

Chapter 28 Shade Trees

§ 28-1 PREAMBLE.

§ 28-1.1 Findings.

The Township Committee does herein decide and find that the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon lots and tracts within the Township has resulted in creating increased municipal costs to control drainage, has further caused increased soil erosion, increased dust, increased noise level, which has adversely affected property values and has further rendered lands unfit and unsuitable for their most appropriate use, with the result that there has been a deterioration, or will result in a future deterioration, of conditions affecting our environment and the health, safety and general well-being of the inhabitants of the Township.

§ 28-1.2 Purpose.

It is the purpose of this chapter to help maintain the residential character of the Township, to control soil erosion and sediment damage and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the safety, public health, convenience and general welfare of the community. The standards and procedures established in this chapter are intended to furnish guidelines for the use of Township boards, committees and commissions in evaluating tree removal and planting plans prior to issuing approval for subdivision and other land developments.

§ 28-2 PROHIBITION.

No person shall cut or remove any tree upon any lands within the Township unless such action is done in accordance with the regulations and provisions of this chapter. Any contractor hired to prune or remove trees in the Township must be registered and licensed as provided in N.J.A.C. 7:3A-1.1, et seq. Furthermore, until the provisions of this chapter have been complied with, no building permit shall be issued, no site plan shall be approved and no application for development shall be approved.

§ 28-3 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

OFFICER

Shall mean the Supervisor of the Department of Public Works or a person designated thereby.

PREFERRED TREE LIST

Shall mean a list of trees recommended by the officer as best adapted to the climate, soil and topography of the Township of Springfield.

TREE

Shall mean any woody perennial plant or coniferous tree having a diameter greater than four inches, measured at a point 4 1/2 feet above the ground, except as set forth in Section **28-6**.

§ 28-4 (RESERVED)

§ 28-5 PERMIT FOR REMOVAL.

§ 28-5.1 Application for Permit to Remove.

- a. Any person desiring to destroy, cut or remove any tree shall apply in writing to the officer for a permit to remove such tree and shall file a tree removal and planting plan in the form of a map and exhibits showing:
 1. General location of wooded area and trees to be removed and to be retained.
 2. Exact location of rare or historic trees as required by the officer.
 3. Simple map of property and location of trees.
 4. Estimated number of trees on tract.
 5. Species involved.
 6. Location of streams and wetlands.
 7. A list of trees to be planted, preferably of the species shown on the preferred tree list.
 8. Tree removal plan and tree planting plan in relation to principal and accessory buildings, roads and driveways, parking lots, garden areas, etc.
 9. Location of buildings.
 10. Location of roads, driveways, parking lots, recreation areas and garden areas.
- b. The officer shall have ten (10) working days to approve or disapprove any application made pursuant to this section. If no action is taken by the officer within ten (10) working days, the application shall be deemed approved.

§ 28-5.2 Fee.

- a. The applicant at the time of filing the application shall pay a fee of fifty (\$50) dollars for review and processing of the application.
- b. If the application is denied or the project is abandoned, the Township shall return the fee paid for each tree to be removed. The Township shall retain the fifty (\$50) dollar processing and review fee.
- c. The fee of one hundred dollars (\$100) for each tree to be removed, in excess of four (4) trees removed in twelve (12) months, shall be held in a separate fund by the Township to be used solely for the replanting of trees to replace each tree removed by the applicant.

§ 28-5.3 Criteria for Reviewing Application.

- a. The officer shall examine the site to determine whether the cutting, removal or destruction of a tree or trees shall impair drainage conditions, cause soil erosion, increase dust hazards, decrease the property value or neighboring property values and shall further determine the overall effects on the physical and aesthetic values of the land as well as any adverse impact upon the environment.
- b. As a basis for determining permitted tree removal, the officer shall give consideration to, but shall not be limited to, the

following:

1. Clearance of trees for proposed rights-of-way shall be approved by the officer only for the paved width of such rights-of-way, plus a ten-foot width on each side only for alignments as approved by the Planning Board or Zoning Board, in writing. Alignment of the rights-of-way shall be planned to save as many trees as possible.
 2. It shall be within the discretion of the officer to permit trees to be removed where the proposed paved portion of a parking area is planned. In off-street parking areas other than for single-family residential dwellings, islands of trees must be left in such a manner that there is a tree every 200 feet or less in any direction. No paving of any impervious nature shall be placed around the base of the trunk of the tree within 10 feet, and the grade shall be such that drainage of rainwater will keep the root area watered without pooling or exceeding the requirements of the species. Excess water shall be admitted to dry wells or storm sewers on the parking lot or drained by acceptable means.
 3. In the vicinity of such uses or structures, in the absence of existing trees or forest cover, provision shall be made for screen species.
 4. Any grading plan must protect standing trees from machine operation, soil storage or material by distance or proper barrier. A wooden barrier or storm fencing must be placed within the area designated by the officer. Any tree damaged must be repaired or replaced.
 5. A buffer zone of trees and shrubs shall encircle industrial or commercial areas in accordance with the zoning and other laws of the Township of Springfield.
 6. Cluster development, commercial development and industrial development shall consider the use of previously treeless areas for building sites. If it is necessary to develop wooded areas or remove trees for proposed building sites in the case of such developments, the Planning Board, Zoning Board, Construction Official or Zoning Officer may require tree planting in treeless areas on the site or off the site with the number of trees necessary to provide equivalent environmental benefits.
 7. Trees in the area between the street line and the setback line of the buildings shall be preserved to the greatest extent possible.
- c. However, no permit shall be issued if:
1. The purpose of tree removal is to expose signs and billboards or expose previously cleared land.
 2. The existing trees form part of a planned greenbelt or buffer zone.
 3. The trees are formally designated by the officer to be special by virtue of history, unusual size or the like; written permission of the officer must be obtained to remove, destroy or kill those trees.
 4. Any grading plan must protect standing trees from machine operation, soil storage or material storage by distance or proper barrier. Any tree damaged must be replaced.
 5. Tree removal from any slope will contribute, in the opinion of the officer, to extra runoff of surface water onto adjoining property and erosion and silting, unless other means approved by the Township Engineer are provided to prevent runoff, erosion and silting.
 6. The tree is considered to be unique and irreplaceable by reason of age, historical association or botanical rarity, as previously determined by the officer.

- d. The officer shall have the discretion to direct any applicant under this chapter to replace any tree in excess of four (4) trees removed in twelve (12) months, approved for removal, pursuant to this section, with one (1) or more trees, which tree shall be planted on public property or on the property of a private landowner who gives permission to do so.

§ 28-5.4 Exceptions.

This section 28-5 shall not apply to:

- a. Any tree on the Township's Rights of Way.
- b. Any tree growing on property actually being used as a nursery, garden center, Christmas tree plantation or orchard.
- c. Any dead, diseased or other tree that is likely to endanger life or property as determined by the officer as to any tree within the right-of-way. The Township shall be responsible for removing any such tree that is dead, dangerous or must be removed due to sidewalk repair required by the Township.
- d. Any tree removed pursuant to a valid site plan or subdivision approval by the Board of Adjustment or Planning Board.

§ 28-6 PLANTING.

Any tree used in a required planting or to replace a damaged tree must be at least two and one-half (2½) inches in diameter, measured four and one-half (4½) feet from the top of the root level.

§ 28-7 REMOVAL PROCEDURES.

§ 28-7.1 Marking Trees for Removal.

Each tree which has been approved for destruction, cutting or removal shall be prominently marked by the officer.

§ 28-7.2 Removal of Stumps.

Each tree which has been approved for removal shall be removed so that no stump remains visible above the surface of the ground.

§ 28-8 (RESERVED)

§ 28-9 COMPLIANCE.

The officer shall, on the officer's own initiative or on complaint of any individual, take action pursuant to this chapter to assure compliance with this chapter, including but not limited to a stop-work order.

§ 28-10 APPEALS.

Any applicant shall have the right to appeal the decision of the officer to the Township Committee within 10 days of the receipt of the officer's decision. The appeal to the Governing Body shall be made by serving the Municipal Clerk in person or by certified mail with a notice of appeal, specifying the grounds therefor and the name and address of the appellant and the name and address of his attorney, if represented. The Governing Body shall proceed to hear the appeal at the next regularly scheduled meeting of the Township Committee at least five days subsequent to service of same, unless the applicant consents in writing to an extension of the period. Failure of the Governing Body to hold a hearing results in the affirmation of the appeal. The Township Committee may reverse, modify or affirm the aforesaid decision.

§ 28-11 VIOLATIONS AND PENALTIES.

§ 28-11.1 Penalty.

Any person violating any provisions of this chapter shall be subject to a fine of up to \$1,000 per tree, or community service not to exceed 30 days for each tree, or both.

§ 28-11.2 Separate Violation.

Each tree removed in violation of this chapter shall constitute a separate violation thereof.

§ 28-11.3 Denial or Revocation of Site Plan.

If the court, after trial, determines that any violation of this chapter was willful and wanton, such finding shall be brought to the attention of the Planning and Zoning Boards and the Construction Official and such information shall be used to deny or revoke site plan approval or deny or revoke a construction permit.

§ 28-12 COPIES OF CHAPTER.

Copies of this chapter shall be on file in the offices of the Planning and Zoning Boards and shall be distributed with any application forms which are to be submitted to such Boards for site plan approval, variant relief or the like.