

RESOLUTION # - 2016

WHEREAS, the attached amendments to the Village Code Chapter 106: Trees were introduced by the Board of Trustees of the Village of Rhinebeck on September 5, 2016, and

WHEREAS, a public hearing was held on September 13, 2016 at 7:00 PM at the Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said hearing duly published and at which time all interested parties had an opportunity to be heard; and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be a Type II action based on the criteria found in 6 NYCRR, § 617.5 (c) (27) and therefore has determined that there are no adverse environmental impacts associated with the adoption of this Local Law;

NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village of Rhinebeck the following:

VILLAGE LAW OF RHINEBECK
LOCAL LAW NO. _____ OF 2016
TREES AMENDMENTS

ADDITIONS TO SECTION 106-1

H. Recognizing that the care and maintenance of street trees is a general benefit to the Village residents by contributing to the overall appearance of the Village; and recognizing that planting solely in the Village Right of Way leads to conflicts with sidewalks, utility wires and street maintenance the Village Board shall consider alternatives for street tree planting in concert with private property owners in the Village.

ADDITION TO SECTION 106-4 Tree removal, alteration, or pruning permit required.

G. The cost of removal shall be the responsibility of the property owner.

ADDING SECTION 106-6A Planting of Trees

A. Planting locations and species selection shall be recommended by the Tree Commission and approved by the Village Board.

(1) Planting locations may include Village property, private property within the Village's right of way (ROW), or private property up to 30 feet beyond the curb line of the public road.

B. Consent for Planting on private property shall be documented on by an "Easement and consent for tree planting and maintenance agreement" signed by the homeowner prior to planting in a form approved by the Village Attorney.

(1) The agreement shall provide, at a minimum, for the following:

(a) The property owner grants access to the planted tree or trees for watering and pruning purposes for a period of five years following planting as deemed necessary by the Village. The cost for this care shall be the responsibility of the Village.

(b) Hold harmless and indemnification provision to the Village for all activity performed by Village employees or volunteers in caring for the newly planted tree.

(c) After the expiration of the five-year term the care of the tree becomes the sole the responsibility of the property owner.

This amendment shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: September 13, 2016

MOVED: _____

SECOND: _____

AYES: _____ NAYS: _____