

CITY OF CORTLAND
LANDSCAPE AND DESIGN COMMISSION
MINUTES– May 11, 2011
Mayor’s Conference Room, 4:00 p.m.

Members Present: Mike Dexter (Chair), Anne Doyle, Paul Paradine, Jeff Davidson, Nick DeCarlo, Diane Batzing

Advisory Rep: Jim Maloney

Guest: Patrick Perfetti, Corporation Counsel

Approve April 13, 2011 Minutes: Comm. DeCarlo, 1st; Comm. Doyle, 2nd

Discuss Proposed Tree Ordinance Changes with Patrick Perfetti

The Commission would like the City to assume ownership of the right-of-way so that its urban forest can be better protected, for the overall benefit of its residents. Mr. Perfetti knows that Cortland is a Tree City USA but said he does not have much knowledge of how the Ordinance was drafted.

Mr. Perfetti informed us that the City has an easement that is generally for infrastructure, i.e. sewers, water, fire hydrants, telephone, and electric wires, which is a common practice for sharing those services. The easement cannot exist for any reason beyond this. The property owner, to the extent his trees do not interfere with a neighbor’s property or street services, for example, owns the trees in the ROW, and a lottery tree belongs to the property owner.

Mr. Perfetti is concerned with the Commission’s goals and asked whether there is a problem and if we are losing trees. Responses: “Yes.” He feels we need public education. Comm. Paradine asked whether trees are a public asset. Response: Most cities have an easement whose purpose is a pedestrian and vehicle thoroughfare, with sidewalks being the exception. If there is a problem, the burden will be on him, if prosecuted.

Comm. Paradine feels that we need to have something on the books to protect our trees. In Ithaca the city can just plant a tree where needed. Comm. Batzing showed Mr. Perfetti a photo of a tree-barren street in Cortland and asked if this is what we want Cortland to look like.

Mr. Perfetti feels that the first thing to be looked at is expanding the easement. At this time he is very busy with other City concerns. Comm. Paradine said that Ithaca is willing to share their legal language. Perfetti said he has to look out for the total liability of the community, but that he’s “not afraid of litigation.” We should start with definitions and review model language. We need to redefine “easement” as having non-possessory use, giving the City authority to maintain it.

Comm. Batzing gave an example of Rochester and other cities that have begun removing thousands of trees that have or may become infected with EAB. Perfetti said that our “enacting language” will need to include maintaining the urban forest.

Comm. Paradine wonders whether new ordinance language should be written to include going forward (from this time on) trees or whether existing trees can be grandfathered.

Mr. Perfetti asked if we have reviewed the City tree removal contract and if there is a requirement of expertise: No.

Mr. Perfetti said the new ordinance language should include objective criteria. The Commission will start with changing the easement and then edit/make changes to the Ordinance. We should incorporate part of Tree City USA objectives, define the criteria for what comprises the Landscape and Design Commission's expertise, and define specific aesthetics (e.g. one tree on every lot). We need language that is quantifiable and easily defended.

Mr. Perfetti will send us an opinion that Larry Knickerbocker wrote for the City in 2006.

Jim Maloney will get easement language from Cazenovia, F-M, Rochester, and other communities. He underscored the idea that an ordinance needs to be live and changing.

Charles Street Project

Four red maples that were brought to the site for ROW planting will be saved at Comm. Paradine's home for planting elsewhere, because they were the wrong species and of small caliper. A grass cover crop will be planted. The fence posts must be drilled in, not dug out, because of the contamination. There is a 4' deep non-permeable barrier. Fence posts can be up to 6' deep.

EAB Notification and Tree Tagging

The LDC will tie yellow tags on all ROW ash trees and hang doorknockers including a letter to residents, educating them about the EAB problem and encouraging them to be alert to signs of the borer's infection. The tags have been sold out, but Jim is having 100 printed (\$1.60 each) and will send us the tags, ribbons, and doorknocker kits. Thank you, Jim! The LDC will set a time to meet to distribute them when they arrive.

Expressmart Project

Comms. Dexter and Batzing, and Mick Lowie, the adjacent neighbor to the project, met with Bruce Weber for a speakerphone conversation with Joe Palumbo, the project engineer, regarding changes to the proposed fence and LDC proposed plantings. Expressmart will need to return to the Planning Dept. and Zoning to resubmit these changes.

Arbor Day Tree Planting

LDC commissioners, Jim Maloney, Tom Tobin, and other volunteers planted a Homestead elm in front of Starr Bistro on S. Main St. Comm. Dexter read the Mayor's Arbor Day Proclamation.

Starr Bistro/Jets Camp Landscape Project

We are waiting to hear from the Starr Bistro property owner about the possibility of providing a temporary display to dress up the Main St. corner in July and August.

Tree Lottery Applications

Applications are due at Thoma by May 20th.

NEXT MEETING: June 8, 2011 – Mayor's Conference Room – 4:00 p.m.

Respectfully,
Comm. Batzing