

West Windsor Township, New Jersey

Tree Removal Permit Changes for Property Owners**

| Existing Requirements (§170-3) | New Requirements (§170.2) |
|--|---|
| <p>A. Owner/tenant will file an application with the manager of the division of land use and ID the lot or tract of land, disclose the name/address of the owner and will show the location, species, and diameter of the designated tree(s), as well as the location of existing/proposed construction</p> | <p>A. Any person planning actions that include/result in tree removal of a tree with a DBH of six inches or greater or any size street tree shall submit a tree removal permit application, along with the initial application fee to the township on a complete form</p> |
| <p>B. Manager of Division of Land Use will refer application to the Township Shade Tree Commission, which then examine the premises referred to in the application and inspect designated trees and physical land conditions of the vicinity</p> | <p>B. WWT will review and approve/deny the app within 20 business days from date of receipt. If the application is determined incomplete, then the review period will reset to 20 days from re-submission. If not acted upon within review period, the app will be considered approved. No regulated, non-emergency tree removal shall take place without an approved permit</p> |
| <p>C. After examination, the Shade Tree Commission will decide whether or not permit will be granted. If determined to be granted, it will be endorsed upon the application and returned to the Land Use Manager, who will either issue or deny within 1 week thereafter.</p> | <p>C. Where tree removal permit is filed by a property owner or resident it must include info for the LTCE/LTCO involved with the removal.</p> |
| <p>D. Permits will not be approved for trees located within conservation areas created by the Township Land Use Board or otherwise unless:</p> <ol style="list-style-type: none"> 1.) (Land Use Board Created) – Trees are dead/diseased and the Shade Tree Commission feels they should be removed or the Land Use Board agrees that removal may be undertaken by approving an amendment to prior land use approval barring such actions 2.) (other) – Tree work permits are allowed by the instrument creating such conservation areas | <p>D. Any person who removes one or more street trees >= 2.5 inches or greater at DBH or who removes one or more trees >=6 inches DBH shall be subject to tree replacement requirements in table 1 *see table 1*</p> |
| <p>E. Permits will NOT be approved for trees located outside conservation areas unless one or more of the following conditions are met:</p> <ol style="list-style-type: none"> 1.) Tree(s) in question are in areas to be occupied by structures (Buildings, driveways, recreation areas, streets, or drainage/underground utility easements determined from approved construction plat maps.) 2.) Tree(s) located within 15 feet of any aforesaid structure or within utility easements 3.) Area requires and approved cut or fill of land deemed injurious or dangerous to the tree(s) in question and no alternative grading methods are available 4.) Presence of the tree shall in any way constitute a danger to the property owner/public 5.) Other adequate or special reason within the intent of chapter 170 | <p>E. Replacement Tree Requirements:</p> <ol style="list-style-type: none"> 1. Species and type of trees shall not be of a species, type, cultivar, or selection, known to be invasive, pursuant to the “Prohibited replacement tree list” 2. Trees shall be planted on the same property as the trees removed, or at another location agreed upon by the township, and are subject to post planting observation 3. Trees shall be planted within 12 months of removal or an alternative date agreed upon by the township during appropriate season/weather conditions 4. Trees planted on private property shall be monitored by permittee for two (2) years from planting date. Any tree that does not survive the 2-year period or is deemed improperly planted by the township shall be replaced consistent with replacement requirements 5. Shall not be planted in temporary containers and shall be planted in soil in a manner that will support tree health and survival 6. Shall not be planted in planting strips or tree lawns that measure less than 16 square ft in surface area or less than 3’6” in any dimension 7. Trees planted within six feet of a paved sidewalk, path or plaza shall include the installation of a tree root barrier at least 12” in depth for a length of six feet centered upon the trunk of the tree, along the edge of the paved walk, path or plaza 8. If tree replacement on permittee’s property is not feasible, then the fees listed in Table 2 for each tree category shall be paid to the township in the form of a tree removal permit additional application fee. *see Table 2* |

****These regulations apply to properties that are not single family or two-family primary uses.**

THESE ARE HIGHLIGHTS ONLY. This hand-out is for informational purposes only and does not supersede the adopted ordinance. Owners are encouraged to become familiar with Chapter 170 in Ordinance 2024-08 which can be found on the Township website.

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| Existing Exceptions & Exemptions (§170-5) | New Exceptions & Exemptions (§170.3) |
|--|--|
| <p>A. Chapter shall not apply to the homesite of any resident owner Except as provided in 170-2H and 170-6</p> <p>1.) 170-2H – No person shall cause any disturbance to land or vegetation, including trees in any area designated for conservation by a township land use board or any other area with conservation restrictions in place via virtue of easements, deed restrictions or other instruments</p> <p>2.) 170-6 – Dangerous Trees & Shrubs -If a tree or any part thereof along a street becomes dangerous or a hazard to public safety, the owner of the property on which the tree stands shall remove the tree or the required part thereof on receipt of written notice to that effect from the town administrator</p> | <p>A. Educational Institution tree farms and commercial tree farms in active operation including nurseries, fruit orchards, and garden centers</p> |
| <p>B. Chapter shall not apply to standard selective forestry practices which benefit both the owner and the intent of this chapter, such as pruning and trimming to enhance growth. Any such activity which entails injury to or destruction of trees shall require an application and permit as provided for herein and shall be in accordance with a management plan developed by the NJDEP, Bureau of Forestry or other professional forester</p> | <p>B. Properties used for the practice of silviculture under State approved forest stewardship or woodland management plan.</p> |
| <p>C. Chapter shall not apply to any tree cut on any homesite for personal use as firewood by owner</p> | <p>C. Any Tree removal that is part of a township or State decommissioning plan. Only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan</p> |
| <p>D. Chapter shall not apply to public utility when performing routine line clearance for overhead wires</p> | <p>D. Any Tree removal pursuant to an NJDEP or EPA approved environmental cleanup, or NJDEP approved habitat enhancement plan.</p> |
| <p>E. Chapter shall not apply to operations in commercial orchards or tree nurseries as carried out by the owners or their employees.</p> | <p>E. State approved game management practices, recommended by the NJDEP</p> |
| <p>F. Shall not apply to any person engaged in the business of cutting and selling firewood from lands within the township.</p> | <p>F. Tree removal, maintenance or land management by the township or its authorized contractors or subcontractors</p> |

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Table 1. Tree Replacement Requirements

| Category | Size of Tree to be Removed, In Inches DBH | Replacement trees to be planted In Inches Caliper |
|----------|---|--|
| 1 | 6 to 12.99 <u>DBH</u> and Street Tree 2.5 to 12.99 <u>DBH</u> | Plant one (1) tree with a minimum tree <u>caliper</u> of 1.5 for each tree removed |
| 2 | 13 to 22.99 <u>DBH</u> | Plant two (2) trees with minimum tree <u>caliper</u> of 1.5 for each tree removed |
| 3 | 23 to 32.99 <u>DBH</u> | Plant three (3) trees with minimum tree <u>caliper</u> 1.5 for each tree removed |
| 4 | 33 or greater <u>DBH</u> | Plant four (4) trees with minimum tree <u>caliper</u> of 1.5 for each tree removed |
| | | NOTE: A coniferous tree measuring 5 foot height shall be considered equal to a deciduous tree measuring 1.5 caliper for replacement requirement. |

Table 2. Tree Removal Permit Additional Application Fee

| Category | Size of Tree to be Removed, in Inches DBH | Additional Application Fee, Cumulative per tree |
|----------|---|---|
| 1 | 6 to 12.99 <u>DBH</u> and Street Tree 2.5 to 12.99 <u>DBH</u> | \$300.00 |
| 2 | 13 to 22.99 <u>DBH</u> | \$1,000.00 |
| 3 | 23 to 32.99 <u>DBH</u> | \$1,500.00 |
| 4 | 33 or greater <u>DBH</u> | \$2,000.00 |

Glossary

Dangerous Tree – A tree that is determined by a licensed tree expert in writing that shows one or more of the following conditions:

1. Infectious disease or insect infestation severe enough to likely lead to demise of the tree
2. Dead, dying, severely declining and/or severely damaged, including storm damaged trees and trees felled by natural causes.
3. Obstructs the operation or operational view of traffic signals, signs, streetlights, fire hydrants, sanitary sewer pipes, potable water pipes, or safe passage of pedestrians or vehicles, where pruning attempts and protective measures have not been effective, or will cause death of the tree
4. Causing damage to public/private structures and/or infrastructure, that cannot be mitigated.
5. Otherwise determined by a New Jersey Licensed Tree Expert, certified arborist, or an appropriate municipal representative, to be a threat to public health, safety, and/or welfare, which cannot be mitigated by appropriate action

DBH (Diameter at Breast Height) – A means of determining size of mature trees. The diameter in inches of the trunk of a mature tree measured 4.5' from the ground level, parallel to the trunk, from the uphill side of the tree. Trees that have multiple stems that divide at least 6 inches above ground and below the 4.5' are measured at the highest point below the division. Trees that Divide below 6 inches are considered multiple individual trees.

Homesite – The land under the dwelling and such additional land used in connection with single family dwelling (E.G. land used for lawns, flower gardens, shrubs, pools, tennis courts)

Tree Caliper – A means of determining size of young trees. The diameter in inches of the trunk of a young tree, measured 6 inches above ground level for field grown trees; measured from the soil line for container grown trees. If caliper measured at 6 inches is 4.5 inches or greater, the caliper is then measured at 12 inches above ground level or soil line. Multi-stem tree caliper is calculated as ½ of the caliper of the three largest trunks, or the average caliper of all trunks

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