

BOARD OF TRUSTEES – INC. VILLAGE OF BRIGHTWATERS
RESOLUTION – OCTOBER 7, 2019

ESTABLISHMENT OF A TREE PRESERATION PROGRAM

WHEREAS, the Board of trustees of the Village of Brightwaters finds that there is a direct relationship to the preservation of trees and the health, safety and welfare of village residents. To that point, trees are directly related to the natural, scenic and aesthetic values and the physical and visual qualities of the environment the Village is obligated to protect. Furthermore, trees reduce noise pollution, provide shade and privacy to village residents, preserve the balance of oxygen in the air and improves air quality. Trees also stabilize the soil and helps control water pollution by preventing soil erosion and flooding. Trees also create a natural habitat for indigenous wildlife; and,

WHEREAS, the destructive and/or indiscriminate removal of trees causes increased village costs for proper drainage control, impairs the stability of property values and negatively impacts the general welfare of the residents of Brightwaters, and,

WHEREAS, for these reasons, the Village needs to create a tree preservation process and committee. The process and committee will evaluate all tree removals and replacement trees. Regarding the replacement of trees, the committee will consider the impact of these new trees on neighbors' property and the overall impact to the village as a whole. Additionally, with forward thought, the replacements will be evaluated with respect to the future (and existing) impact on solar energy panels on neighbors' property; **AND THEREFORE, BE IT RESOLVED**,

RESOLVED, the Village creates a tree committee that is responsible for evaluating all removal and replacement trees. This committee is responsible for the administration of the following process.

- Resident files for a permit to remove tree(s) at a fee of \$150/tree. The committee may require the tree(s) to be replaced. A tree is hereby defined as any woody growth with a main trunk having a diameter (girth) of 12 or more inches. The girth measurement must be calculated at a point that is 4 feet above the ground. If the main trunk is split before the 4 feet, then the measurement will be taken just below the split.
- The permit is to be submitted to village office, then it will be forwarded by VOB staff to the tree committee.
- Permit filing must include a rationale as to why the tree removal is requested. The rationale must include a statement that the tree replacement is necessary due to the tree being: dangerous, diseased, infested or part of a new landscape plan. Replacement tree requirements (including location) also need to be specified (type/species/height at planting) by the homeowner and approved by the tree committee. The tree committee, at times, may use an independent arborist to evaluate the request for removal of tree(s) and replacement(s). In certain instances, the tree committee has the right to require replacement tree(s) to be located on other properties within the Village. The tree committee then approves, modifies or declines homeowners permit. If approved, then:
 - Resident posts \$500 bond/each approved tree removed. If permit calls for tree replacement then a \$250 bond will be posted for each replacement tree(s). All will be refunded after the job is completed in accordance with **all aspects of the approved permit**. If a project includes multiple removals and replacements of trees the board payment will be held to a maximum of \$2,500. A tree removal will be considered complete **only when the tree stump is taken to below ground level and all branches and debris removed**.
 - Resident is responsible for all contractors' actions.

Fines:

- Any resident removing a tree without the proper approved permit will be fined \$1,000/tree removed. Tree replacement may be required by committee with a \$250 fine/tree for non-compliance.
- In the case of an emergency, where a tree needs to be removed immediately for safety reasons (storm, wind damage, etc.). The homeowner should take immediate action to rectify the situation. The following action should be taken:
 - Hire a tree expert to immediately correct any dangerous conditions.

- Immediately call the code office and inform them of the situation. Either speak with code officer or leave a message explaining the location of tree emergency. Code officer or message system is available 24 hours a day 7 days a week.
- Take pictures of the problem (either by homeowner or contractor).
- Homeowner should not hesitate taking immediate action to correct the problem. However, if the tree can be made safe by removing only sections of the tree, that is the action that should be taken. This will be verified by the tree committee via the pictures at their next meeting.

Replacement tree recommendations by tree committee will be based upon, but not limited to:

- Type/species of tree
- Exact location of tree on site plan with specific measurements from property lines and any structures on adjacent properties
- Height and girth of tree at time of planting
- How much overhang is expected on neighbors' property at maturity of tree
- Impact on any neighbors' solar panels or future installation of solar panels
- Impact on neighbors "air rights" (i.e.: view, shadow, etc.)

WHEREFOR, this RESOLUTION, hereby adopted by _____ vote on October 7, 2019 before a duly constituted meeting of the Board of Trustees, shall be promptly recorded in the Office of the Village Clerk, and made part of the public record.

JOHN VALDINI, Mayor
Incorporated Village of Brightwaters