

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2024-15

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD BY
CREATING CHAPTER 397 TO ESTABLISH NJDEP-MANDATED REGULATION OF
TREE REMOVAL AND AMENDING CHAPTER 255, ARTICLE IV, OF THE CODE**

BE IT ORDAINED by the Township Committee of the Township of Cranford as follows:

Section 1. Chapter 397 of the Township Code shall be created as follows:

397-1. Purpose:

An ordinance to establish requirements for tree removal and replacement in the Township of Cranford to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

397-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word “shall” means the requirement is always mandatory and not merely directory.

- A. “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.
- C. “Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

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1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

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397-3. Regulated Activities:

A. Application Process:

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to the Township of Cranford Building Department. No tree shall be removed until municipal officials have reviewed and approved the removal.
2. Nothing in this Chapter shall alter the requirements for tree replacement for development applications as provided in § 255-26(N).

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section 397-4, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under 397-4, shall be subject to the requirements of the Tree Replacement Requirements Table. The species type and diversity of replacement trees shall be in accordance with Appendix A.
3. Replacement tree(s) shall:
 - a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
 - c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
 - d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

4. Tree Replacement Requirements Table:

<u>Category</u>	<u>Tree Removed (DBH)</u>	<u>Tree Replacement Criteria (See Appendix A)</u>	<u>Application Fee</u>
<u>1</u>	<u>DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”</u>	<u>Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed</u>	<u>\$75.00 plus \$20.00 per tree</u>

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<u>2</u>	<u>DBH of 13” to 22.99”</u>	<u>Replant 2 trees with minimum tree calipers of 1.5” for each tree removed</u>	<u>plus \$20.00 per tree</u>
<u>3</u>	<u>DBH of 23” to 32.99”</u>	<u>Replant 3 trees with minimum tree calipers of 1.5” for each tree removed</u>	<u>plus \$20.00 per tree</u>
<u>4</u>	<u>DBH of 33” or greater</u>	<u>Replant 4 trees with minimum tree calipers of 1.5” for each tree removed</u>	<u>plus \$20.00 per tree</u>

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$300.00 per tree removed. This fee shall be placed into the Tree Planting and Preservation Fund.

397-4. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Proper justification may include written statements, reports, or testimony from a licensed tree expert or licensed tree care operator as defined in N.J.S.A. 45:15C-11:

- A. Residents who remove less than one tree per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period, not including those otherwise exempted under this section.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;

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- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard Trees may be removed with no fee or replacement requirement.

397-5. Enforcement:

This ordinance shall be enforced by the Cranford Building Department.

397-6. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$300 or the amount of the required replacement tree(s) and cost of planting, whichever is greater.

397-7 Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

397-8 Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Appendix A

Approved list of Replacement tree Species and Planting Standards for Township of Cranford

<u>SPECIES/COMMON NAME VARIETIES</u>	<u>DESCRIPTION</u>	<u>NATIVE and/or NATIVE CULTIVAR</u>	<u>FALL DIGGING HAZARD</u>
<u>Acer freemanii x (Autumn Fantasy, Armstrong, Armstrong Gold)</u>	<u>Upward Branching Structure</u>	<u>X</u>	<u>-</u>
<u>Acer rubrum (Brandywine, Red Sunset, Redpointe)</u>	<u>Sturdy Branching resists storm damage</u>	<u>X</u>	<u>Y</u>

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<u>Acer saccharum (Fall Fiesta, Green Mountain, Legacy, Sugar Maple)</u>	<u>Dense Shade, Excellent Fall Color</u>	<u>X</u>	-
<u>Amalanchier grandiflora 'Robin Hill' (Service Berry)</u>	<u>Light Pink</u>	<u>X</u>	-
<u>Amalanchier laevis 'Spring Flurry'</u>	<u>Reddish Leaves, Bright White Flowers</u>	<u>X</u>	-
<u>Betula nigra (Duraheat, Heritage, Little King)</u>	<u>Compact</u>	<u>X</u>	<u>Y</u>
<u>Nyssa sylvatica (Black Gum)</u>	<u>Crimson Fall Color</u>	<u>X</u>	-
<u>Carpinus caroliniana 'Native Flame'</u>	<u>Red/Orange Fall Color</u>	<u>X</u>	-
<u>Carpinus caroliniana (American Hornbeam, Musclewood)</u>	<u>Great Understory Tree</u>	<u>X</u>	-
<u>Carpinus caroliniana 'Ball of Fire'</u>	<u>Reddish Fall Color</u>	<u>X</u>	<u>Y</u>
<u>Carpinus caroliniana 'Palisade'</u>	<u>Upright Oval Growth, Yellow to Orange Fall Color</u>	<u>X</u>	<u>Y</u>
<u>Carpinus caroliniana 'Rising Fire'</u>	<u>Orange Fall Color</u>	<u>X</u>	<u>Y</u>
<u>Celtis occidentalis (Hackberry, Prairie Pride, Windy City)</u>	<u>Dark Green Foliage</u>	<u>X</u>	<u>Y</u>
<u>Cercis canadensis 'Summers Tower' or 'Cotton Candy' (American Redbud)</u>	<u>Lavender Pink or Pink Flowers</u>	<u>X</u>	-
<u>Cercis canadensis var. texensis 'Oklahoma'</u>	<u>Smaller, Glossy, Tougher Leaves; Heat</u>	<u>X</u>	-
<u>Cladrastis lutea (American Yellowwood)</u>	<u>Showy White Flowers in Spring, Yellow/ Orange Fall Color</u>	<u>X</u>	<u>Y</u>
<u>Cornus rutgerensis 'Stellar Pink'</u>	<u>Light Pink</u>	<u>X</u>	<u>Y</u>

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<u>Cornus ‘Venus’</u>	<u>Large, Pure White Flowers</u>	<u>X</u>	<u>Y</u>
<u>Cornus rutgerensis 'Constellation'</u>	<u>White</u>	<u>X</u>	<u>Y</u>
<u>Cornus rutgerensis 'Celestial'</u>	<u>White</u>	<u>X</u>	<u>Y</u>
<u>Ginkgo biloba [Ginkgo] (Autumn Gold, Goldspire)</u>	<u>Excellent Summer Foliage, Autumn Gold Foliage</u>	-	-
<u>Gymnocladus dioicus ‘Espresso’ (Kentucky Coffee Tree)</u>	<u>Hardy</u>	<u>X</u>	-
<u>Celtis Occidentalis (Hackberry)</u>	<u>Interesting Bark Pattern</u>	<u>X</u>	-
<u>Ilex opaca (Recommend 'Jersey Knight' & 'Jersey Princess', American Holly also acceptable)</u>	<u>Dark Foliage, Excellent Fruit Set, Evergreen</u>	<u>X</u>	-
<u>Liquidambar styraciflua 'Slender Silhouette' (Fastigiata Sweetgum)</u>	<u>Narrow, Great Fall Color</u>	<u>X</u>	-
<u>Littleleaf Lindens</u>	<u>Beautiful Heart-Shaped Leaves, a Favorite Pollinator Species</u>	<u>X</u>	-
<u>Magnolia virginiana (Emerald Tower, Green Mile, Green Shadow, Northern Belle, Sweetbay Magnolia)</u>	<u>Semi-Evergreen, Fragrant Summer Flowers</u>	<u>X</u>	-
<u>Malus ‘Brandywine’ (Crabapple)</u>	<u>Grows to 30’ in height</u>	-	-
<u>Malus ‘Redpointe’ (Crabapple)</u>	<u>Pest and Disease Resistant</u>		
<u>Malus ‘Royal Raindrops’ (Flowering Crabapple)</u>	<u>Vibrant Pink to Red Flowers</u>		
<u>Malus ‘Showtime’ (Flowering Crabapple)</u>	<u>Fuchsia Red Flowers, Fiery Orange Fall Color</u>		
<u>Nyssa sylvatica cultivar ‘Green Gables’ (Black Gum)</u>	<u>Tolerates Wet Sites</u>	<u>X</u>	<u>Y</u>

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<u>Ostrya virginiana ‘Autumn Treasure’ (American Hop-Hornbeam)</u>	<u>Shade/Sun/Drought-Tolerant, Brilliant Fall Color</u>	<u>X</u>	<u>Y</u>
<u>Parrotia subaequalis (Persian Ironwood)</u>	<u>Crimson Red Fall Color, Tolerant of Heat and Cold, Pest Resistant</u>	-	-
<u>Picea abies (Norway/European Spruce)</u>	<u>Tolerant Evergreen</u>	-	-
<u>Prunus ‘First Blush’ (Flowering Cherry)</u>	<u>Oval Shape, Pink Flowers, Orange Fall Color</u>	-	<u>Y</u>
<u>Prunus ‘Royal Burgundy’ (Flowering Cherry)</u>	<u>Vase Shaped, Prefers Well- Drained Soils</u>	-	<u>Y</u>
<u>Prunus sargentii ‘Pink Flair’ (Flowering Cherry)</u>	<u>Narrow, Upright Form</u>	-	<u>Y</u>
<u>Prunus sargentii ‘Pink Myst’ (Flowering Cherry)</u>	<u>Dark Pink Flowers, Orange/Red Fall Color</u>		
<u>Prunus serrulata ‘Kwanzan’ (Flowering Cherry)</u>	<u>Double Blossom, the Tree that made Washington DC famous</u>	-	<u>Y</u>
<u>Quercus alba (White Oak)</u>	<u>Incredible Longevity</u>	<u>X</u>	<u>Y</u>
<u>Quercus bicolor (Swamp White Oak)</u>	<u>A Low-Maintenance Shade Tree</u>	<u>X</u>	<u>Y</u>
<u>Quercus warei ‘Kindred Spirit’</u>	<u>Columnar Form</u>	-	<u>Y</u>
<u>Quercus x warei ‘Regal Prince’</u>	<u>Columnar, Resistant to Powdery Mildew</u>	-	<u>Y</u>
<u>Taxodium distichum (Bald Cypress, Emerald Shadow, Green Whisper, Shawnee Brave)</u>	<u>Deciduous Conifer</u>	<u>X</u>	-
<u>Thuja plicata ‘Green Giant’</u>	<u>Evergreen</u>	-	<u>Y</u>

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<u>Tilia cordata (Little Leaf Linden)</u>	<u>Dark Green Glossy Foliage</u>	<u>X</u>	-
<u>Tilia cordata ‘Greenspire’</u>	<u>Pyramidal Shape</u>	<u>X</u>	-
<u>Ulmus ‘Accolade’</u>	<u>Resistant to DED</u>	-	<u>Y</u>

Section 2. Chapter 255, Article IV, of the Township Code shall be amended as follows:

§ 255-26. Design standards: specific.

...

N. Tree replacement.

(1) The following terms shall have the following meanings as used in this subsection:

PROTECTED TREE

Any woody perennial plant with a trunk exceeding 18 inches in diameter (56.52 inches in circumference) measured at a point 4.0 feet above the ground level on the downhill side of such tree.

TREE

Any woody perennial plant with a main stem or trunk exceeding five inches in diameter (16 inches in circumference) measured at a point 4.0 feet above the ground level on the downhill side of such tree.

(2) A tree replacement plan shall be submitted with each application for development in which trees are proposed to be removed or have been removed as provided in § 255-24D (19). On-site replacement trees shall be provided for all trees removed, in accordance with the following table:

<u>Category</u>	<u>Tree Removed (DBH)</u>	<u>Tree Replacement Criteria (See Appendix A)</u>	<u>Application Fee</u>
<u>1</u>	<u>DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”</u>	<u>Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed</u>	<u>\$75.00 plus \$20.00 per tree</u>

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<u>2</u>	<u>DBH of 13" to 22.99"</u>	<u>Replant 2 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>plus \$20.00 per tree</u>
<u>3</u>	<u>DBH of 23" to 32.99"</u>	<u>Replant 3 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>plus \$20.00 per tree</u>
<u>4</u>	<u>DBH of 33" or greater</u>	<u>Replant 4 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>plus \$20.00 per tree</u>

(3) If the site cannot accommodate the number of trees hereby required as replacement, the developer shall be required to contribute to a special fund, to be known as the "Tree Planting and Preservation Fund," in the sum of \$300 ~~\$500~~ per tree; provided, however, that if a tree to be removed is a protected tree, the amount of the contribution shall be determined by the Superintendent of Public Works. Such determination shall be based upon the value of the tree, calculated by the methodology adopted in the Township of Cranford's Community Forestry Management Plan. The Tree Planting and Preservation Fund shall be used by the Township for the planting of trees in the Township with the goal of replacing trees removed. The fund shall be administered by the Shade Tree Commission ~~Township Treasurer and Township Administrator~~ with advice from the Superintendent of Public Works.

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Introduced: May 21, 2024
Adopted: June 25, 2024

Approved:

Brian Andrews
Chairman, Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

RECORDED VOTE	INTRODUCED	ADOPTED
Brian Andrews	Aye	Aye
Terrence Curran	Aye	Aye
Paul A. Gallo	Aye	Aye
Kathleen Miller Prunty	Aye	Absent
Gina Black	Aye	Aye

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