

## INTERLAKEN SHADE TREE COMMISSION MINUTES

SEPTEMBER 3, 2019- Final

Sunshine Law Read as required – no members of public were present

Present: Heinz, Insabella, Wetstein, Hughes, Dalton, Papp

Also present: Borough Council ISTC liaison Arthur Fama

Minutes:

- 1) The 9/3/2019 special meeting was held solely to review considerations and questions from the Borough Council's August 2019 meeting to analyze the proposed revisions to the Interlaken Ordinance amending and supplementing Chapter XXII "Protection of Trees" (Ord # 2019-7). Advance Notice of the special meeting was posted in The Coaster in accordance with public meeting requirements.
- 2) Interlaken Tree Preservation Ordinance Update: Councilperson Fama conveyed the Borough Council's (BC) impressions and questions on the proposed revisions to the Interlaken Ordinance amending and supplementing Chapter XXII "Protection of Trees" (Ord # 2019-7). Mr. Fama reported the Council had concerns on how certain trees, designated as "heritage trees" in the ordinance changes would be assessed for possible protection and by whom. A key consideration is to clarify 22-2.4(3) of the proposed revisions – Who ultimately decides the "compelling and extraordinary circumstances" which might deny a "heritage" tree removal request? Council questions included the process interaction of Borough staff in both the office and DPW, ISTC members, or qualified contractors or inspectors. Also how resident rights over their privately-owned land/property and freedom to renovate/construct buildings on that property would be recognized and protected, along with their ability to reach timely conclusion of their planned property adjustments. Council comments also questioned the 40 inch standard for "heritage trees" which might include species that some residents may consider "nuisance" trees (ie- sweetgums) which may produce natural fruit/byproducts like "spikeballs" deemed undesirable by many homeowners. Mr. Fama noted the BC shares the ISTC desire to protect the Borough's tree canopy as an environmental asset to the Borough's residents' well-being (such as oxygen conversion and shade) and freedom to maintain property values, but are seeking a fair balance between property protection and a reasonable objective evaluation of potential tree removal. He explained the BC is aware certain tree characteristics, such as tree death or public safety hazards, can mitigate a tree removal, but the BC seeks assessment criteria that are as fact based as possible and known by residents and all parties to a requested "heritage" tree removal. This could include neighbors on an adjacent property who might be impacted by increased water runoff if a tree(s) is removed. Mr. Fama asked the ISTC to consider this information and prepare an assessment tool that can achieve this BC request so that BC can further evaluate the proposed amendments. He further noted that in his direct conversation with Bill Brach, the ISTC contracted certified arborist, that Mr. Brach lauded Interlaken and the ISTC for its efforts to maintain and support the aforementioned current tree canopy.

- 3) Interlaken Tree Removal Stats in recent years: Mr Fama reported info from the Borough Administrator Lori Reibrich indicated the following tree removals in Interlaken as: 2015-41 trees; 2016- 63 trees; 2017-61 trees; 2018-66. These numbers reflect trees of varying size, not strictly “heritage” trees, and were trees on both public and private properties based on Tree Removal permits under the existing Ordinance, and ISTC annual public tree removals as needed.
- 4) ISTC Considerations of the BC Comments. The ISTC discussed Mr. Fama’s report and agreed development of a heritage tree assessment tool would be helpful to all involved parties (such as resident, ISTC, Borough staff) in reaching a decision to initially approve or deny a request. This would include related concerns for the tree canopy and the resident’s basis for the request. Suggestions by ISTC members was to separate and attempt to more clearly define or frame the descriptions of “compelling” and “extraordinary” as a basis for requesting a heritage tree be retained or removed. Also discussed was a plan to have the initial ISTC heritage tree evaluation include access to the tree property for the assessment and a sub-committee specifically for this purpose to include 3 ISTC members both to insure:
  - a) a majority evaluation and;
  - b) a timely response to the resident in the event one of the subcommittee members was unavailable.This sub-committee would report its findings to the Borough Administrator or other designated public official. The ISTC will develop such process and criteria so that it may be referenced in the ordinance. It was recognized that residents/homeowners retain the right to appeal any such initial denial via the process outlined in the ordinance.
- 5) Summary – The ISTC thanked Mr. Fama for his informative feedback and agreed to work on formalizing a heritage tree assessment tool format as soon as possible for BC consideration that will be transparent to all involved parties so that the property rights of the homeowners involved and Borough staff/ ISTC may be considered.

The meeting was adjourned at 9:15 pm based on a motion by C. Papp and seconded by M.Dalton. The next regularly scheduled ISTC meeting will be on 9/10/19

Respectfully submitted: Peter Hughes, ISTC Treasurer