

**TOWNSHIP OF SADDLE BROOK
COUNTY OF BERGEN
ORDINANCE NO. 1749-24**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 192 OF THE
CODE OF THE TOWNSHIP OF SADDLE BROOK ENTITLED "TREES", AS
AMENDED**

BE IT ENACTED AND ORDAINED, by the Governing Body of the Township of Saddle Brook those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 192 entitled "Trees" to be amended and supplemented as follows:

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in *Township of Saddle Brook* 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. "Clear-cutting" means the removal in any calendar year of more than four trees or 25% of the trees on any lot in the Township as depicted on the Township's tax map or on or in any approved subdivision plat or deed, whichever lot is smaller in size, not on any Township right-of-way.
- C. "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'.

- D. "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.
- E. "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. A Licensed Tree Expert to make all Hazard tree determination.
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).
- F. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- G. "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.
- H. "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.
- I. "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.
- J. "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.

- K. "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.
- L. "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 for clear-cutting permit: Applications for permission to clear-cut a lot are to be filed with the Zoning Office and will state the information requested on the application, including:

1. The applicant's name, address, and telephone number.
2. The address, block and lot number, and location of the property.
3. A site plan or survey of the property showing the location of the trees proposed to be cut.
4. The applicant also will use visible weatherproof markings on the trees proposed to be cut, provided that no paint or chemicals that are harmful to the trees are used.
5. An application fee in the amount of \$50.00 to be paid upon the filing of an application under this article.

B. Review of applications

The Zoning Officer will grant or deny any application filed under this article within 30 days of the receipt of the application and fee, unless the applicant consents to an extension. If no action is taken by the Zoning Officer within this time period, then the application will be deemed denied. Any application for clear cutting will be reviewed by the Zoning Officer and will be granted or denied on written notice sent to the applicant at the address stated in the application. The Zoning Officer may request comment on the application from the other Township employees, Construction Official, Green Team, Shade Tree Committee, Township Planner, and/or Township Engineer.

C. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 8" 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), as defined as Tree removal, with a DBH of 8" 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

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)	Application Fee
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	<i>TBD by town</i>
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	<i>TBD by town</i>
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	<i>TBD by town</i>
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	<i>TBD by town</i>

D. 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 \$50.00 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 [the municipality shall define what "proper justification" is such as photos or statements from NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist.]:

- A. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- B. 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;
- C. 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.
- D. 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;
- E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- F. Hazard trees may be removed with no fee or replacement requirement.

SECTION V. Enforcement:

This ordinance shall be enforced by the **Zoning Officer**.

SECTION VI. Violations and Penalties:

The Township's Zoning Officer will enforce this article. For violation of this article, there shall be a fine of \$250, which includes but is not limited to adherence to Sec. III.C. Each tree that is cut in violation of this article shall be a considered a separate violation. In addition to fines, the Zoning Officer may require implementation of any remedial measures recommended by the Township Engineer and/or Township Planner to correct the violations of this article.

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.

Adoption Date: _____

Approved By: _____

Appendix A

Approved list of Replacement tree Species and Planting Standards for Township of Saddle Brook

[The municipality shall provide a list of approved trees that are acceptable to be planted as replacement trees, or at a minimum develop a list of trees that shall not be used as replacement trees. The list shall include approved planting times/seasons and proper planting standard procedures or a reference to available literature containing this information.]

Tree Species	Cultivars	Planting Season	Planting Procedure (soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc)
<u>Acer Rubrum</u> Red Maple		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam)
<u>Acer Saccharum</u> Sugar Maple		Fall / early winter	Full Sun to Part Shade, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Acaer x Freemanii</u> Freeman Maple	Armstrong, Fairfall, Marmo, scarlet Sentinel	Spring / Fall	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Amelanchier laevis</u> Shadblow Serviceberry		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (prefers well-drained loams)
<u>Betula Nigra</u> River Birch		Spring / Fall	Full Sun, Soil Moisture - average to wet, Soil Type- Prefers moist, acidic, fertile soils
<u>Carpinus Caroliniana</u> American Hornbeam	Native Flame	Spring	Part Shade, Soil Moisture - average to wet, Soil Type - Prefers moist, organically rich soils.
<u>Celtis Occidentalis</u> Hackberry		Spring	Full Sun to Part Shade, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Cercis Canadensis</u> Eastern Red Bud		Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type - Performs best in moderately fertile soils
<u>Cercis Chinensis</u> Chinese Redbud		Late Spring / Early Summer	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type - Performs best in moderately fertile soils
<u>Cladrastis Kentukea</u> Yellowwood	Sweetshade, Perkins Pink	Spring	Full Sun, Soil Moisture - average, Soil Type - Prefers moist well drained, organically rich soils.
<u>Crataegus Crus-galli</u> Cockspurn Hawthorn	Thornless varieties only	Spring / Fall	Full Sun, Soil Moisture - average to medium moisture,

			Soil Type wide range (clay to sandy loam)
<u>Ginkgo Bilobra</u> Ginkgo, Maidenhair Tree		Spring / Fall	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam)
<u>Gleditsia Triacanthos</u> Honey Locust	Moraine, Shademaster, Sunburst, Imperial	Spring / Fall	Full Sun, Thornless, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam)
<u>Gymnocladus Dioicus</u> Kentucky Coffeetree		Early Winter / Early Spring	Full Sun, Soil Moisture - Medium moisture, Soil Type organically rich, well-drained soils
<u>Liquidambar Styrciflua</u> American Sweetgum	Cherokee, Rotundiloba, Slender Silhouette, Worplesdon	Early Winter / Early Spring	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam)
<u>Liriodendron Tulipifera</u> Tulip Tree	Ardis, Arnold, Emerald City, Fastigiatum	Spring / Fall	Full Sun, Soil Moisture - average, Soil Type - organically rich, well-drained loams
<u>Magnolia Virginiana</u> Sweet Bay Magnolia		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type - clay to loam, prefers acidic soils
<u>Metasequoia</u> <u>Glyptostrobooides</u> Dawn Redwood		Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type - well-drained loam
<u>Nyssa Sylvatica</u> Black Gum		Spring / Fall	Full Sun, Soil Moisture - average to wet, Soil Type sandy loam.
<u>Ostrya Virginiana</u> Eastern Hop Hornbeam		Spring / Fall	Full Sun to Part Shade, Soil Moisture - Medium moisture, Soil Type organically rich, well-drained soils
<u>Platanus x Acerifolia</u> London Planetree		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam)
<u>Prunus Cistena</u> Purple-leaf Sand Cherry		Early Spring	Full Sun, Soil Moisture - average, Soil Type - organically rich, well-drained loams
<u>Prunus Sargentii</u> Sargent Cherry		Early Spring	Full Sun, Soil Moisture - Medium moisture, Soil Type organically rich, well-drained soils

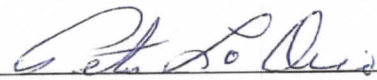
<u>Prunus Virginiana</u> Chokecherry		Spring / Early Summer	Full Sun to Part Shade, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Quercus Bicolor</u> Swamp White Oak	Hightower	Spring	Full Sun, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam) Prefers acidic soil
<u>Quercus Coccinea</u> Scarlet Oak	Kindred Spirit, Fastigiata, Skyrocket	Spring	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Quercus Macrocarpa</u> Bur Oak		Spring	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam) Prefers moist well-drained loams
<u>Quercus Muehlenbergii</u> Chinkapin Oak		Spring	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam) Prefer moist fertile loams
<u>Quercus Michauxii</u> Chestnut Oak		Spring	Full Sun, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam) Prefer moist fertile loams
<u>Quercus Palustris</u> Pin Oak		Spring	Full Sun, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam) Prefer moist fertile loams
<u>Quercus Phellos</u> Willow Oak		Spring	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefer moist well- drained loams
<u>Quercus Robur</u> English Oak		Spring	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefer moist well- drained loams
<u>Quercus Rubra</u> Northern Red Oak		Spring	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefers acidic soil
<u>Tilia Americana</u> American Linden		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefers moist, fertile, well-drained loams

<u>Tilia cordata</u> Little Leaf Linden		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefers moist, fertile, well-drained loams
<u>Ulmus Americana</u> American Elm	Accolade, Frontier	Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to medium moisture, Soil Type - Prefers moist, fertile, well-drained loams
<u>Zelkova Serrata</u> Zelkova		Spring	Full Sun, Soil Moisture - average to medium moisture, Soil Type - Prefers rich, moist loams

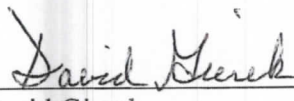
Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.


Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

ATTEST:


Peter Lo Dico, Township Clerk

APPROVED:
TOWNSHIP OF SADDLE BROOK


David Gierk
Acting Council President


Mayor Robert D. White

Introduced: May 16, 2024

Adopted: June 20, 2024