed, or dies naturally, the Tree Council has the authority to replace the former tree with a new replacement tree in the Village.

F. Anyone damaging, defacing, vandalizing or removing a public tree deliberately or accidentally shall be fined \$400. Those monies shall be placed in a fund for tree maintenance or for the planting of a new tree.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State