

APPLICATION FOR TREE Preservation During Construction PERMIT

Borough of River Edge – Shade Tree Commission

THIS FORM IS ONLY TO BE FILLED OUT FOR REQUESTS DUE TO CONSTRUCTION
PLEASE BE FAMILIAR WITH TREE PROTECTION ORDINANCE #1773

Date filed: _____	Date construction is to begin: _____
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CONTRACTOR/APPLICANT: Name _____ Company: _____ Address _____ _____ Phone _____ Email _____	PROPERTY LOCATION/ OWNER: <input type="checkbox"/> check if same as applicant Name _____ Address _____ _____ Email _____ Phone: _____ LOT: _____ BLOCK: _____
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Total number of town trees on Borough Right-of-Way: # _____

Are you requesting removal of any of these trees? _____ if yes, indicate with an "X" which ones on plans.

Please note: a cash bond deposit is required for Borough Trees affected by construction. You will be given the bond amount required per tree after the site has been inspected. Cash bonds must be submitted BEFORE construction begins.

Reason for Tree Permit Request:

Home Improvement: Explain: _____

New Development

Have all options for construction been evaluated taking tree preservation into account? _____

Explain options considered: _____

NOTE: NO WORK MAY BE DONE ON BOROUGH TREES WITHOUT A PERMIT. FAILURE TO COMPLY WILL RESULT IN PENALTIES AND FINES. Proof of insurance needs to be submitted prior to work on town trees.

Response to permit requests issued within 30 days from date application received. Failure to fill out form completely will delay response.

Municipal Use: Permit issued (date) _____ CO issue (date): _____	
<input type="checkbox"/> tree protection on plans <input type="checkbox"/> trees to be removed _____ <input type="checkbox"/> insurance _____ <input type="checkbox"/> \$25 Permit fee pd	<input type="checkbox"/> Bond Fee required: _____ <input type="checkbox"/> Date bond paid: _____ <small>(see tree appraisal form/Tree expert fees)</small>
<input type="checkbox"/> returned to applicant, more information needed _____	
Site inspection by _____ date _____	

Return this form filled out completely to: River Edge Shade Tree Commission
 705 Kinderkamack Rd. River Edge NJ 07661
 201-599-6293
 email: ShadeTree@riveredge.org

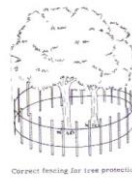


Residents should coordinate with their contractor prior to work to review protection of trees

TREE PLAN: Please submit a tree protection & removal plan consisting of a survey drawn approximately to scale showing the location of all Borough trees. Tree protection barriers (eg. snow fencing or other acceptable protective barrier) for trees that are to be preserved during construction should also be indicated and described on the plans.

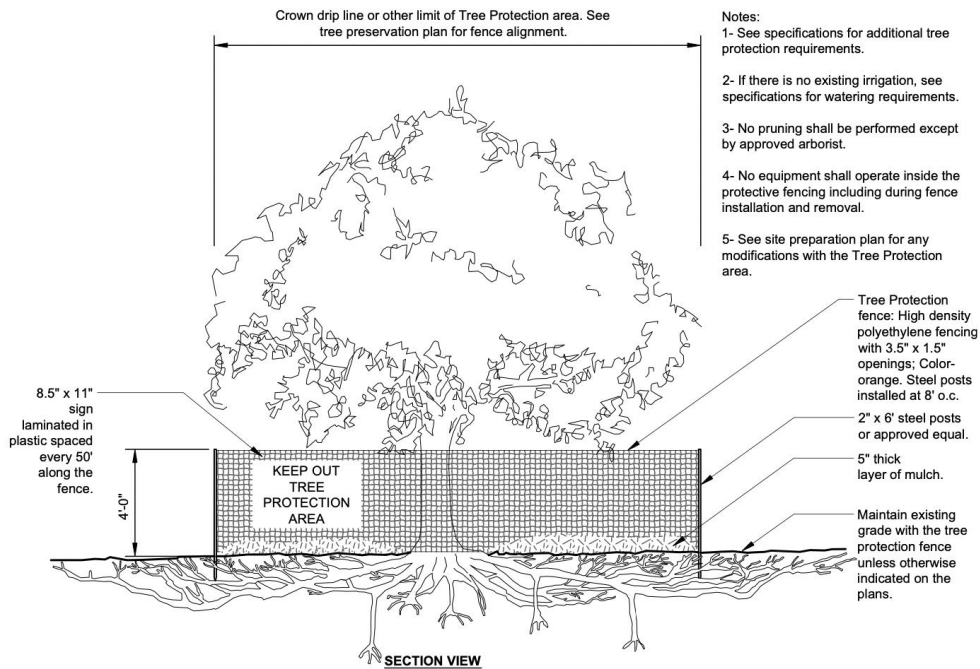
TREE PROTECTION ZONES (TPZ) REQUIRED: It is the contractor and permit holder's responsibility to maintain proper tree protection as seen below. Included in the tree protection is the entire tree including the crown, trunk, and below ground roots which can be affected by construction activity on-site due to compaction of soil from heavy machinery, soil movement/excavation, and grading changes. In general tree protection barriers shall be placed as space permits 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.

Effective TPZ's maintain a radius of at least 1.25 feet of protected area for each inch of trunk diameter. For example a tree with a 10ft diameter should have protection placed 12.5ft from tree. A 20ft diameter tree should have fencing placed at least 25ft from tree to protect the tree roots. This may mean protecting the roots on-site. Please contact us if you have any questions.



Notes:

1. Please see survey for the location of Borough trees.
2. Protection barriers (i.e., orange barrier fence or equal) shall be placed as space permits at a distance of at least ten (10) feet from the trunk of any Borough tree or such tree's drip line, whichever shall be greater until construction has terminated.



S-X TREE PROTECTION

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Additional tree protection requirements will be added here if required.

To remedy site after construction: See “Scoop & Dump” method:
<https://forestry.usu.edu/webinars/bassuk.pdf>

Article III, Ordinance 1773: Tree Protection

§ 384-18 Purpose.

A. The Mayor and Council of the Borough of River Edge finds that the preservation, protection, and planting of trees and other plants conserves and enhances the Borough's physical and aesthetic appearance, and generally protects the public health and safety and general welfare.

B. The intent of this article is to limit the adverse impact of damage and removal of Borough trees associated with construction. This article preserves and perpetuates the Borough's tree stock located on public property and within the public right-of-way, through the establishment of regulatory controls for the preservation of street trees.

§ 384-19 Definitions.

As used in this article, the terms hereinafter set forth shall be defined and deemed to have the following meanings:

CASH LANDSCAPE BOND

A cash deposit in United States currency, bank or certified check made out payable to the Borough of River Edge.

COMMISSION

The Board of Shade Tree Commissioners of the Borough of River Edge including any of its duly appointed members and any of its duly authorized agents.^[1]

GROSS FLOOR AREA

The gross floor area of a principal structure or building measured from exterior walls of the building or principal structure.

ISA

The International Society of Arboriculture.

PUBLIC PROPERTY

Any road, easement, passageway or area under the jurisdiction and control of the Borough of River Edge.

REGULATED PROJECT

Any undertaking involving new construction or development of existing residential property affecting 50% or more of the existing gross floor area said property, 50% or more of the existing floor area or demolition of an existing principal building affecting 50% of the total gross floor area.

REGULATED TREE

Any living woody perennial plant having a diameter greater than 1 1/2 inches measured at a point four inches above the base of the root flare. This definition shall apply to any tree situated in or along any public property, park, field, public right-of-way, easement or encumbrance under the ownership and control of the Borough of River Edge. The term "regulated tree" shall also mean public tree(s) as provided in the context within the article.

[Amended 8-4-2014 by Ord. No. 1812]

SHADE TREE REPLACEMENT FUND

"Trust Other Fund - Dedicated Shade Tree Commission Escrow Account" and is the dedicated depository account of the Shade Tree Commission for tree permit fees, tree replacement fees, expert fees and cash landscape bonds.

[Added 2-19-2013 by Ord. No. 1779]

[1]

Editor's Note: The former definition of "diameter breast height (DBH)," which immediately followed this definition, was repealed 8-4-2014 by Ord. No. 1812.

§ 384-20 **Tree protection permit required.**

A. Any person undertaking a regulated project shall secure a tree protection permit from the Shade Tree Commission and will provide the Borough of River Edge with a cash landscape bond in the amount of up to \$5,000 for each Borough of River Edge street tree adjacent to on said property for a duration of up to a maximum of three years starting from the time a certificate of occupancy is issued. After two years, the tree/trees will be evaluated by the Commission, and based upon the evaluation, the Commission will determine whether the cash bond be extended or utilized to remove and replace any or all of the Borough of River Edge trees at on said property. Valuation of trees shall be based upon current ISA standards.

B. In the undertaking of a regular project, the owner, contractor or other person in charge thereof shall place such guards around all nearby trees as will effectually prevent injury to such trees.

C. All deposits from this section shall be deposited into the Shade Tree Replacement Fund.

[Added 2-19-2013 by Ord. No. 1779]

§ 384-21 **Project permit application process.**

A. Project permit application submission. Upon filing of a demolition or building permit for a regulated project, a tree protection project permit shall be required for the removal and/or protection of public trees. A permit application for the removal and/or protection of said trees shall be submitted to the Shade Tree Commission for review.

B.

Application contents. An application for a tree removal and protection project permit shall consist of the following:

(1) The name and address of the owner of the land.

(2) The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Borough of River Edge; a survey or plot plan locating public and private trees; tree location placed on existing survey or plot plan need not be certified by any licensed professional.

(3) The quantity, DBH caliper size, location and species of regulated tree(s).

(4) The proposed dates for commencement and completion of the project.

(5) Name and address of the person having express charge, supervision, and/or control of the proposed protection or removal of tree(s).

(6) A tree protection plan.

C. Application review.

(1) The Shade Tree Commission or its designee shall review the project permit application to determine applicability with this article. The Shade Tree Commission shall then provide written notice to the applicant indicating one of the following determinations and the valuation of regulated trees and landscape bond amount:

(a) The protection permit is granted; or

(b) The project permit is granted subject to prescribed conditions attached to such notice.

(2) The Shade Tree Commission shall render a decision on a project permit application and furnish the required notices within 30 calendar days following submission of a completed application.

(3) Failure of the Shade Tree Commission to render a decision within the thirty-day period, or within any extension of time granted by the applicant, shall constitute and have the same effect as an approval of the application.

(4) Any proposed change in the approved project shall be submitted to the Shade Tree Commission. The Shade Tree Commission's determination concerning the approval of the amended project shall be determined in the same manner as an original application for a protection permit.

(5) The applicant shall maintain a copy of the approved protection permit at the project location. A copy of the protection permit shall be available for inspection by a representative of the Shade Tree Commission.

(6) Cash landscape bonds must be submitted and posted prior to the start of the project. It shall be the responsibility of the permit holder to make the cash deposit.

(7) Appeals.

(a) The valuation determinations and decisions of the Shade Tree Commission shall be reviewable on written appeal to the Mayor and Council. Said appeal shall be filed within 21 days of written notice of the decision of the Shade Tree Commission. The appeal before the Mayor and Council shall be a de novo hearing in which the Shade Tree Commission shall produce testimony supporting disputed tree valuations or actions.

(b) In the event of a dispute concerning the release of a cash landscape bond, said dispute shall be submitted to the Mayor and Council for final resolution and direction.

D. Jurisdiction. The Shade Tree Commission shall have jurisdiction concerning the assessment, protection or removal of regulated trees on public property. The protection assessment of regulated trees may be determined based upon the appraisal of a trained forester or licensed tree expert or a member of the Shade Tree Commission.

§ 384-22 Fees.

An application for a tree protection permit shall be accompanied by the required fees as set forth below:

A. Administration or application fee for the processing of each tree removal permit is \$25. Any subsequent application or request shall be subject to the same fee requirement.

B. Escrow deposit where Shade Tree Commission determines that a tree expert is needed for tree evaluation. Expert fees incurred by the Commission shall be the responsibility of the applicant.

C. All deposits from this section shall be deposited into the Shade Tree Replacement Fund.

[Added 2-19-2013 by Ord. No. 1779]

§ 384-23 Enforcement; violations and penalties.

A. The enforcement of this article shall be under the jurisdiction of the Shade Tree Commission or as delegated to the Borough's Code Enforcement Officer.

B. Any person who violates any provisions of this article shall be liable for a fine as permitted by N.J.S.A. 40:64-12. In addition, the court may require restitution for any destroyed and/or damaged tree, including the cost of removal.

§ 384-24 Severability.

If any sentence, section, clause or other portion of this article, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this article.

§ 384-25 Repealer.

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

§ 384-26 When effective.

This article shall take effect immediately upon final passage and publication as required by law.

