

AN ORDINANCE AMENDING CHAPTER 126 (LAND USE), PART 11 (SPECIAL ENVIRONMENTAL REQUIREMENTS), ARTICLE XXXVIA ENTITLED “REMOVAL AND PRESERVATION OF TREES,” SECTIONS 126-278.1 THROUGH 126-278.11 PLUS THE ADDITION OF A SECTIONS 126-278.12 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER FOR THE PURPOSE OF EXPANDING THE DEFINITION SECTION, DELINEATING ADDITIONAL EXCEPTIONS, SETTING FORTH THE PROCEDURE FOR OBTAINING A PERMIT, DELINEATING THE CRITERIA FOR TREE REMOVAL AND SETTING FORTH THE TREE REMOVAL APPLICATION FORM TO BE UTILIZED IN CONNECTION THEREWITH

SECTION I. NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Bridgewater, in the County of Somerset that Chapter 126, Part 11, Articles XXXVIA entitled” Removal and Preservation of Trees” of the Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey, is hereby amended with the following modifications to Sections 126-278.1 through 126-278.11 and the addition of Section 126-278.12 entitled “Tree Removal Application Form,” all for the purpose of expanding the “definition” section, delineating additional exceptions, setting forth the procedure for obtaining a permit, delineating the criteria for tree removal and setting forth the application form to be utilized in connection therewith.

ARTICLE XXXVIA Removal and Preservation of Trees

§ 126-278.1. Purpose.

The purpose of this article is to control and regulate indiscriminate and excessive removal, cutting, and destruction of trees, in order to regulate and prevent conditions which cause increased stormwater runoff, soil erosion and sedimentation of watercourses, reflected heat, air or noise pollution, inhibit aquifer recharge, and cause decreased soil fertility, and impairs the stability and value of real estate, all of which conditions will in the future be detrimental to public health, safety, and general welfare of the public, and will preserve an important attribute of the Township, by encouraging owners of existing developed lands and developers of lands to save or replace as many native mature trees as possible when making improvements to real property.

§ 126-278.2. Definitions.

CALIPER - The measurement of the **diameter of a tree at 12 inches above the ground**. This measurement is used to determine the tree size for planting.

CERTIFIED ARBORIST- A person certified by International Society of Arboriculture, ISA, which is a statewide professional organization supporting the professional practice of arboriculture.

CONSERVATION EASEMENT – A portion of land dedicated for designated conservation purposes and designated as such on any recorded deed, plot plan and/or as otherwise identified and delineated in any site plan.

CROWN - The upper mass or head of a tree created by its branches and leaves.

DESTROY - To kill or damage irreparably, which shall be deemed to include, but not be limited to, damage inflicted to the root system by machinery, storage of materials and soil compaction, change of natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus, pests or other infestation; **pruning which is so excessive that it threatens the health of the tree** or thinning leading to the failure to thrive; paving over the root system with any impervious materials within such proximity as to be fatally harmful to the tree; or application of any toxic substance.

DBH - The “Diameter Breast Height” and shall mean the diameter of the stem of a tree measured four and one half (4.5) feet above the surface of the ground.

EXISTING INDIVIDUAL LOT - All existing lots identified and recorded on the Township Tax Map as of the date of adoption of this ordinance with an existing principal structure.

HISTORIC TREE – **A tree may be associated with a notable local or regional historical event, person, structure, or landscape. Historic tree status is granted by the council or and advisory body (e.g., Shade Tree Commission).** Trees that are of unique historical value, as determined by the New Jersey Department of Environmental Protection, and therefore constitutes an important community resource.

LANDMARK TREE - Trees that are of unique ecological value, as determined by the Planning Board **at the recommendation of** the Environmental Officer, and therefore constitutes an important community resource.

LANDSCAPE EASEMENT - A portion of land dedicated for landscaping and, more specifically, the installation or planting of landscape materials including but not limited to trees, shrubs, ground covers, turf and/or other planting materials. A landscape easement may be required as a landscape barrier or buffer between properties of different uses or between residential neighborhoods and arterial streets and/or area of non-residential nature. Additionally, a landscape easement may be identified and delineated in a deed, plot plan and/or site plan.

PERSON – **Persons, corporations and similar entities.**

REPLANTED TREE - Any deciduous or evergreen woody plant of the diameter caliper required in this article, planted for the purpose of replacing trees cut down, removed, destroyed.

SPECIMEN TREE - Any of the following:

Specimen Tree provides ecological value and input from trained biologists and ecologists may be necessary to document the particular ecological values that determine a specimen trees. A tree with dbh or circumference equal to or greater than seventy-five (75%) percent of that of the largest tree in New Jersey of the same species as listed by the New Jersey Department of Environmental Protection;

A tree greater than thirty-six (36") inches dbh;

A coniferous tree greater than one-hundred (100) feet in height;

A tree of any size listed as a rare, threatened or endangered species by the New Jersey Department of Environmental Protection; (

A dogwood (*Cornus florida*) greater than four (4") inches dbh;

A tree one hundred (100) or more years of age.

TOWNSHIP CODE ENFORCEMENT OFFICER - The Zoning Officer of the Township of Bridgewater or his duly authorized representative.

ENVIROMENTAL OFFICER – The Environmental Officer or his duly authorized representative.

TOWNSHIP ENGINEER - The Township Engineer of Bridgewater Township or his duly authorized representative.

TREE - Any live, woody plant having a diameter or width equal to or greater than eight (8) inches dbh (diameter at breast height)

TREE REMOVAL APPLICATION - The application form, as approved by the Township Council, to be submitted by an applicant in connection with any proposed Tree Removal activity as described in this ordinance.

TREE REMOVAL APPLICATION FEE - The fee, as approved by the Township Council, to be collected with each Tree Removal Application submitted to the Township of Bridgewater. See 94-2, "Tree Permits"

TREE REMOVAL INSPECTION FEE - The fee, as approved by the Township Council, to be collected as required for site inspections to determined conditions in accordance with the Tree Removal Application submitted to the Township of Bridgewater. See 94-2, "Tree Permits"

TREE REMOVAL - Any intentional action that results in the death or significant degradation of the health or vigor of a living tree including but not limited to the following:

Cutting the main stem of the tree;

Girdling the main stem of the tree;

Excessive pruning;

Placement of greater than six (6") inches of fill within the drip line;

Excavation within the drip line;
Tilling of soil within the drip line;
Compaction of soil within the drip line;
Placement of or application of any material, chemicals or other substance, whether on the ground or upon the tree or its root system, which will impede the free access of air and water to a tree's living components;
Application of any substance to any part of a tree, including roots, with the intention to injure, kill or destroy a tree; and

TREE REMOVAL PERMIT - Written authorization issued by the Bridgewater Township Engineer authorizing the removal of a designated tree or trees identified in the applicant's tree removal permit application.

WOODLAND - Areas, groves, or stands of mature or largely mature trees (i.e., greater than six (6") inches diameter as measured at a point four and one half (4.5') feet above grade covering an area greater than one-quarter (1/4) acre; or groves of mature trees greater than twelve (12") inches diameter as measured at a point four and one half (4.5') feet above grade consisting of more than ten (10) individual trees in the same vicinity of each other.

ZONE - The Township of Bridgewater is divided into zones, differentiated according to use, area and bulk requirements. The location and boundaries of said zones or districts are hereby established on the Zoning Map of the Township of Bridgewater, in the County of Somerset, originally dated November 22, 1976, and as amended or revised from time to time.

§ 126-278.3. Cutting down or removal restricted.

With the exception of the exemptions set forth in § 126-278.4, of this article, no individual, corporation, association, or other entity shall do, or cause to be done by its servants, agents or others, either purposely, carelessly or negligently, any of the following acts:

- A. Cut down, destroy, or injure any tree so as to threaten the health of the tree.**
- B. Place, or maintain upon the ground any substance which will impede free access of air and water to the tree's living components.
- C. Apply any substance to any part of a tree, including roots, with the intention to injure or destroy the tree.

§ 126-278.4. Exemptions.

The following shall be exempt from the requirements of this article and do not require a permit:

- A. Any property owner may remove a designated number of trees from a residential lot based on the following table within any one calendar year. All other zones are required to file for a permit for any tree removal.

R-40, R-50 Zone	3 trees equal to or greater than “=>” 8” DBH
R-20 Zone	2 trees equal to or greater than “=>” 8” DBH
R-10 Zone	1 trees equal to or greater than “=>” 8” DBH

- B. Commercial nurseries - This exemption does not include tree removal within woodlands in connection with the establishment of new nurseries or new orchards;
- C. Trees that are deemed to be removed by the Township Engineer that are on or over a public right-of-way;
- D. Public park lands owned by the Township of Bridgewater;
- E. Trees that are removed as part of a project subject to a Planning Board/Board of Adjustment site plan, subdivision, or variance approval;
- F. Trees that are deemed to be removed as part of a Township project;
- G. Trees which, in the opinion of the Township Engineer or the Environmental Officer constitute a threat to the health, safety, or welfare of the general public;
- H. Companies regulated by the New Jersey Board of Public Utilities;
- I. Properties devoted to the practice of silviculture for which farmland assessment has been approved;
- J. Tree or trees are diseased or so situated as to be substantially lacking vigor or in decline. A report is required by a certified independent arborist or the Township Environmental Officer or owner provided evidence certifying the condition of the tree or trees. This evidence is to be provided to the Environmental Officer before removal.
- K. Trees that are <8” dbh and are not classified as a specimen or landmark tree;
- L. Trimming or maintenance of trees in a manner which is not harmful to the health of the tree.

§ 126-278.5. Permit required.

A permit is required for the removal of trees within the municipality unless exempted by § 126-278.4.

§ 126-278.6. Permit application process.

- A. A tree removal permit shall be submitted to the Township Environmental Officer.
- B. Permit application contents.
 - (1) The name and address of the owner of the land;
 - (2) The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Township of Bridgewater;
 - (3) The purpose or reason for removing the tree(s);
 - (4) The quantity, diameter and species of tree(s) to be removed;
 - (5) The proposed dates for commencement and completion of the project;

- (6) Name and address of the person supervising and/or controlling the proposed removal of tree(s);
 - (7) A statement granting permission to Township officials or employees to enter the property and make surveys and inspections as the work progresses;
 - (8) Identification on a sketch of each tree to be removed indicating size and location;
 - (9) The following shall be provided if requested by the Environmental Officer after the initial application:
 - (a) A survey detailing the location of existing trees, streams, wetlands, roads, driveways, parking lots, staging areas, recreation areas, garden areas, buildings and topography of the property, and/or such other information as required by the Township Engineer and/or Township Environmental Officer;
 - (b) Grading plan.
- C. The Environmental Officer shall review the application to determine whether such project complies with this article and shall determine the need for an independent arborist to inspect the application. If this inspection is required the applicant can independently provide the required arborist documentation or the applicant can request the Township Environmental Officer to provide the required arborist documentation. Upon receipt of the report the Township Environmental Officer shall provide written notice to the applicant indicating one of the following determinations:
- (1) The permit is granted;
 - (2) The permit is granted subject to prescribed conditions attached to such notice; or
 - (3) The permit is denied, in which event the written notice shall state the reasons for such denial.
- D. The Township Environmental Officer shall make the foregoing determination and prepare and furnish the foregoing notices within 20 calendar days following the completion date of said application.

§ 126-278.7. Standards for permit review.

The Township Engineer may utilize the following factors, said factors are not an exclusive list, in deciding whether to grant or deny the permit:

- A. The removal of trees between the street line and front setback line or the landscape easement shall be discouraged;
- B. The removal of trees in buffer areas shall be discouraged;
- C. The removal of trees in old growth areas shall be only in accordance with § 126-278.4 above, and/or
- D. The removal of the trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.

§ 126-278.8. Enforcement.

The Township Zoning Officer is designated as the enforcing agent for this article, or his designee. Upon review of as-built plans or site inspection of any development application or soil movement activity, the Township Engineer or Environmental Officer shall inform the Zoning Officer of any trees removed in excess of those called for removal in the permit. The Township Code Enforcement Officer has the power to revoke the permit if the applicant provided false or misleading information within the permit application, and/or if there is noncompliance with the approved permit.

§ 126-278.9. Fees.

The application for a tree removal permit shall be accompanied by the required fee for each permit. Said fee shall cover reasonable administrative costs in reviewing the permits. The required fee shall be listed under the Township's schedule of fees at § 94-2.

The inspection fee shall be for the performance of site inspections as required to confirm site conditions are in accordance with the approved approval. The inspection fee for the Tree Removal Permit is based on the estimated cost to the Township to inspect the proposed project. The required fee shall be listed under the Township's schedule of fees at § 94-2.

§ 126-278.10. Violations and penalties; restitution.

- A. Any individual, corporation, association or other entity violating any provision of this article shall, upon conviction thereof, be punishable by a fine not exceeding \$1,000 per offense. The cutting, destruction, or removal of each tree shall constitute a separate offense and;
- B. If trees are cut down, destroyed, or removed for any reason, in conjunction with any land use, development, or soil movement activity, in excess of the specified number of trees that were approved for removal by the permit, restitution shall be made by the applicant in accordance with the following schedule and replaced if they die within the first two growing seasons:

Diameter of Tree Removed, inches dbh	Number of 2½ -Inch Caliper Trees to be Provided	OR Number of 4-Inch Caliper Trees to be Provided
8 to 15	4	2
16 to 24	6	3
25 to 36	8	5
37 and over	15	8

If there is not enough land to accommodate the replacement trees on site, the Township will provide a location in close proximity on public property for the planting of said replacement trees.

§ 126-278.11. Appeals.

Any individual, corporation, association, or other entity penalized under this article of the Code shall have a right to appeal the decision. The appeal shall be made to the Bridgewater Township Board of Adjustment within 10 days of receipt of the notice of violation.



THE TOWNSHIP OF BRIDGEWATER

700 GARRETSON ROAD / BRIDGEWATER, N.J. 08807
908/725-6300 / FAX # 908/707-1235
TDD 908/725-6300 / 908/722-4111

TREE REMOVAL APPLICATION

MAILING ADDRESS
P.O. BOX 6300
BRIDGEWATER, NJ 08807

DATE: _____

BLOCK _____ **LOT** _____

Fee Payment:	DATE
Application \$10.00 _____	

Applicant to complete the following:

Name of property owner (applicant): _____

Property Address: _____

Applicant's Mailing Address (if different from property address): _____

Phone Number: _____ Cell Number: _____

Fax Number: _____

List the quantity, size and species of the trees to be removed and purpose for removal:

Provide a Site Plan Drawing indicating the location of the trees to be removed or use this area:

Anticipated start date: _____ Anticipated completion date: _____

Name and contact number of the person responsible for the tree removal activities:

Name: _____

Address: _____

Phone: _____

126-278.10. Violations, penalties and restitution;

- A Any individual, corporation, association or other entity violating any provision of this article shall, upon conviction thereof, be punishable by a fine not exceeding \$1,000 per offense. The cutting, destruction, or removal of each tree shall constitute a separate offense and
- B. If trees are cut down, destroyed, or removed for any reason, in conjunction with any land use, development, or soil movement activity, in excess of the specified number of trees that were approved for removal by the permit, restitution shall be made by the applicant in accordance with the schedule found within the ordinance and replaced if they die within the first two growing seasons.

By making application to the Township of Bridgewater for the removal of trees in accordance with the Township Ordinance, I the undersigned grant permissions to Township Officials or employees to enter the aforementioned property and make surveys and inspections of the property and activities as the work progresses.

Property Owner Signature

Date

Contacts:

Environmental Officer, 908-725-6300 ext. 255 – Fax 908-707-1235
Zoning Officer, 908-725-6300 ext. 240 – Fax 908-725-4272
Engineering office, 908-725-6300 ext. 225 – Fax 908-429-0586

SECTION II. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV. This ordinance shall take effect in the time and manner provided by law.

Adopted: March 20, 2006

Effective: April 10, 2006