

**TOWNSHIP OF GREENWICH
COUNTY OF CUMBERLAND**

PROPOSED ORDINANCE NO. 82-2024

TREE REMOVAL AND REPLACEMENT

NOW THEREFORE BE IT ORDAINED by the Township of Greenwich, County of Cumberland and State of New Jersey as follows:

1. Purpose:

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

2. 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. "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.
- B. "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 a certified arborist or Licensed Tree Expert (LTE).
- C. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

- D. “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.
- E. “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.
- F. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) 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.
- G. “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.
- H. “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 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 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.

3. Regulated Activities:

A. Tree Replacement Requirements

1. Any person who removes one or more tree(s) with a DBH of 6” or more, unless exempt, shall be subject to the Tree Replacement Requirements Table below.
2. Replacement tree(s) shall:
 - a. Meet the Tree Replacement Criteria in the table below. Replacement trees should generally match the species being replaced;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s).
 - c. Be monitored by the resident for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
 - d. Shall not be planted in temporary containers or pots.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria
1	DBH of 6” to 32.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed
2	DBH of 33” or greater	Replant 2 trees with minimum tree calipers of 2.5” for each tree removed

B. Replacement Alternatives:

1. If the Township determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, the replacement trees shall be planted in a separate area(s) approved by the Township.

4. 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 for hazard trees.

- A. Trees within the building envelope and at or beyond the minimum yard setbacks.
- B. Trees indicated to be removed on a tree clearing plan or landscape plan approved by the Greenwich Township Land Use Board for any development application.
- C. Residents who remove less than four (4) trees per acre that fall into category 1 or 2 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the ‘count’ resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- D. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- E. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Township.
- F. 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.
- G. 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;
- H. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;

I. Hazard trees may be removed replacement requirement.

5. Enforcement:

This chapter shall be enforced by the Zoning Officer of the Township of Greenwich during the course of ordinary enforcement duties.

6. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this chapter shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows: **a fine not to exceed \$100 per occurrence.**

7. 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.

8. When Effective:

This chapter shall take effect upon its final passage and publication as required by law.

WILLIAM REINHART, MAYOR

ATTEST:

LISA GARRISON, CLERK

INTRODUCED: MAY 28, 2024

ADOPTED:
