

BOROUGH OF TENAFLY
APPLICATION FOR TREE REMOVAL PERMIT

CHAPTER XXVI, ENTITLED "TREES," OF THE CODE OF THE BOROUGH OF TENAFLY
AMENDED BY ORDINANCE NO. 06-26 ADOPTED AUGUST 8, 2006

A. Applicant

Name of Applicant _____

Address _____

Telephone No. _____ Email: _____

B. Classification of Application (Check one)

Home Improvement. Any expansion or addition to an existing residence for which a certificate of occupancy has previously been issued, or for the construction of improvements such as, but not limited to, any garage, pond, patio, deck, driveway, sidewalk, or accessory building, on any residential lot(s) upon which there is an existing residence for which there exists a valid certificate of occupancy. The construction of a tennis court or a swimming pool shall not be considered a "home improvement."

Development. The expansion or construction of any structures on residential or non-residential property that does not qualify as a home improvement.

C. Location of Property

Address _____ Zone _____

Known as Lot _____ in Block _____ on the Tax Map of the Borough of Tenafly.

D. Property Owner (If different than Applicant)

Name of Property Owner _____

Address _____

Telephone No. _____

E. Number of Trees to be Removed

The undersigned hereby applies for a permit to remove _____ trees of a caliper of four inches or more on the property identified above.

F. Permit Fee

| | <u>Number of Trees</u> | <u>Fee</u> |
|--------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <input type="checkbox"/> | 1 to 5 | \$100.00 |
| <input type="checkbox"/> | 6 to 10 | \$150.00 |
| <input type="checkbox"/> | 11 to 20 | \$250.00 |
| <input type="checkbox"/> | 21 to 50 | \$500.00 |
| <input type="checkbox"/> | 51 and over | \$1,000.00 plus an additional \$100.00 for each additional 5 trees or part thereof |
| <input type="checkbox"/> | \$50.00 for review of any proposed revision or amendment to a previously approved tree removal permit. | |

Notwithstanding the above fee schedule, no permit fee shall be required for the removal of a dead or hazardous tree located within the buffer area, provided the applicant and/or property owner satisfies all of the other requirements of the ordinance and the provisions of Resolution #R02-194 adopted June 25, 2002.

G. Notice or Consent of Adjoining Property Owner (If Required)

In the event the Director of Public Works determines that any tree to be removed is located within the buffer area or in close proximity to the property line between the two properties, the applicant is required to notify the owner of the adjacent property by letter or personal contact and the applicant shall be required to submit written evidence of such notification at the time of application for a tree removal permit. In addition, in the case of any tree shown on a survey plan located on a property line, the applicant shall be required to obtain written consent from the adjacent property owner to remove said tree and said written consent shall be submitted by the applicant at the time of application for a tree removal permit.

H. Tree Removal Plan

Attach an original and two (2) copies of a tree removal plan consisting of a map drawn to scale showing the location of all trees on the property of a caliper of four (4) inches or greater, and the location of all trees to be removed, the species of such trees, and their caliper. The tree removal plan must be prepared, signed and sealed by a licensed professional engineer or land surveyor, and must show the location of all existing and proposed structures on the property, together with the distance, up to fifteen (15) feet, that the trees proposed to be removed are located from such structures and from property lines.

I. Tree Mitigation Plan _____ Check if mitigation required

- Number of major trees required _____
- Number of minor trees required _____
- Total number of trees required for mitigation _____

Attach an original and two (2) copies of a tree mitigation plan consisting of a map drawn to scale showing the location of all trees to be planted, the species of such trees and their caliper or size required.

J. List of Trees to be Removed

Attach an original and two (2) copies of a separate list of the trees to be removed identifying each tree on the tree removal plan by species and caliper, and stating the condition of each tree as "dead," "poor," or "good," and further explaining why removal is felt justified under the Borough's tree removal standards.

K. Performance Bond [] Check if Required

As a precondition to the issuance of a permit where mitigation is required, the applicant shall post a cash bond to assure mitigation in an amount equal to \$ 150.00 for each minor tree and \$ 250.00 for each major tree to be planted. The bond shall be returned to the applicant upon the completion of the required mitigation as provided in the ordinance.

Calculation of performance bond amount:

_____ Major trees at \$ 250.00 each \$ _____
_____ Minor trees at \$ 150.00 each \$ _____

TOTAL BOND AMOUNT \$ _____

L. Consent of Property Owner

The undersigned hereby certifies that he or she is the owner of the property which is affected by this application and hereby consents to this application.

Signature of Property Owner Date

M. Certification of Applicant

The undersigned hereby certifies that the information provided herein is true and complete to the best of my knowledge.

Signature of Applicant Date

**N. FOR BOROUGH USE ONLY
APPLICATION CHECK LIST**

- [] Tree removal plan
- [] List of trees to be removed
- [] Permit fee: Amount \$_____ Check No. _____ Date Paid_____
- [] Notice or consent of adjacent property owner, if applicable
- [] Consent of property owner
- [] Applicant certification

APPLICATION DEEMED COMPLETE

By:_____ Date_____

APPLICATION DEEMED INCOMPLETE

REASONS:_____

By:_____ Date_____

APPLICATION DISPOSITION

- Approved
- Approved subject to posting required mitigation cash bond of \$_____
- Approved with exceptions noted_____

Denied

By:_____ Date_____

=====

Permit issued; Permit No._____ Date_____

BOROUGH OF TENAFLY
TREE REMOVAL APPLICATION STANDARDS

1. Permit required:
 - No person shall remove any tree for the construction or contemplated construction of any building, building addition, driveway, recreation area, or anything similar for which a construction or zoning permit is required until a tree removal permit has been obtained from the Borough.
 - No person shall remove any tree designated as a Landmark Tree pursuant to the standards set forth in the Tree Removal and Protection Ordinance without the prior approval of the Mayor and Council.
 - No person shall remove any tree of a caliper of four (4) inches or greater located within three (3) feet of the side yard or rear yard of the property line until a tree removal permit has been obtained from the Borough.
 - No person shall remove any tree of a caliper of four (4) inches or greater or engage in any site clearing without a tree removal permit, except on a lot used for one- or two-family use where a certificate of occupancy has been issued prior to May 26, 1998, and except as otherwise provided herein above.

2. No tree shall be permitted to be removed unless the tree is:
 1. Located within the building footprint of a proposed principal building.
 2. Located between the curb lines of a proposed roadway approved pursuant to the Land Development Ordinance of the Borough of Tenaflly.
 3. Located within the proposed roadway right-of-way but outside the curb line of a proposed roadway approved pursuant to the Land Development Regulations of the Borough of Tenaflly.
 4. Dead or poses a safety hazard.
 5. Located within fifteen (15) feet of any building.
 6. Located within the area of the proposed driveway, walkway, utility line, accessory building, or any other structure.
 7. Specifically permitted to be removed in a site plan approved pursuant to the Municipal Land Use Law.

3. Mitigation for tree removal shall be required as follow:
 - a. No mitigation shall be required in connection with tree removal conducted pursuant to a permit issued under standards 1, 2 and 3 above.
 - b. Mitigation shall be required in the event of trees removed pursuant to a permit issued under standards 5 and 6 above.

- c. No mitigation shall be required for tree removal conducted pursuant to a permit issued under standard 4 above, if the tree has been planted for at least five (5) years, there has been no damage to the tree by construction or otherwise by any person, and there has been no soil moving within fifteen (15) feet of such tree within five (5) years.
- d. For each tree for which mitigation is required pursuant to b and c above, the following shall apply:

TREES REMOVED IN CONNECTION WITH HOME IMPORVEMENT

| <u>Caliper of Tree Removed</u> | <u>No. Required for Mitigation</u> |
|---------------------------------|----------------------------------------|
| 4" to no more than 12" | None if less than 3 trees removed |
| 4" to no more than 12" | 1 Major Tree for every 3 trees removed |
| More than 12" but less than 18" | 1 Major Tree |
| More than 18" but less than 24" | 2 Major Trees |
| More than 24" but less than 31" | 3 Major Trees |
| More than 31" but less than 41" | 4 Major Trees |
| 41" or greater | 5 Major Trees |

TREES REMOVED IN CONNECTION ANY DEVELOPMENT

| <u>Caliper of Tree Removed</u> | <u>No. Required for Mitigation</u> |
|---------------------------------|---------------------------------------------------------------------------------------|
| 4" to no more than 12" | None if less than 3 trees removed |
| 4" to no more than 12" | 1 Major Tree for every 3 trees removed |
| More than 12" but less than 16" | 1 Major Tree |
| More than 16" but less than 18" | 2 Major Trees |
| More than 19" but less than 24" | 3 Major Trees |
| More than 24" but less than 30" | 4 Major Trees |
| 30" or greater | 5 Major Trees, plus 2 additional trees for each 5" diameter, or part thereof over 30" |

The caliper of trees with multiple trunks shall be calculated by multiplying the caliper of the larger trunk by 1.5 times.

Upon the approval of the Director of Public Works, the applicant may exercise the option of planting two (2) minor trees for each major tree required pursuant to the mitigation requirements.

In the event the applicant asserts the planting of trees on the property in question would be inappropriate, and the Borough Administrator agrees, the applicant may in lieu of planting trees provide to the municipality a sum equal to \$ 150.00 for each minor tree and \$ 250.00 for each major tree required to be deposited in the Borough's Tree Replacement Trust Fund for the purposes of planting shade trees elsewhere in the municipality.

In the event that tree removal occurs in an area otherwise than permitted, mitigation shall be required at the rate of two (2) times the mitigation rate set forth herein above.

In the event that it is unknown or in question in any given instance as to whether mitigation should be determined on the basis of a minor tree or major tree, mitigation shall be required on the basis of a major tree.

In the event that it is unknown how many trees were removed from any given site, and removal took place without a tree removal permit, the number of trees requiring mitigation shall be computed by assuming trees over six (6) inches in caliper existed thirty (30) feet on center and plotting the maximum number of those trees as circles of a fifteen (15) foot radius without having the circles overlap or extend beyond the property lines or drip lines of existing trees.

Upon the approval of the Mayor and Council, the mitigation requirements required pursuant to the ordinance may be satisfied by the applicant by donating the tree to be removed to the Borough of Tenafly to be removed and planted elsewhere in the Borough of Tenafly at the expense of the applicant. The Director of Public Works shall inspect any such trees and submit a recommendation of the Mayor and Council whether to accept or not accept such donation.

4. Hardship Appeal.

In the event that an applicant believes the standards set forth in the ordinance constitute a hardship which prohibits a reasonable use of all or substantially all of the property in question, an applicant may seek relief from the Mayor and Borough Council. In the event such relief is sought, the applicant shall submit an additional ten (10) copies of the documents required to be submitted together with ten (10) copies of a written statement as to the reasons for the claimed hardship. In addition, the applicant shall submit a fee for the hearing of the matter in the amount of one hundred (\$100.00) dollars, which fee shall be returned to the applicant if the hardship is granted by the Mayor and Council. The Mayor and Council, upon the submission of a complete application to the Borough Clerk, shall schedule a public hearing in connection with the requested relief. The applicant shall cause to be published in an official newspaper of the Borough a notice setting forth the time, date and place of the hearing to be so held, together with a brief statement of the relief requested. Such notice must be published within ten (10) days prior to the date of the hearing. Additionally, the applicant shall cause to be served upon all property owners within one hundred (100) feet of the property in question, a similar notice by certified mail, return receipt requested, or by personal service. Proof of publication and service of notice shall be required to be submitted to the Borough Clerk prior to the hearing. At the hearing the applicant may present witnesses under oath and any other interested parties may do the same. All witnesses shall be subject to cross-examination. The decision of the Mayor and Borough Council shall be binding upon the municipal official in charge of enforcement and administration of the ordinance.

5. Time of completion.

The trees required to be planted by the applicant and/or property owner shall be planted within six (6) months after the completion of the project for which the permit was issued, the issuance of a certificate of occupancy, or the issuance of a certificate of approval, whichever shall be sooner. The applicant may submit a written request to the Director of

the Department of Public Works for an extension of time of up to an additional three (3) months due to unforeseen circumstances or weather conditions, which request shall not be unreasonably denied. Any request for an extension of time greater than three (3) months must be submitted in writing to the Mayor and Council for consideration.

6. Performance Bond required.

As a precondition to the issuance of a permit where mitigation is required, the applicant shall post a cash bond to assure mitigation for each major and minor tree to be planted. Upon the satisfactory completion of the required mitigation, the Borough shall return eighty (80%) per cent of the cash bond to the applicant. The remaining twenty (20%) per cent of the cash bond shall be retained by the Borough for a period of twelve (12) months to assure the survival of the tree or trees planted by the applicant after which the remaining cash bond shall be returned to the applicant upon the recommendation of the Director of Public Works and the approval of the Mayor and Council.

The applicant shall contact the Director of Public Works within forty-eight (48) hours of the completion of the planting of the trees required for mitigation to schedule a date and time for an inspection in order for the Borough to determine whether the required mitigation has been completed satisfactorily.

Notwithstanding the above, the applicant and/or property owner shall forfeit the cash bond amount if the applicant and/or property owners fails to complete the planting of the trees within the time of completion set forth above. Prior to the forfeiture of any cash bond monies, the Director of the Department of Public Works shall cause a written notice to be served upon the applicant and/or property owner who posted the cash bond. Service of the notice shall be made in person or by certified mail return receipt requested. Upon service of the notice, the applicant and/or property owner shall have ten (10) days, or such further time as the Mayor and Council shall agree, in writing, to plant the trees that have not been planted, or the applicant and/or property owner shall forfeit any cash bond amounts posted by the applicant and/or property owner. Any monies forfeited by the applicant and/or property owner shall be deposited in the Borough's Tree Replacement Trust Fund for use by the Department of Public Works to plant trees elsewhere in the municipality.

7. Protection of Existing Trees.

- a. In connection with any **home improvement**, subsequent to tree clearing but prior to the issuance of any building permit, snow fencing or other protective barrier acceptable to the municipal official charged with the enforcement and administration of the ordinance shall be placed around trees that are not to be removed.
- b. In connection with any **development**, prior to the issuance of any tree removal permit, snow fencing or other protective barrier acceptable to the municipal official charged with the enforcement and administration of the ordinance shall be placed around trees that are not to be removed.

- c. The snow fencing or other protective barriers referred to in paragraphs a and b above shall be placed at a distance of at least ten (10) feet from the trunk of any tree or the tree's drip line, whichever distance shall be greater, and shall remain in place until all construction activity on the property has terminated. The *drip line* is defined as an imaginary line on the ground beneath a tree, the location determined by extending a vertical line from the outermost branches of a tree to the ground. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished by light machinery or hand labor.
8. No person shall:
 - a. Cut down or remove any tree except as permitted by the tree removal ordinance or allow or cause such cutting or removal.
 - b. Cause or allow any willful damage, injury or disfigurement of any tree growing within the property in question. For the purposes of the subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as the result, but not limited to the following: cutting, gashing, or slitting on any tree; the pouring of any liquid or other material on any tree, or on the nearby ground; the construction or placement of nonporous material on the ground around any trees so as to cut off air, light or water from the roots; or placement or removal of any soil within the drip line or ten (10) feet of any tree, whichever is greater.
 - c. Store or pile building materials or debris or place construction equipment within ten (10) feet of any tree.
9. In the event that any tree to be saved or any tree planted in mitigation shall die within two (2) years after planting, it shall be replaced by the applicant or the property owners within six (6) months.
10. The applicant shall place a one-inch wide red ribbon around the trunk of each tree to be removed at a height of four and one-half (4-1/2) feet above the ground so that the proposed tree removal may be inspected by the Borough in the field.
11. A **major tree** is defined as a deciduous tree with a mature height of at least fifty (50) feet which should be a caliper of at least three (3) to three and one-half (3-1/2) inches measured at six (6) inches above the ground level when planted (e.g., red, Norway, silver or sugar maple; sweet gum; London plane; American sycamore; white, red or pin oak; American elm; copper beech; or other major trees approved by the Borough) or any of a group of conifer trees a caliper of six (6) inches or greater at the time of removal (e.g., cedar, cypress, arborvitae, cryptomeria, dawn redwood, fir, spruce, larch or pine).
12. A **minor tree** is defined as an evergreen tree, ornamental tree or other small tree at least seven (7) feet in height at time of planting (e.g. birch, dogwood, Japanese maple, cherry, crabapple, magnolia, Bradford pear, or any of a group of conifers such as cedar, cypress, arborvitae, cryptomeria, dawn redwood, fir, spruce, larch or pine) or other minor tree approved by the Borough.

13. A **landmark tree** shall mean any tree designated and identified as such by the Mayor and Council pursuant to the standards set forth in the ordinance.
14. The **buffer area** shall mean the area along the side yard or rear yard of any lot within:
 - (a) three (3) feet of the property line in the R7.5 and R10 zones;
 - (b) five (5) feet of the property line in the R20 zone; and
 - (c) fifteen (15) feet of the property line in the R40 zone.
15. **Accessory building** shall mean a building or structure the use of which is incidental to that of the main building and which is located on the same property.
16. Protection of Shade Trees.
 - a. The Director of the Department of Public Works shall have jurisdiction over shade trees on the public highways and streets of the Borough of Tenafly, including, care, maintenance and preservation of existing trees within the street lines and the planting of new trees within the street lines.
 - b. No person shall:
 1. Plant or permit the planting of any bush, vine, hedge, shrub or other plant life, except trees and grass within the sidewalk area of any street.
 2. Plant any shade or ornamental tree in the sidewalk area of any street without first having secured the approval of the Director as to the type of tree and the location of such planting.
 3. Plant or permit to be planted any poplar or willow tree within fifty (50) feet of any street line or sanitary or storm sewer.
 4. Fasten any electric wire, wires, rope, sign or other device to or upon any shade tree on any public street.
 5. Climb any tree on any public streets or places by the use of spurs or other instruments which perforate or injure the bark of such tree.
 6. Destroy, mutilate or injure any such tree.
 7. Remove or cut down any shade tree located upon any of the public streets or places with a permit therefore issued by the Director.
 8. Cut, disturb, or interfere in any way with the roots or root system of any shade tree.
 9. Spray any shade tree with injurious chemicals, or spread or apply any injurious chemicals, including salt, around the root area of any such tree.
 10. Excavate or remove soil within four (4) feet of any shade tree.
 - c. In the event that any resident shall request the removal of any healthy shade tree within the Borough's right-of-way, such request shall be subject to the permit requirements of the ordinance, and the issuance of a permit shall be expressly conditioned upon the following: (1) the resident shall hire a tree contractor to remove the tree at the resident's sole expense; and (2) the resident shall be responsible for mitigation pursuant to the ordinance.

17. For each Landmark Tree removed pursuant to the ordinance, mitigation shall be required in accordance with the mitigation schedule for development as specified in the ordinance. In the event the applicant asserts planting trees on the property in question would be inappropriate and the Mayor and Council agrees, the applicant may, in lieu of planting trees, provide to the Borough a sum of fine hundred (\$500.00) dollars for each tree required to be planted in mitigation, and said sum to be used by the Borough at its sole discretion for the purpose of planting trees elsewhere in the Borough of Tenafly.
18. Any person aggrieved by the decision of the municipal official charged with the administration and enforcement of the ordinance shall have the right within ten (10) days of the issuance of any decision by such official to appeal to the Mayor and Borough Council, which shall take action as it deems appropriate in the matter. In the event of such an appeal, the procedure set forth for hardship appeals shall apply.
19. Any person who violates any provision of the ordinance shall, upon conviction thereof, be punished by a fine of fine hundred (\$500.00) dollars for each violation, plus an additional two hundred fifty (\$250.00) dollars for each tree that would have been required for mitigation. These penalties may, upon a written plea of "guilty," be paid and satisfied through the Violations Bureau of the Municipal Court without the requirement of a court appearance. All fines and penalties collected pursuant to the ordinance shall be deposited or credited to the Borough of Tenafly Tree Replacement Trust Fund.
20. The complete tree removal regulations are set forth in the Chapter XXVI of the Code of the Borough of Tenafly and Ordinance No. 06-26 adopted August 8, 2006.

TNFY.TREE.APPL
(SEPTEMBER, 1998)
(REVISED NOVEMBER, 2001)
(REVISED AUGUST, 2003)
(REVISED OCTOBER, 2004)
(REVISED AUGUST 11, 2006)