

TOWNSHIP OF EDGEWATER PARK

Ordinance 2024-06

ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK TO REPEAL CHAPTER 483 ENTITLED “TREES” AND TO REPLACE WITH NEW CHAPTER “TREE REMOVAL AND REPLACEMENT”

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) requires the Township as the holder of Tier A Municipal Stormwater General Permit to adopt regulations for tree removal and replacement; and

WHEREAS, the Township’s professional staff have reviewed the NJDEP model tree removal and replacement ordinance and recommend adoption to regulate tree removal and replacement; and

WHEREAS, Shade Tree Committee in the Township is defunct and as such the existing regulations for same under Chapter 483 of the Township Code are no longer required.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey as follows:

The prior sections 1-3 under Chapter 483, entitled “Trees”, of the Township Code are hereby repealed and replaced with new language as set forth below.

Article I. Tree Removal and Replacement.

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in the Township of Edgewater Park to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number

include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.
- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
 - 1. Has an infectious disease or insect infestation;
 - 2. Is dead or dying;
 - 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 - 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
 - 5. Is determined to be a threat to public health, safety, and/or welfare by the Township Administrator, in consultation with the public works department and other staff and professionals.
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

- G. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION III. Regulated Activities:

A. Application Process:

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application to the Township Administrator of the Township. No tree shall be removed, unless exempt under Section IV below, until municipal officials have reviewed and approved the removal.
2. For larger scale clearing projects over 5,000 square feet, the applicant shall submit a tree survey as part of the application to determine number, sizes and exemptions of trees.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more tree(s), unless exempt under Section IV below, as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with Appendix A and Appendix B.

Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed

4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed
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C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$300 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Proper justification shall consist of, but is not limited to photographic evidence, certification from a licensed tree expert or arborist, and /or state agency documentation.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period;
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan;
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;

- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard or invasive trees may be removed with no fee or replacement requirement;
- H. One hundred percent (100%) affordable housing developments.
- I. Any project that has received Preliminary Site Plan approval prior to the effective date of this ordinance, and said approval remains valid and in full force and effect.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$ 300 nor more than \$1,000 per tree and/or any other penalty that is consistent with Section 1-8, Violations and Penalties, of the Township Code for each offense.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Appendix A

Approved list of Replacement tree Species and Planting Standards for the Township of Edgewater Park

Common Name	Botanical Name	Planting Strip
Amanogawa Cherry*	<i>Prunus serrulate</i> 'Amanogawa'*	3' or Less
Autumn Brilliance Serviceberry	<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	3' or Less
Robin Holl Pink Serviceberry	<i>Amelanchier x grandiflora</i> 'Robin Hill Pink'	3' or Less
European Hornbeam*	<i>Carpinus betulus</i> 'clvs'*	3' – 4' Wide
Japanese Zelkova*	<i>Zelkova serrata</i> 'clvs'	3' – 4' Wide
London Planetree	<i>Plantus x acerifolia</i> 'clvs'	3' – 4' Wide
Black Tupelo*	<i>Nyssa sylvatica</i> 'clvs'*	3' – 4' Wide
American Hophornbeam*	<i>Ostrya virginia</i> 'clvs'*	3' – 4' Wide
American Hornbeam*	<i>Carpinus caroliniana</i> *	3' – 4' Wide
Okame Cherry*	<i>Prunus</i> 'Okame'*	3' – 4' Wide
Hackberry*	<i>Celtis occidentalis</i> *	4' or Wider
Willow Oak*	<i>Quercus phellos</i> *	4' or Wider
Pin Oak	<i>Quercus palustris</i>	4' or Wider
Red Maple	<i>Acer rubrum</i> 'clvs'	4' or Wider
Thornless Honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i>	4' or Wider
Tulip Tree	<i>Liriodendron tulipifera</i>	4' or Wider
Sawtooth Oak*	<i>Quercus acutissima</i> *	4' or Wider
'Princeton' Elm	<i>Ulmus americana</i> 'Princeton'	4' or Wider
October Glory Maple	<i>Acer rubrum</i> 'October Glory'	4' or Wider
Willow Oak	<i>Quercus phellos</i>	4' or Wider
American Basswood	<i>Tilia americana</i> 'clvs'	4' or Wider
Littleleaf Linden	<i>Tilia cordata</i> 'clvs'	4' or Wider
Columnar Sargent Cherry*	<i>Prunus sargentii columnaris</i> *	Under or Near Electrical Utilities
Korean Stewartia	<i>Stewartia koreana</i>	Under or Near Electrical Utilities

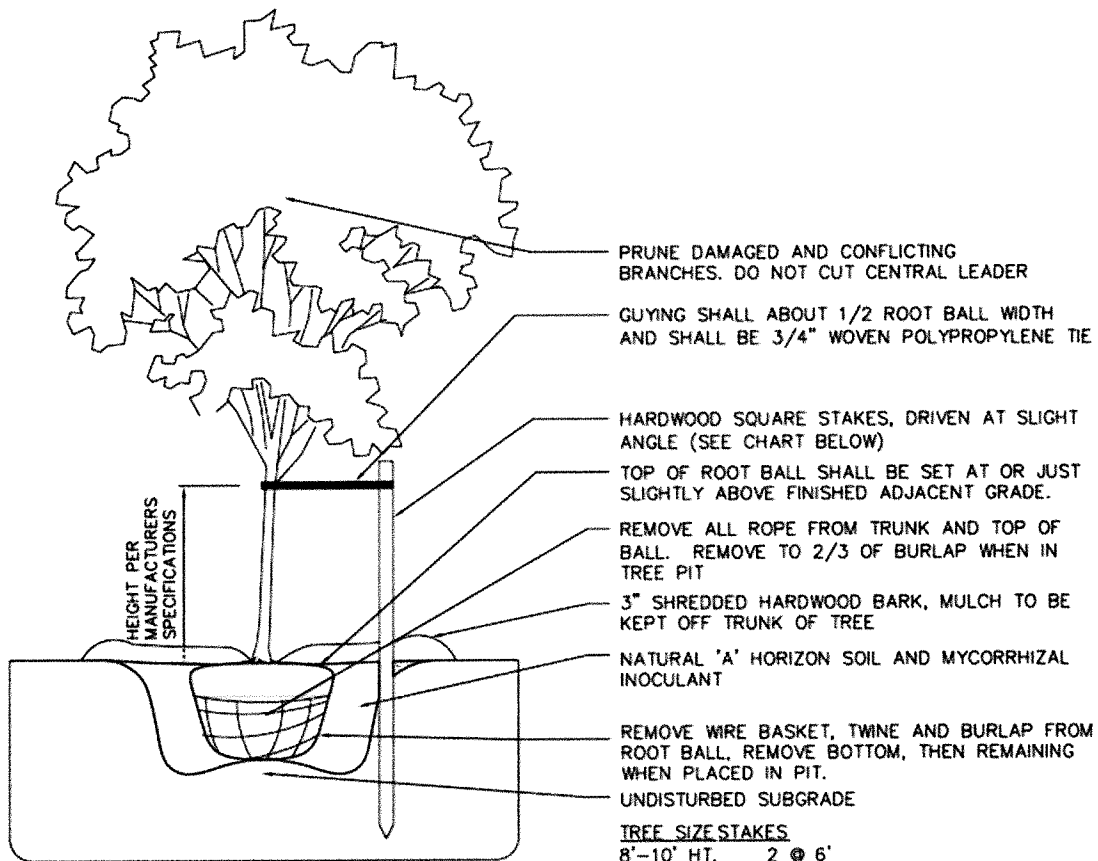
Redbud	<i>Cercis canadensis</i>	Under or Near Electrical Utilities
Sourwood	<i>Oxydendrum arboretum</i>	Under or Near Electrical Utilities

*Fall Dig Hazard – Tree must only be planted in the spring

**Trees not listed as a Fall Dig Hazard may be planted in the spring or fall

**See Appendix B for planting requirements

APPENDIX B



- PRUNE DAMAGED AND CONFLICTING BRANCHES. DO NOT CUT CENTRAL LEADER
- GUYING SHALL BE ABOUT 1/2 ROOT BALL WIDTH AND SHALL BE 3/4" WOVEN POLYPROPYLENE TIE
- HARDWOOD SQUARE STAKES, DRIVEN AT SLIGHT ANGLE (SEE CHART BELOW)
- TOP OF ROOT BALL SHALL BE SET AT OR JUST SLIGHTLY ABOVE FINISHED ADJACENT GRADE.
- REMOVE ALL ROPE FROM TRUNK AND TOP OF BALL. REMOVE TO 2/3 OF BURLAP WHEN IN TREE PIT
- 3" SHREDDED HARDWOOD BARK, MULCH TO BE KEPT OFF TRUNK OF TREE
- NATURAL 'A' HORIZON SOIL AND MYCORRHIZAL INOCULANT
- REMOVE WIRE BASKET, TWINE AND BURLAP FROM ROOT BALL, REMOVE BOTTOM, THEN REMAINING WHEN PLACED IN PIT.
- UNDISTURBED SUBGRADE

TREE SIZE STAKES

8'-10' HT.	2 @ 6'
1"-2" CAL.	2 @ 7'
2"-4" CAL.	2 @ 8'
4"-6" CAL.	3 @ 10'

NOTES:

1. GUYS FOR MULTI-STEM TREES TO BE ATTACHED ON THE LARGEST BRANCHES OF TREE.
2. WATER BAGS MUST BE INSTALLED AROUND BASE OF TREE AND REMOVED AFTER TREE IS ESTABLISHED.
3. TREE PRUNING MUST FOLLOW STANDARDS AS DESCRIBED BY THE USDA FOREST SERVICE



REVISIONS	PROJECT # 63000 00
	DATE: 10/13/2023
	SCALE: NTS
	DRAWN BY: RGM
	REVIEWED BY: NJW

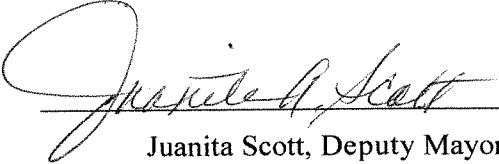
STANDARD CONSTRUCTION DETAIL

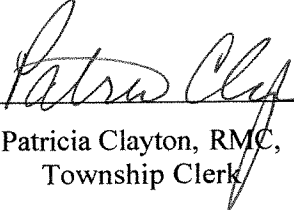
**EDGEWATER PARK STREET TREE
CONSTRUCTION DETAIL**

Notice of First Reading:

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on April 16, 2024. This ordinance will be considered for adoption of final reading and public hearing to be held on May 21, 2024, at 7:00 PM, or shortly thereafter, and place to which such meeting may be adjourned, virtually. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Township of Edgewater Park


 Juanita Scott, Deputy Mayor


 Patricia Clayton, RMC,
 Township Clerk

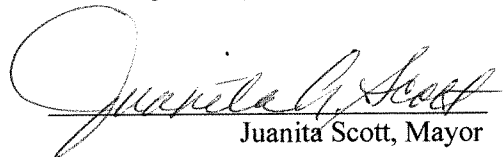
Record Vote of the Township Committee on Introduction					
Committee Member	Yes	No	Abstain	Absent	Motioned By:
Committeeman Belgard	X				
Committeewoman Cannon-Moye	X				1st
Committeeman Trainor				X	
Deputy Mayor Scott	X				2nd

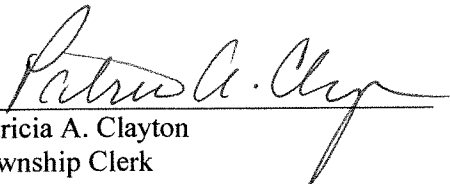
Notice of Final Adoption:

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Township Committee of the Township of Edgewater Park at a Regular Meeting held on May 21, 2024, at the Municipal Building, 400 Delanco Road.

Record Vote of the Township Committee on Adoption					
Committee Member	Yes	No	Abstain	Absent	Motioned By:
Committeeman Belgard	X				
Committeewoman Daloisio	X				1st
Committeeman Trainor				X	
Deputy Mayor Cannon-Moye	X				2nd
Mayor Scott	X				

Township of Edgewater Park


Juanita Scott, Mayor


Patricia A. Clayton
Township Clerk

1st Reading: April 16, 2024
Publication: April 21, 2024
Amendment:
Tabled: n/a
2nd Reading:
Publication:
Adoption: May 21, 2024