

# Local Law Filing

New York State Department Of State  
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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~  
~~Town~~ of Baxter Estates  
Village

Bill No. 2 of 2024

Local Law \_\_ of the year 202\_\_

*(Insert Title)*

A local law amending Chapter 161, “Tree Preservation and Protection,” of the Village Code, to Clarify Replacement Requirements when Trees are removed

Be it enacted by the Board of Trustees \_\_\_\_\_ of the  
*(Name of Legislative Body)*

~~County~~  
~~City~~  
~~Town~~ of Baxter Estates  
Village

**Section 1.** Legislative Findings and Intent. The Board of Trustees (the “Board”) of the Village of Baxter Estates (the “Village”), has determined that the peace, good order, health, safety and welfare of the Village and its residents can be advanced through amendments to Village Code Chapter 161, “Tree Preservation and Protection,” to clarify the obligations of property owners with respect to the replacement of trees that are permitted to be removed. The Board finds that amending those Village Code provisions will serve to protect the bucolic nature of residential areas of the Village, and thereby promote the peace, good order, health, safety and welfare of the Village and its residents.

**Section 2.** § 161-502, “When application required,” of Article V, “Tree Removal Guidelines,” of Chapter 161, “Tree Preservation and Protection,” of the Village Code, is hereby amended to read in its entirety as follows:

“§ 161-502 **When application required.**

No person may remove a Class B tree, or remove any limb on a Class B tree having a diameter of more than 6 inches at any point, without first applying for, and obtaining, a tree removal permit, in accordance with the procedure set forth in Article **VII** of this chapter.

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**Section 3.** § 161-702, “Tree replanting program,” of Article VII, “Tree Removal Permit; Tree Replacement,” of Chapter 161, “Tree Preservation and Protection,” of the Village Code, is hereby amended to read in its entirety as follows:

“§ 161-702 **Tree replanting program.**

**A.** Except as provided herein, the issuance of any tree removal permit under this Chapter may be conditioned upon the planting by the permittee of a replacement tree for any tree permitted to be removed. Any replacement tree so required shall be planted not later than one (1) year after issuance of the tree removal permit. The Commission shall not require the planting of a replacement tree as a condition to any permit to remove a limb from a tree, or to remove a tree that the Commission determines to be dead, dying or decayed, or otherwise to create a threat to the health and safety of any person or property.

**B.** For each tree removed pursuant to a tree removal permit as provided in § **161-701**, that is conditioned upon the planting by the permittee of a replacement tree, the applicant either shall ~~replant a tree on the property from which the permitted tree is being removed~~ or shall deposit in the Village Tree Relief Fund ~~a sum an amount~~ as prescribed from time to time by resolution of the Board of Trustees, in accordance with the provisions ~~in of~~ this ~~chapter~~Chapter. The purpose of such deposit is to secure the obligation of the applicant to timely plant any replacement tree required as a condition of the tree removal permit. Failure of the permittee to satisfy the planting requirement within such time period shall result in the forfeiture of the deposit payable to the Village Tree Relief Fund in accordance with the preceding clause. The permittee shall remain obligated to plant the replacement tree until that condition is satisfied

**B.** Except where otherwise authorized by the Commission, any replacement tree replanted pursuant to this ~~Chapter~~section shall ~~be subject to the following requirements:~~

- (1) Be of a size and species as approved by the Commission;
- (2) Be planted in a location approved by the Commission;

~~(3) Be balled, and burlapped and shall not be less than two inches in diameter not less than eight feet high. Trees shall be~~ nursery-grown, and a nursery inspection certificate applicable to the replacement tree shall be provided to the Village available covering all trees;

~~(4) Be not less than two inches in diameter or less than eight feet in height.:~~

~~(5) Be planted using the best current commercial practices for successful tree planting; and~~

~~(56) Be consistent with the preferred species list; and~~

~~(6) Any other reasonable requirements of the Commission.~~

~~C. Upon the planting of the tree or trees, the applicant shall request that the~~ The Tree Commission shall inspect any property as to which a replacement tree has been required under any tree removal permit issued under this Chapter to confirm that all required replacement trees have been planted. The failure of a permittee to plant any required replacement tree certify that the tree or trees have been planted. Failure to obtain such certification within the time provided in the permit shall be deemed a violation of this ~~chapter~~ Chapter ~~and shall be subject to the penalties provided in this chapter.~~

~~D. An applicant may apply for request~~ a waiver of the replacement tree se requirements under this Chapter from to the Board of Trustees by submitting in writing, the request and setting forth the reasons for the requested waiver. The Board of Trustees may consider such waiver application at any scheduled meeting of the Board and may waive the requirements in full or in part.”

**Section 34.** Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.