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JACK McEVOY
DEPUTY MAYOR
ALEX ROMAN
COUNCILMEMBERS
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CHRISTINE McGRATH

TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY



TOWNSHIP MANAGER
MATTHEW CAVALLO
TOWNSHIP CLERK
JENNIFER KIERNAN
TOWNSHIP ATTORNEY
BRIAN J. ALOIA, ESQ.

VERONA COMMUNITY CENTER
880 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

MUNICIPAL BUILDING
600 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

(973) 239-3220
WWW.VERONANJ.ORG

DEPARTMENT OF PUBLIC WORKS
10 COMMERCE COURT
VERONA, NEW JERSEY 07044

Tree Removal Permit Notice

In accordance with the Township of Verona Ordinance No. 2019-34 prior to the removal of any tree either dead or alive, with limited exceptions, a permit must be obtained from the Township of Verona Zoning Office for each tree which is to be removed. No more than two (2) healthy trees shall be permitted for removal on any property per calendar year.

Tree Removal Permit Applications can be downloaded at the Township of Verona website www.veronanj.org or picked up in person at the Township Engineer/Zoning Offices located at 10 Commerce Court, Verona, New Jersey on Monday through Friday from 7:30 a.m. to 3:00 p.m. each week excluding holidays. All completed applications forms must be returned back to the Engineer/Zoning Offices for review. Once the permit is deemed complete and the necessary fees are attached a permit shall be issued or denied within twenty (20) business days of submission of a complete application. Tree removal permits issued shall be valid for twelve (12) months. Permits may be renewed for an additional six-months for a fee.

A fully completed Tree Removal Permit Application must include the following:

1. A completed Tree Removal Permit Application.
2. A check made payable to the Township of Verona for the necessary fees.

A-175 Schedule of Fees:

§136 Tree Protection, Removal and Replacement

- Tree removal permit application fee (up to two trees) = \$50.00
- A permit renewal fee per tree to be removed per six-month renewal period = \$10.00
- Permit fee for dead, diseased or hazardous tree removal = \$0.00
- Tree Replacement Fund payment per replacement = \$400.00

§136-14 Violations and penalties.

Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of Chapter 136 shall, upon conviction of such violation, be punished by a fine not less than \$200 and not to exceed \$2,000 for each offense, in addition to the required mitigation for each tree illegally removed. Each illegally removed or damaged tree shall constitute a separate offense.

Any questions regarding the Tree Protection, Removal and Replacement Permit should be directed to the Office of the Township Engineer/Zoning Official. (973) 857-4804

Licensed Tree Expert (LTE) vs Licensed Tree Care Operators (LTCO) in the State of NJ

Licensing legislation was proposed by industry groups and passed by the New Jersey legislature on January 16, 2010. The legislation is known as the Tree Expert and Tree Care Operators Licensing Act and on April 17, 2017, the Tree Expert and Tree Care Operators Licensing Law's rules were adopted and promulgated.

The Act creates a licensing program under which individuals may become Licensed Tree Experts (LTEs) or Licensed Tree Care Operators (LTCOs) by passing an examination and demonstrating good moral character. Licensees will be required to complete continuing education requirements, abide by standards of professional conduct and ethics, and adhere to safety standards, as well as industry practice standards. No individual shall represent himself or herself to the public as a licensed tree expert or a licensed tree care operator or use any title, designation, word(s), letter, or abbreviations tending to indicate that such individual is a licensed tree expert or a licensed tree care operator without obtaining licensure as a tree expert by the Board of Tree Experts.

Tree care services in New Jersey are defined by the Act as meaning tree care operator services and tree expert services as established by N.J.S.A. 45:15C-11 et seq.

Licensed Tree Experts “LTE” can perform tree expert services which means and includes tree pruning, repairing, brush cutting or removal, tree removal, stump grinding or removal, tree establishment, fertilization, cabling and bracing, lightning protection, consulting, diagnosis, and treatment of tree problems or diseases, tree management during site planning and development, tree assessment and risk management, and application of pesticides or any other form of tree maintenance.

Licensed Tree Care Operators “LTCO” can perform tree care operator services which means and includes tree pruning, repairing, brush cutting or removal, tree removal, and stump grinding or removal.

Under the current Township of Verona Tree Removal Ordinance only a current “LTE” in good standing with the State of NJ can issue a statement on the condition of a tree as to whether it is diseased, dead or a risk.

Here is a link to a State wide directory.

<https://njtreeexperts.org/index.php/directory-search>

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Application No. _____

Permit No. _____

Tree Protection, Removal and Replacement Permit Application

Identifying Information

Please Check Box when complete

- 1. Date of Application: _____
- 2. Name and Address of the owner of the property from which the trees are to be removed:
Address _____ Phone # _____
_____ Email _____

- 3. Tax Block No. _____ Tax Lot Number(s) _____
- 4. The number of trees requested to be removed _____
- 5. The reason for removal _____
- 6. Name(s), address, Telephone Number and email address of Applicant's Tree Removal Contractor

- 7. The Planned Date of Removal _____
- 8. Provide a copy of the Tree Removal Contractor(s) proof of liability insurance.
- 9. A tree removal permit for dead or diseased trees to be removed pursuant to the ordinance shall be accompanied by a certification from a licensed tree expert (LTE), hired by the applicant or their contractor (if different), verifying that any tree to be removed qualifies under the provisions of the ordinance. Please Provide Statement from Licensed Tree Expert. Please refer to the following link for a list of current Licensed Tree Experts in the State of NJ.
<https://njtreeexperts.org/index.php/directory-search>

- 10. Does the site contain any environmentally sensitive areas including but not limited to:
 - a) Floodplains: Yes _____ No _____
 - b) Riparian Zones, Streams, Brooks, Swales: Yes _____ No _____
 - c) Steep Slopes: Yes _____ No _____ (Refer to Verona Steep Slope Ord. 3-16 for locations by zone)
 - d) Wetlands or Wetland Transition Areas (Buffer): Yes _____ No _____

Tree Removal Plan

- 11. A tree removal plan, if required (on separate sheet) consisting of a map drawn to scale showing the following information:
 - The shape and dimensions of the lot or parcel, including the location of all easements.
 - The limits of all existing and proposed tree line limits.
 - The identification and location of all trees to be removed, specifically by an assigned number, species, and the DPM of each tree.
 - The installation and limits of a temporary existing tree protection fence along the limit of proposed tree removal.
 - The location of all existing and proposed structures on the property, along with the distance that the trees proposed to be removed are located from such structures and from property lines. A reproduction of the Tax Map or an existing survey modified to provide this information would be acceptable.
 - Tree removal and replacement plan shall include specific information regarding the disposal of the removed trees in a manner to avoid spreading disease or pests harbored in the wood.
 - Any other information which may reasonably be required to enable the application to be properly evaluated, including but not limited to a description of the purpose for which this application is to be made; e.g., clearing land for agricultural use, fire protection, private parks, scenic improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, or drainage of surface water.
 - A list of the number, species and DPM of all trees on the property.
 - Location of all environmentally sensitive areas including but not limited to floodplains, riparian zones, steep slopes, transition zones, and wetlands.

Tree Replacement Plan

- 12. A tree replacement plan showing the location of all trees to be planted, the species of such trees and their caliper or size as required.
- 13. Number of Tree(s) being replanted on Applicant's property: _____
- 14. Species of Tree(s) being replanted: _____

- 15. Planned date of Replanting: _____
- 16. Cost of Replanting: _____
- 17. Name(s), address, Telephone Number and email address of Applicant's Tree Replanting Contractor.

- 18. In lieu of Replanting on Applicant's Property, a check in the amount of \$ _____ made payable to the Township of Verona Tree Replacement Fund as permitted under §136-1. (Refer to Tree Protection, Removal and Replacement Ordinance, §136-10 for Replacement Tree Requirements)

Performance Bond

Whenever trees are replaced pursuant to this Chapter, the applicant shall post with the Township Clerk a performance bond for one year in an amount to be determined by the Township, but in no event to exceed the amount per tree specified in Chapter §A175 of the Municipal Code. The performance bond may be either in the form of a cashiers' check or certified check made payable to the Township or in the form of a corporate surety performance bond issued by a New Jersey corporation. No performance bond shall be released except on certification of the Zoning Official that the replacement tree(s) remain healthy one year after planting. If they are found at that time by Zoning Official or its agents to be healthy and capable of surviving, and other performance requirements have been met, then the Zoning Official shall order the bond returned. If any trees are not at that point healthy, the tree(s) shall be replaced.

19. Performance Bond submitted? Yes _____ No _____

Bond No. _____ Amount _____

Certification

I certify that the answers to the above-referenced questions and any statements made on this application and survey/plot plan are true and complete to the best of my knowledge. I understand that this permit does not exempt bearer of responsibility to secure a Building Permit, Engineering Permits, or other permits as required by municipal, county, state or federal agencies. Any incorrect or falsified information will render this application and any approvals based on it void. Any changes to this approval or plans must be resubmitted for review prior to the installation.

_____	_____
Applicant Signature	Owner Signature
Date	Date

*****For Office Use Only *****

Permit No. _____	Fee Calculation: Permit Fee	\$ _____
Date Issued: _____	Renewal Fee	\$ _____
Date Completed: _____	Tree Replacement Fund Fee	\$ _____
Initial Site Inspection: _____	Total Fee Collected	\$ _____
Final Site Inspection: _____	Received By	_____

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2019-34

AN ORDINANCE REPEALING CHAPTER 136 (TREES), ESTABLISHING A
NEW CHAPTER 136 (TREE PROTECTION, REMOVAL AND
REPLACEMENT) AND AMENDING CHAPTER A175 (SCHEDULE OF FEES)
OF THE CODE OF THE TOWNSHIP OF VERONA WITH RESPECT TO THE
NEW CHAPTER

BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex, New Jersey, as follows:

SECTION 1. The language currently contained in Chapter 136 (Trees), of the Code of the Township of Verona, is hereby deleted in its entirety.

SECTION 2. There is hereby established a new Chapter 136 (Tree Protection, Removal and Replacement) of the Code of the Township of Verona, to read as follows:

§136-1 Purpose and findings of fact and purpose.

- A. The Township Council of the Township of Verona find that the preservation, maintenance, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; preserves and enhances the Township's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare. It is the intent, therefore, of this Chapter to regulate and control the indiscriminate and excessive cutting of trees on private property in the Township. It is the further intent of this Chapter to encourage property owners to preserve and build around trees whenever possible.
- B. Trees are declared important cultural, ecological, scenic, and economic resources. It is recognized that there is a strong relationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources; and a correlation between increased air pollution and high-density residential and commercial or industrial uses. Therefore, the Township finds that the appropriate management of these resources is an important health, safety, and general welfare concern.
- C. The enforcement of this Chapter shall be the responsibility of the Zoning Official.
- D. Each of the following agencies shall have full authority to enforce the provisions of this Chapter, including but not limited to, the power to make inspections, the issuance of summonses, the issuance of cease and desist notices, the serving of summonses and notices, the prosecution of violators of this Chapter in Municipal Court, and the prosecution of violations in any court of competent jurisdiction: Violations may be issued by the Zoning Official, the Construction Code Official, the Superintendent of Public Works, the Township Engineer, the Township Manager or a member of the Police Department.
- E. Nothing contained in this article shall be held to take away or diminish any of the powers or authority of the Shade Tree Commission pursuant to Statute.

§136-2 Definitions.

- A. As used in this Chapter, the terms hereafter set forth shall be defined and deemed to have the following meanings:

CALIPER

The diameter of a tree trunk measured in inches at the height of 4-1/2 feet above ground level on the downhill side of the tree. When multiplied, trunks are joined together below a height of 4 feet, the caliper shall be deemed to be 75% of the sum of the calipers of the individual joined trunks.

DEAD TREE

A tree that has ceased to function physiologically. Such tree is typically devoid of leaves and may have lost bark.

DIAMETER AT POINT OF MEASUREMENT or DPM

The diameter of a tree measured 4-1/2 feet (forestry method) above the ground level on the downhill side for existing trees. Trees utilized in the replacement of existing trees or proposed as part of a landscape plan shall be measured 12 inches above ground level for trees over a four-inch diameter, and the measurement shall be six inches above grade for trees up to four-inch diameter (nursery method).

DISEASED TREE

A tree that is terminally infested with fungus, virus or insects.

DRIPLINE

The circular area surrounding a tree, the radius of which area shall be the distance from the trunk of the tree to the tip of the outermost branch of the tree.

EXTRAORDINARY TREE

Any tree with a DPM of 36 inches or greater or any tree designated by the Township Council as an historic or landmark tree and such other trees or species of tree as the Council may, from time to time, designate as an extraordinary tree.

LICENSED TREE EXPERT or LICENSED TREE OPERATOR

An individual who is licensed as a Tree Expert or a Tree Operator by the State of New Jersey after successfully passing an examination administered by the Board of Tree Experts.

MANAGEMENT PLAN

Plan for the management of timbered or forested lands developed by the New Jersey Department of Environmental Protection (DEP), Bureau of Forestry, or similar state or federal agency

MATURE TREE

Any deciduous tree that has a caliper at the point of measurement of six (6) inches or more or any coniferous tree with a height of more than ten (10) feet.

REPLACEMENT TREE

A nursery-grown certified tree, having a caliper of no less than 2 inches if deciduous or a height of no less than 5 feet above the root ball if coniferous, properly balled and burlapped, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by the American Association of Nurserymen. Native species are encouraged to be used whenever possible. Nonbiodegradable materials such as plastic must be removed.

ROOT PROTECTION ZONE

An area extending 360° around a tree trunk for the greater of either the distance from the tree trunk to the dripline or a distance equal to caliper multiplied by one foot (twelve inches); but never less than eight feet in radius.

SIGNIFICANT TREE

A deciduous tree with a caliper that is then greater than 20 inches, or a coniferous tree with a height that is then greater than 30 feet; provided, however, that a Dogwood with a then caliper in excess of five inches shall be considered a significant tree.

SHADE TREE COMMISSION or STC

The Shade Tree Commission of the Township of Verona, including any of its duly appointed members and alternates and any of its duly authorized agents, contractors, consultants, or employees.

- B. Any term or provision of this Chapter that contemplates, directs, regulates or prohibits the doing of any act may, in applicable cases and where the context so requires, be construed to include the causing, allowing, permitting or suffering of such act to be done by others under the direction, control or supervision of the person charged therewith. Every such act shall be deemed to be within the scope of this Chapter, regardless of whether it is a deliberate, intentional, or purposeful act or a careless, negligent, or unintentional act.

§136-3 Permit required.

- A. It shall be unlawful for any person to cut, destroy, remove or trim more than thirty percent (30%), or cause to be cut, destroyed, removed or trimmed more than thirty percent (30%), any healthy mature tree upon any lands within the Township without a tree removal permit. Property owners are encouraged to keep and build structures and sidewalks around trees whenever possible. If a tree on private property does not meet the size requirements of a mature tree, a permit is not required unless declared by Township Council to be an extraordinary tree.
- B. No more than two trees shall be permitted for removal on any property per calendar year. When the proposed removal of trees involves more than two (2) healthy mature trees within a calendar year, a site plan showing the location of these trees shall be submitted to the Planning Board for their review. Upon receipt of this plan and review of the site conditions, the Planning Board shall hold a public hearing regarding the proposed tree removal and shall render their decision within thirty (30) days.
- C. Tree removal permits shall be issued by the Zoning Official and shall be valid for twelve (12) months. Permits may be renewed for an additional six months for a fee.
- D. Extraordinary trees. On all real property upon which extraordinary trees are located, trees having been designated as such under the provisions of this Chapter shall be maintained in a living condition, and it shall be unlawful for any person to harm or remove said tree without an approved tree removal permit.
- E. Site or tree removal plan. Trees shall be designated as follows and shall require that their location, DPM or height and type be shown on the site or tree removal plan:
 - (1) All living deciduous trees having a DPM of six (6) inches or greater.
 - (2) All living coniferous trees having a height of ten (10) feet or greater.
 - (3) Such trees declared as extraordinary.
- F. Excepted from specific tree removal permit application fee, but not from tree replacement or from mitigation payments to the tree replacement fund, shall be:
 - (1) All land-clearing operations as authorized in accordance with a site plan approval or subdivision approval and conditions imposed with respect to tree removal and planting granted by the Planning Board or Board of Adjustment of the Township in accordance with the

provisions of N.J.S.A. 40:55D-20. Under no circumstances shall clear-cutting be permitted on any property.

- (2) The pruning or trimming of trees in a manner that is not harmful to the health of the tree.
- (3) The cutting, removal, or destruction of any tree pursuant to an order or directive of any municipal, county, or state agency or court.

§136-4 Hearing on removal of more than two (2) trees.

- A. Upon receipt of an application for removal of more than two (2) trees the Zoning Official will visit the site and issue a report. Upon receipt of the report of the Zoning Official, the Planning Board shall hold a hearing upon notice to the applicant, the owner of the affected premises and persons within two hundred feet (200') of the affected premises. The notice to persons within two hundred feet (200') of the premises shall be the responsibility of the applicant and be conducted in the same manner as provided under the Township Zoning Regulations (by certified mail or hand delivery with affidavit of service, at least ten days prior to the public hearing).
- B. The Planning Board at its hearing, shall consider the following criteria to determine whether the cutting, removal or destruction of the trees will:
 - (1) Impair drainage conditions
 - (2) Impair soil erosion
 - (3) Increase dust concentration
 - (4) Decrease soil fertility
 - (5) Deteriorate property value
 - (6) Cause a deleterious effect on the land's physical condition
 - (7) Destroy a buffer between residential and non-residential uses
 - (8) Actions endanger life or property within the property, adjoining properties and/or the public right of way.
- C. The Planning Board shall not permit removal of a tree unless the applicant proves that the removal of the trees will not have a negative impact on any of the criteria listed above or unless it determines that the continued existence of the tree will cause a hardship to the owner of the property or the occupant of the property where the tree is located, or endanger the public on the property where the tree is located, or adjoining property owner.
- D. This section of the ordinance shall not apply to any tree certified to be a dead tree by a licensed tree expert. It shall not apply to trees located in an area to be occupied by a building, driveway, street cart-way or recreational area shown on a plan approved by the Zoning Official, Planning Board or Board of Adjustment, locating all trees within relationship to the proposed improvements or within a distance of fifteen feet (15') around the perimeter of any such building, driveway, street cart-way or recreation area, unless a particular tree is determined by the Planning Board to be of particular value.

§136-5 Applicability of permit.

- A. Any person wishing to obtain a permit to remove one or more trees as required under the provisions of this Chapter shall make application to the Zoning Official by filing a written application and paying such fee(s) as set forth in §A175. Where an application as required by this Chapter has been submitted, no permit shall be issued until a tree removal plan and tree replacement plan for the lot or parcel has been reviewed and approved by the Zoning Official after an on-site inspection or review of a certified tree expert statement as to condition of the tree by the Zoning Official. A permit shall be issued or denied within twenty (20) business days of submission of an application for a permit.
- B. Residential development. For residential development where tree removal is to occur within public or private roadways/rights-of-way, drainage facilities, parking areas or proposed open space or private property, all trees are subject to replacement in accordance with this Chapter. All required escrow and bond

fees for said subdivision application, including required tree replacement, shall be verified as paid prior to the issuance of the tree removal permit by the Zoning Official.

- C. Nonresidential development. All commercial and industrial developments are required to replace all trees removed in accordance with §136-10 of this Chapter.
- D. The Township, the County of Essex, the State of New Jersey, or its agencies is exempt from the permit application process.

§136-6 Permit application.

- A. Applications for a permit shall be made to the Zoning Official and shall contain the following information:
 - (1) The name and address of the applicant.
 - (2) The name and address of the owner of the property from which the trees are to be removed.
 - (3) The address, tax lot, and block of the property.
 - (4) The number of trees requested to be removed and the reason for removal.
 - (5) A tree removal plan consisting of a map drawn to scale showing the following information:
 - (a) The shape and dimensions of the lot or parcel, including the location of all easements.
 - (b) The limits of all existing and proposed tree line limits.
 - (c) The identification and location of all trees to be removed, specifically by an assigned number, species, and the DPM of each tree.
 - (d) The installation and limits of a temporary existing tree protection fence along the limit of proposed tree removal.
 - (e) The location of all existing and proposed structures on the property, along with the distance that the trees proposed to be removed are located from such structures and from property lines. A reproduction of the Tax Map or an existing survey modified to provide this information would be acceptable.
 - (f) Tree removal and replacement plan shall include specific information regarding the disposal of the removed trees in a manner to avoid spreading disease or pests harbored in the wood.
 - (g) Any other information which may reasonably be required to enable the application to be properly evaluated, including but not limited to a description of the purpose for which this application is to be made; e.g., clearing land for agricultural use, fire protection, private parks, scenic improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, or drainage of surface water.
 - (h) Any tree removal permit for trees to be removed pursuant to this Chapter shall be accompanied by a certification from a licensed tree expert, hired by the applicant, verifying that any tree to be removed qualifies under said section
 - (i) A list of the number, species and DPM of all trees on the property.
 - (j) Applicants shall provide proof of liability insurance of the tree removal contractor.
 - (k) Any and all environmentally sensitive areas including but not limited to floodplains, riparian zones, steep slopes, transition zones, and wetlands.
 - (6) A tree replacement plan showing the location of all trees to be planted, the species of such trees and their caliper or size as required.

- B. Inspection. The applicant shall place a one-inch-wide red, yellow, or blue ribbon around the trunk of each tree to be removed at a height of 4-1/2 feet above the ground so that the proposed tree removal may be inspected in the field. This ribbon shall include the tree number and the species as indicated on the tree removal plan submitted as part of the application.
- C. All reasonable efforts shall be made to preserve extraordinary trees, including but not limited to, if feasible, relocation of infrastructure, roadways, and buildings. Removal of extraordinary trees shall require the specific written recommendation of Zoning Official and approval of the Township Council.
- D. If any area of the property for which the tree removal permit is sought meets the definition of a "steep slope," as set forth in Chapter §150-21 of this Code, then no trees shall be removed from such area unless certified by a New Jersey Certified Tree Expert to pose a threat to the public health, safety or welfare. The tree removal plan required under §136-6A(5) shall include the delineation of each such steep slope area.
- E. If any area of the property for which the tree removal permit is sought meets the definition of "riparian zone," as set forth in N.J.A.C. 7:13-4.1 then no trees shall be removed from such area. The tree removal plan required under §136-6A(5) shall include the delineation of each such riparian zone.

§136-7 Conditions for issuance of permit.

- A. Upon receipt of an application for the cutting, destruction or removal of trees, the Zoning Official shall inspect the site on which the trees sought to be cut, destroyed or removed are located and shall evaluate the drainage and other physical conditions existing on the subject property and adjoining properties. The following factors shall be considered in deciding whether to issue such permit:
 - (1) Whether the area where the trees are located shall be used for a building or other structure, a patio, a driveway, a recreation area, a roadway, a drainage right-of-way or a sewerage line or whether the trees are located within 15 feet of any of the foregoing.
 - (2) Whether the topography of the land in which the trees are located is deemed dangerous for the continued existence of the tree or trees located nearby.
 - (3) Whether the trees, if left undisturbed, are likely to cause a hardship upon the applicant or place the community in danger or affect deleteriously an adjacent property owner.
 - (4) Whether the proposed cutting, destruction, or removal of the trees would change existing drainage patterns, allow soil erosion, increase dust or decrease the fertility of the soil on the land under consideration or shall similarly affect adjacent land or land located downstream from the land under consideration.
 - (5) Whether the proposed cutting, destruction, or removal would impair the growth and redevelopment of the remaining trees on the applicant's property or adjacent property.
 - (6) Whether the proposed cutting, destruction, or removal would constitute a significant change in the screening between existing or proposed buildings on contiguous lots or the wooded aspect of the lot as viewed from the adjacent public road.
 - (7) Whether the proposed cutting, destruction, or removal would constitute a horticulturally advantageous thinning of an existing overgrown area or the removal of dead or diseased trees.
 - (8) Whether the proposed cutting, destruction, or renewal would affect the physical and aesthetic value of the property and the neighborhood or would remediate a safety hazard to persons or structures.
 - (9) Whether the proposed changes in the topography of the area where such trees are located will have depressed land configuration or fill of land which shall be deemed injurious to the tree or other trees located

nearly so as to require welling, construction of an aerification system, or tree removal or replacement.

- (10) No street tree planted in Township right-of-way is to be removed by adjacent property owners.
- B. A tree removal permit may be granted and application fees waived for the removal of trees, without mitigation, if: The tree is dead, diseased, injured, in danger of falling, poses a safety hazard, or interferes with existing utility service and cannot be reasonably remedied by trimming, as determined by a New Jersey Certified Tree Expert or the continued presence of the tree conflicts with any other ordinances or regulations.
- C. No permits shall be granted for any properties who are delinquent in payments of property taxes, sewer, or water utility payments or any other charges levied by the Township.

§136-8 Time of permit.

All tree removal permits shall be limited to one year from date of issuance as designated by the permit. If the approved tree removal has not occurred within one year, a new permit must be applied for and is subject to the payment of new application fees. If, however, the applicant diligently pursues other governmental approval, or if approved development is ongoing, the permit may be renewed for up to two six-month periods.

§136-9 Protection of existing trees.

- A. During construction. In connection with any construction, subsequent to tree removal but prior to the issuance of a building permit or start of construction, the developer shall be required to erect snow fencing or other tree protective barriers acceptable to the Construction Code Official. Such barriers shall be placed at least 10 feet from the trunk of any tree and shall remain in place until the Construction Code Official authorizes the removal of the protection or after issuance of a certificate of occupancy or temporary certificate of occupancy. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Nor shall any attachments or wires be attached to any of said trees so protected. Any landscaping activities subsequent to removal of barriers shall be accomplished with light machinery or hand labor.
- (1) A description of the existing tree protective barrier shall be provided on all major applications. The protective barrier shall be four feet high.
 - (2) The protective barrier shall be placed at the dripline of any tree along the limit of clearing and around the entire tree dripline for trees to remain undisturbed within the limit of clearing.
 - (3) It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery or temporary soil deposits within the dripline.
 - (4) Street right-of-way and utility easements may be ribboned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.
 - (5) Large property areas separate from the construction or land-clearing area into which no equipment will venture may also be ribboned off as determined by the Zoning Official following a field evaluation.
- B. No person shall:
- (1) Cut down, destroy or remove any tree except as permitted by this article or allow or cause such cutting, destruction or removal.
 - (2) Cause or allow any willful damage, injury or disfigurement of any tree growing within the Township. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as a result of but not limited to the following: cutting, gashing or slitting of any tree; pouring any liquid or other material on any tree or on the nearby ground; construction or

placement of any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placement or removal of any soil from within 15 feet of any tree; or mounding mulch against the tree trunk.

- (3) Store or pile building material or debris or place construction equipment within 10 feet of any tree.

- C. In the event that any tree to be saved in connection with construction as set forth above or any tree planted in mitigation shall die within two years after planting, it shall be replaced by the applicant or property owner within six months.

§136-10 Tree replacement.

Any tree removed pursuant to this Chapter shall be replaced pursuant to at least one of the following criteria:

- A. For each mature tree is removed, the applicant shall prepare a replanting scheme for other treeless areas of the property to compensate for the clearing of the tree area. The replanting scheme shall reflect a one-to-one tree replacement unless otherwise stated herein. All replacement deciduous trees shall have a DPM of not less than two-inch caliper. For each deciduous tree to be removed that is: 1) Six inches DPM but less than sixteen inches, replacement shall be by a single replacement tree; 2) sixteen inches DPM but less than twenty-four inches, replacement shall be by two replacement trees; 3) Twenty-four inches DPM or greater, replacement shall be by four replacement trees. For each coniferous tree to be removed that is: 1) between ten feet and under twenty-five feet in height, replacement shall be by a single replacement tree; 2) twenty-five feet and over in height, replacement shall be by two replacement trees. A list showing species and size of all proposed replacement trees shall be submitted for review and approval prior to the issuance of a tree removal permit. Only native and non-invasive species shall be planted.

- (1) In the event that the tree removal occurs in an area other than as permitted under §136-7A, mitigation shall be required at a rate of two replacements for each tree removed in addition to any fines levied.

- (2) In the event that it is unknown how many trees were removed from any given site, and removal took place without a tree permit issued pursuant to this Chapter, the number of trees requiring mitigation shall be computed by the Zoning Official (based on an average number of trees/lot from comparable lots in the Township).

- (3) Mitigation in any instance is not to be considered a penalty, but rather an implementation of the purposes of this article. Mitigation shall not be a substitute for, but shall be in addition to, any penalty imposed for violation of the provisions of this article.

- B. Trees determined to be dead, diseased or a safety hazard by a licensed tree expert shall be exempt from the replacement requirements of this Chapter.

- C. For sites where trees (regardless of size) cover large portions of the site, so that those portions may be considered woods or forest or recovering woods or forest, the applicant shall prepare a reforestation scheme on other treeless open space to compensate for clearing of the tree area with equal square-foot area of new plantings. If sufficient suitable on-site area is not available, the Zoning Official or Land Use Board may direct that the compensating reforestation take place on municipally owned open space and or along a public street upon the consent of the STC.

- D. Reforestation. The reforestation plan shall be based on twenty-foot-by-twenty-foot grid. Of this number of trees, 10% shall be balled and burlapped two-inch to 2-1/2 inch caliper, 20% shall be balled and burlapped 1 3/4 inch by two inches caliper, 30% shall be bare root 1-1/4 inch by 1-1/2 inch caliper and 40% shall be bare root six-foot to eight-foot tall whips. A mixture of trees

indigenous to the area and site shall be utilized. Proposed trees shall be planted in natural groves and may be spaced five feet to 20 feet on center. The ground shall be seeded with a meadow grass mixture approved by the Zoning Official.

- E. Tree Replacement Fund. The Zoning Official may permit an applicant to make a payment to the Township's Tree Replacement Fund, established hereunder in §136-11, in lieu of replacement of part or all of the trees removed pursuant to this Chapter.
- F. All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:
 - (1) The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of unreplaced trees to the Tree Replacement Fund; or
 - (2) The Zoning Official and applicant agree in writing that the applicant shall make payment to the Tree Replacement Fund based upon the above; or
 - (3) The Zoning Official in agreement with the STC and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the municipal Community Forestry Management Plan.
- G. All tree replacement requirements and/or fees as set forth in this subsection shall be approved and/or paid prior to the issuance of the tree removal permit by the Zoning Official.

§136-11 Tree replacement fund.

- A. There is hereby established a Tree Replacement Trust Fund to receive and disburse replacement tree contributions. The Tree Replacement Fund shall be the repository of all monies paid to the Township pursuant to this Chapter and may also accept contributions for its purposes from private sources.
- B. The primary purpose of said fund is to provide for the replacement, planting and maintenance of trees and woody shrubs on public property within the Township (including groundcovers, grasses, ferns, vines, and forbs when they are part of an ecological project using native plants). Professional consultant fees for administrative and/or consultant costs to implement the provisions of this Chapter, including but not limited to site inspections, processing of permits, supervision of tree replacement, and enforcement of this Chapter, shall not exceed 30% of the fund. Appropriations from the Tree Replacement Fund shall be authorized by the Township Manager in accordance with the Community Forestry Management Plan of the Township.

§136-12 Performance bond.

Whenever trees are replaced pursuant to this Chapter, the applicant shall post with the Township Clerk a performance bond for one year in an amount to be determined by the Township, but in no event to exceed the amount per tree specified in Chapter §A175 of this Code. The performance bond may be either in the form of a cashiers' check or certified check made payable to the Township or in the form of a corporate surety performance bond issued by a New Jersey corporation. No performance bond shall be released except on certification of the Zoning Official that the replacement tree(s) remain healthy one year after planting. If they are found at that time by Zoning Official or its agents to be healthy and capable of surviving, and other performance requirements have been met, then the Zoning Official shall order the bond returned. If any trees are not at that point healthy, the tree(s) shall be replaced.

§136-13 Appeal of Zoning Official's rejection of tree removal permits.

Any applicant aggrieved by the action of the Zoning Official may appeal the determination to the Planning Board, providing the appeal is taken in writing directed to the Secretary of the Planning Board within ten (10) days of the determination of the Zoning Official. The Planning Board shall hear the appeal within thirty (30) days and may affirm, reverse, or modify the determination of the Zoning Official, setting forth a resolution, and the reasons for its result.

§136-14 Violations and penalties.

Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this Chapter shall, upon conviction of such violation, be punished by a fine not less than \$200 and not to exceed \$2,000 for each offense, in addition to the required mitigation for each tree illegally removed. Each illegally removed or damaged tree shall constitute a separate offense.

SECTION 3. The language currently contained in Chapter A175 (Schedule of Fees) of the Code of the Township of Verona is hereby amended in part to read as follows:

A175 SCHEDULE OF FEES.

Ch. 136 Tree Protection, Removal and Replacement

Tree removal permit application fee (up to two trees) = \$50

A permit renewal fee per tree to be removed per six-month renewal period = \$10

Permit fee for dead, diseased or hazardous tree removal = \$0

Tree Replacement Fund payment per replacement = \$400

SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.



ATTEST:

Jennifer Kiernan
JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF OCTOBER 11, 2019 AND OCTOBER 25, 2019.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: October 7, 2019
PUBLIC HEARING: October 21, 2019
ADOPTION: October 21, 2019
EFFECTIVE DATE: November 15, 2019