

TREE ADVISORY BOARD
VILLAGE OF COLD SPRING

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MEMBERS: TONY BARDES; CHARLES DAY; KORY RIESTERER; GORDON ROBERTSON; JENNIFER ZWARICH

11/18/2015

MEETING MINUTES

8:00pm Village Hall

Present: Tony Bardes, Charles Day, Kory Riesterer, Jennifer Zwarich.

Absent: Gordon Robertson.

Summary:

Meeting opened at 8:12 pm.

Motion made to approve 10/28 meeting minutes carried by vote of 4-0.

Review of two applications. J. Zwarich gave the public a brief overview of the application process. She explained that for each application, sufficient public notice had been given and protocol followed. She also explained that since the Tree Advisory Board was new this was the first time such applications were being reviewed for consideration.

1. John and Charlotte Lane, 5 Mountain Ave., gave an overview of their application requesting to remove three public trees located adjacent to their property. Mr. Lane explained the reasoning for his request, that he would like to install solar panels on his roof, and that the three trees in question were significantly impacting the amount of sunlight reaching his roof as shown in the studies included in the application documents. He added that all three trees are Norway Maples and were essentially allowed to grow on the site out of neglect and are currently crowding out a mature Norway spruce in the center of the property. Mr. Lane also noted that the three trees were beginning to encroach on his property with close proximity of limbs to his house, and that the Village had not been pruning or maintaining these trees on this site to his knowledge. He further noted that his immediate neighbor, Donald McDonald on B St., was in favor of removing the three Norway Maples in order to salvage the mature Norway spruce. J. Zwarich read aloud an email from Donald McDonald that TAB had received to this effect, noting that Mr. McDonald was concerned that a replanting plan for the site would ensure that replacement planting would maintain the status quo that cars could not park on the site close to his property. Mr. Lane stated he had obtained estimates for removal, one from Jerry Allen of Philipstown Tree Service, who is also a neighbor to the parcel (across B street).

Jerry Allen expressed his opinion that he was not in favor of removal, stating that the three Norway Maple are a healthy row of trees growing on the site and which also give his property a great degree of privacy. He added that from his perspective it appears that Mr. Lane's roof received plenty of sunlight and were not being impacted by the trees. Mr. Allen continued, that in his opinion Norway maples are abundant in the Village in large part because they are survivors that do well in difficult growing conditions. They are also salt tolerant. Mr. Allen expressed that he is not in favor of removing public trees simply to benefit private residents. He felt strongly the Norway Maples in question add value, shade, and beauty to that part of the neighborhood. He noted that he'd given a quote for removing the trees but was not in agreement with the proposed removal.

Mr. Lane responded by explaining that he had included site studies by the solar provider in the application

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that showed that the trees in question had a negative impact. Mr. Lane further noted that there is a fire hydrant on the parcel and that it was often used for winter parking by residents. He expressed a commitment to replacing the trees with small or medium trees of equal value that would improve the site but not grow as tall on that site. He also said that he would cover the full cost of removing the three trees.

J. Zwarich then closed the period for public comment and explained that TAB would now review the the application using the standard criteria created for such applications and deliberate further and would then reopen the floor to hear any final additional public comment before taking a vote of the board on the matter. She prefaced the discussion by stating that this particular Village-owned property is unique in its size and location and that as a general rule she did not feel applications for solar panel installation should be a viable reason for removing public trees. She went on to state that in future, TAB should possibly develop a solar panel policy such as the one Ithaca's tree board has, stating that panels are not a reason to allow public tree cutting but that applications might still be reviewed on a case-by-case basis. She reiterated that cases should be judged based on whether such applications are ultimately in the interest of the Village and the public and not just benefitting private residents.

TAB Discussion. T. Bardes voiced concerns about creating a precedent for solar panels, and the other members were all in agreement that private solar panels should not be valued over existing public trees. TAB members all felt they needed to weigh the dangers of setting a precedent with the possible approval of the application, against potential gains for the Village by accepting the proposal to improve the site. They discussed how this site, located in the middle of a residential area, could use improvement, and that although the trees were currently in good health and did not pose imminent risk of danger in the village that the site has not been optimally maintained. Furthermore the board agreed that the Norway maples were growing in a such a close fashion, one of them triple-trunked, and that thinning or removal may likely be needed at some point in the future just to maintain safety. The board also agreed that the older spruce on the site, which is being choked out by the Norway maples, would benefit from a reduction in competition.

At this point, Mr. Allen interjected, voicing further concerns, such as who would maintain the site in future, etc. J. Zwarich asked him to please wait until she had opened the meeting again for public comment. She reiterated that he would certainly have a chance to speak again and that TAB wanted to hear his concerns. Mr. Allen was not willing to wait and left the meeting.

TAB proceeded to go line by line through the criteria for judgment of requests for removal of public trees as approved by the Village Board of Trustees on 10/27/15.

The floor was reopened for public comment. The Lanes again expressed their willingness to cover the full cost of improving the site as well as continuing to informally mow the site if allowed. TAB members expressed regret that Mr. Allen was no longer present to give his comments. J. Zwarich closed public comment again in order to allow TAB to vote on the application.

TAB deliberated further and discussion ensued as to whether the village had a significant interest in the removal of these trees. K. Riesterer came back to the word "significant" several times as she felt this was a judgment call in weighing gains versus losses in the Village. Concerns about setting a precedent were again discussed. J. Zwarich stated that she felt that the applicant's solar-panel and property encroachment reasons for requesting to remove these trees actually should not be taken into account because they were,

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in her opinion, not valid reasons to remove public trees. The request to protect the health of the spruce should be taken into account. She noted that the Criteria required them to judge based on whether the proposal represents enough of a gain for the village, the immediate neighborhood and the site itself to offset the loss of these trees. TAB voted in favor 4-0 to approve the request with the caveat that a plan for the site must first be developed and approved. TAB members discussed the importance of seeking public input regarding the replacement planting plan for the site, particularly from neighbors most impacted. J. Zwarich said she would reach out to Mr. Allen for his opinion and input, hoping that perhaps a compromise of sorts could be reached between the two neighbors regarding this property.

K. Riesterer told the public and Mr. Lane that the TAB vote meant the application and TAB recommendation would be forwarded to the Village Board of Trustees and that they ultimately had the authority to approve or reject the application.

2. J. Zwarich moved on to the second application of **Anne Impellizzeri** regarding removal of a Callery Pear dbh 7" in front of **15 High Street** to accommodate modular house installation following destruction of her home by fire. Ms. Impellizzeri expressed regret that her architect, Juhee Hartford, could not be present, and proceeded to give an overview of her application. She explained that she felt it was certainly in the interest of the Village to have her home replaced on the site rather than the large mudpit currently there, and that perhaps it would even be more desirable to replace the existing tree in question, since it is a callery pear, a tree overly prevalent in the Village according to the Street Tree Inventory percentages. She further explained the crane delivering her modular unit needed to be placed exactly where the tree is currently located. J. Zwarich read briefly from an email received by the contractor expressing safety issues for installation if the tree is not removed. J. Zwarich also explained that absent TAB member Gordon Robertson had sent an email expressing his approval in favor of this application due to hardship. There was no further public comment and no further comments had been received by TAB via email although T. Bardes said that he had verbally received a lot of comments from village residents in favor of the application too. He felt that this application in particular was a "hardship case" given how Anne's home had been lost.

J. Zwarich closed public comment, and TAB again proceeded to go through the application criteria line by line. The application was approved by a vote of 4-0 no objections were raised. J. Zwarich explained that until a more precise method of calculating replacement values for trees could be determined, TAB had voted at their previous meeting to require a flat \$500 replacement fee per tree removed in order to keep things fair. Anne agreed to cover the cost of tree removal and the \$500 replacement fee. She also first tab to move quickly and forwarding her application to the Village Board of Trustees since time is of the essence now in getting her home installed.

OLD BUSINESS

Update on TMP draft work: update of **Tree Inventory Survey** still outstanding G. Robertson was unable to finish his section and J. Zwarich said she would take over for him. Zwarich and T. Bardes thanked C. Day for the additional work covering Bardes' section.

J. Zwarich reported that she had spoken to the village clerk and accountant abd VBOT who advised her on procedures for contracting work on village property. It was determined that the village will receive bid or bids for the work and the village will contract the work upon receipt of funds from the applicant. J. Zwarich

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said she would update the **application** to reflect this. She said the Village board of trustees asked them to contract any work underneath the procurement policy limit by rotating through a list of vetted arborists and/or tree professionals (depending on the specific needs of the job as well as the quality of work and expertise of the contractor). T. Bardes felt that private residents should still have a say in requesting a professional who they may have worked with in the past or have a relationship with.

TAB **website update** was moved to the next meeting for further discussion.

J. Zwarich reported the **Haldane Middle School Service Day** scheduled for Nov 13 West very successful. She and K. Riesterer took about 20 seventh graders down Main Street to weed and clean up the tree pits. TAB partnered with the Haldane School Garden for tools.

T. Bardes brought up the silver maple tree on Academy Street and said that he'd heard a resident was still worried about it even after the tree had been pruned by a Central Hudson contractor. Discussion ensued about the need to ensure that the tree is structurally sound and to see if any additional pruning is warranted. J. Zwarich said that she would have the village reach out to Garrison Tree to finish the arborist's assessment for safety pruning they had begun on the tree prior to Central Hudson pruning. All agreed that additional pruning needed to make the tree safe, if it was assessed in good health, should be given priority and done in a timely manner.

NEW BUSINESS

Thanks for went out to T. Bardes for alerting TAB to the online "**Tree University**" as a valuable resource for current and future members

Brief discussion ensued around **Central Hudson's** pruning of two small spruce trees around the transformer in Waterfront Park (in front of Moo Moos). J. Zwarich said that she had discussed the site with Recreation Commission chair Jeff Phillips and that he's okay with removing the spruces and collaborating on a plan to replace them with trees better suited to the site. C. Day did some preliminary site evaluation and recommends that Plum Yew trees (*Cephalotaxus*) be planted here in light of the shadiness and openness of the site, and that he would research cultivars and come up with a site plan.

J. Zwarich told TAB that she was in the process of applying for **tree city USA** status which is due by year end.

Public comment was heard by two village residents that live across from the tree nursery on Kemble Ave. They expressed appreciation of TAB work and willingness to help with the nursery in the future.

TAB members agreed to **reschedule next meeting** to 12/16 from 12/23 given the holidays.

There was no further public comment.

Motion to adjourn meeting passed at 9:53 pm.