

Chapter 128

TREES

§ 128-1. Legislative intent.

The Town Board of the Town of Red Hook finds that trees provide shade, green space, reduction in noise and visual pollution, improve air quality and reduce the effects of global warming, impede soil erosion, reduce heat island effects, increase property values, and attract business. It is in the best interests of the community to establish a program for planning, maintenance and removal of trees, and to establish a Tree Commission in order to maximize the benefits afforded by trees within the Town and provide an orderly framework for such activities. This law is designed to protect the health, safety and welfare of Town residents.

§ 128-2. Creation of Tree Commission; membership.

- A. The Town Board of the Town of Red Hook hereby creates a commission to be known as the "Red Hook Town Tree Preservation Commission," hereinafter called the "Tree Commission."
- B. The Tree Commission shall consist of seven members who shall be appointed by the Supervisor of the Town Board after consultation with the Conservation Advisory Council, subject to the approval of the Town Board. Members of the Tree Commission shall serve terms of two years, with initial terms staggered so that the terms of not more than three members expire each year. Vacancies on the Tree Commission shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term. Persons residing within the Town of Red Hook shall be eligible for appointment as members of the Tree Commission. Members shall be persons who have knowledge of trees and shrubs and their planting and maintenance, but professional forester or arborist experience shall not be required. Members of the Tree Committee may be members of the Conservation Advisory Council. **[Amended 4-14-2015 by L.L. No. 2-2015]**

§ 128-3. Tree Commission organization, meetings and records.

The Town Board shall designate a member of the Tree Commission to act as Chair thereof. The Tree Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in this chapter.

§ 128-4. General powers and duties of Tree Commission.

- A. The Tree Commission shall advise the Town Board on matters affecting the preservation and planting of trees so as to enhance the long-range value of the environment to the people of the Town of Red Hook.

- B. The last Friday in April is hereby designated as Arbor Day in the Town of Red Hook. At the request of the Supervisor, the Tree Commission may coordinate an annual Arbor Day observance.

§ 128-5. Community forestry management planning.

- A. The Tree Commission shall develop and implement a Community Forestry Management Plan, which shall take into account the most current available tree inventory. The Community Forestry Management Plan shall be subject to approval by the Town Board.
- B. The Community Forestry Plan shall include a statement of current arboricultural practices such as ANSI A300 or other standards recommended by the New York State Department of Environmental Conservation ("DEC") for Region 3 ("Arboricultural Practices").
- C. The Tree Commission shall develop and maintain an inventory. Such inventory may include significant park trees, street trees, forested areas, or other significant trees as determined by the Tree Commission with the approval of the Town Board.
- D. The Community Forestry Management Plan shall include recommendations regarding standards applicable to planting and maintenance of street trees and park trees located on Town-owned property or within Town rights-of-way. Such recommendations shall take into account the expenses involved with installation and maintenance. The plan may address species diversity, planting needs, hazardous trees, insect and disease problems, and need for regular maintenance, and standards for protection of existing mature trees during construction. Such plan may also include recommendations regarding further forestry management planning needs, pruning and tree care, risk assessment, tree removal, pest and health issues, and volunteer recruitment and training.
- E. The Community Forestry Management Plan shall include recommendations for guidelines applicable to subdivision and new development subject to review under § 128-9 of this chapter. Such guidelines shall be applicable to trees designated by size, location, significance and/or inclusion within a significant forested area and shall be consistent with Arboricultural Practices to the extent applicable.
- F. The Community Forestry Management Plan shall include a recommended program for the oversight and care of all street trees and trees located in public parks and Town rights-of-way. Such program shall be based on recommended maintenance and removal practices consistent with proper Arboricultural Practices.
- G. The Tree Commission shall provide a recommendation to the Town Board regarding the annual budgetary requirements for tree planning, planting and maintenance in accordance with the Community Forestry Management Plan.

- H. The Tree Commission may conduct such other studies and surveys as may be necessary to carry out the general purposes of this chapter. The Tree Commission shall make use of the Town's Comprehensive Plan, Open Space Plan and all relevant documents prepared by or on behalf of the Town or the Town's Conservation Advisory Council.
- I. The Tree Commission, working in cooperation with the Planning Board and the Conservation Advisory Council, may recommend from time to time to the Town Board features, plans and programs relating to tree preservation and planting for inclusion in the Comprehensive Plan of the Town of Red Hook and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to tree preservation and planting or recommend new local laws and ordinances.

§ 128-6. Tree Commission annual work plan.

- A. The Tree Commission shall develop an annual work plan with the goal of maintaining or increasing the percentage of canopy cover over time. The annual work plan is to be consistent with the Community Forestry Management Plan and shall include an annual plan for maintenance and planting of public trees. The Tree Commission shall encourage the use of volunteers in its planning, maintenance and planting activities.
- B. The Tree Commission shall develop and maintain a list of trees which are desirable as street trees and for other public areas, and a list of trees neither suitable nor desirable for such purposes. Such lists may include classes based on size and recommended use. Such list shall include specific guidelines for street trees in consultation with the Highway Superintendent and applicable electric utilities regarding safety considerations applicable to public streets and utilities.
- C. The Tree Commission may develop and maintain a list of invasive species based on Arboricultural Practices, recommendations of the Invasive Species Council of New York, National Invasive Species Council, and any applicable DEC recommendation or requirement for the region.
- D. The Tree Commission may retain the services of licensed professionals to assist in planning, planting and maintenance of trees located in the public right-of-way, recreational park, or other public spaces. All contracts shall be subject to appropriations for such purpose by the Town Board, and approved by the Town Board in accordance with the Town's procurement policies.

§ 128-7. Tree maintenance, removal and preservation.

- A. No person shall remove or otherwise destroy or commit any act which will lead to the eventual destruction of trees located in public parks, street trees and other trees located in Town rights-of-way identified by size and/or location and/or significance in the Community Forestry

Management Plan without first procuring a removal permit from the Supervisor or his or her designee. With respect to such trees, the Community Forestry Management Plan may identify pruning practices which can be expected to lead to destruction of such trees. Any such pruning practices would also require a removal permit.

- B. This section shall not apply to any tree which is diseased or damaged by storm, or which is of a type identified in the Community Forestry Management Plan as an undesirable or invasive species.
- C. An application for removal permit shall be on a form designated by the Supervisor with the advice of the Tree Commission. The Supervisor and/or his designee shall issue the permit provided for herein if, in his or her judgment, the proposed work is consistent with the Community Forestry Management Plan or otherwise necessary and desirable. The permit may include conditions consistent with the Community Forestry Plan. Application forms and current permits shall be maintained in the office of the Zoning Enforcement Officer. All applications shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.
- D. An applicant may appeal the denial of a removal permit to the Town Board within 30 days of notice of the denial.

§ 128-8. Coordination with other departments.

- A. The Tree Commission may incorporate in the Community Forestry Management Plan recommendations regarding preservation and planting of trees along Town highways and within the Town's recreational parks. Such recommendations are subject to the Superintendent of Highway's determination as to the need to trim or remove trees the Superintendent determines to be a danger to users of a Town highway pursuant to the Superintendent's powers and duties under the New York State Highway Law.
- B. The Tree Commission shall maintain liaison and communications with the Town Board, the Town Planning Board, the Town Conservation Advisory Council, the Town Recreation Park Commission, the Town Highway Superintendent, the Town Board, and public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the care and planting of trees in the Town who can be of assistance to the Tree Commission.

§ 128-9. Review of proposed developments.

Any development subject to subdivision or site plan approval involving the proposed removal of any trees on said property shall include in its application a description of any trees proposed to be removed which meet applicable thresholds as to size, species, and/or location as part of a forested area as set forth in the Community Forestry Management Plan. Upon request by the Planning Board, the Tree Commission shall review

a proposal for a mitigation plan, cluster subdivision, landscape plan or other site plan element in connection with such subdivision or site plan. Such review shall include comments and recommendations consistent with the approved Community Forestry Management Plan regarding location and species of new plantings of street trees, preservation of existing trees during construction, and preservation and maintenance of existing plantings for streetscapes, buffer areas, parking areas, parks and other public areas.

§ 128-10. Public information.

- A. The Tree Commission may develop and, after receiving approval by resolution of the Town Board, conduct a program of public information in the community for such purpose.
- B. The Tree Commission may obtain and maintain, in orderly fashion, maps, reports, books and other publications to support the necessary researches of the Tree Commission into matters which are the subject of this chapter. The Tree Commission may prepare, print and distribute books, maps, charts and pamphlets in accord with the purposes of this chapter.

§ 128-11. Reports.

The Tree Commission shall submit an annual report to the Town Board concerning the activities and work of the Tree Commission and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

§ 128-12. Compensation; expenses.

The members of the Tree Commission shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

§ 128-13. Annual appropriations.

The Town Board may annually appropriate and cause to be raised by taxation in such Town a sum sufficient to carry out the provisions of this chapter.

§ 128-14. Penalties for offenses.

Any person violating or failing to comply with the provision of this chapter shall be subject to a civil penalty not to exceed \$500. For the purpose of this chapter, each tree affected by noncompliance with the provisions of this chapter shall constitute a separate violation. Such civil penalty shall be in addition to and not in lieu of any damages incurred by the Town with respect to street and park trees including expense of removal and replacement of

damaged or removed street and park trees. The Town Zoning Enforcement Office shall administer and enforce all provisions of this chapter.

§ 128-15. Powers of Town.

This chapter shall be deemed an exercise of the powers of the Town of Red Hook to preserve and improve the quality of the natural and artificial environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair powers of any other public corporation.