

Proposed additions in *italics*
Proposed deletions in ~~strikethrough~~

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1955**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES TO AMEND PROVISIONS
RELATING TO TREE REMOVAL AND REPLACEMENT**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, in the County of Bergen and State of New Jersey as follows:

Section 1. Paragraphs C and D of Section 300-150 “Tree removal permits issued by Construction Official or Tree Specialist; additional tree removal” of Article XX “Tree Removal and Replacement” of Chapter 300 “Land Use and Development” of the Code of the Borough of Franklin Lakes are hereby amended to read as follows:

- C. *Tree removal with a permit and required tree replacement shall be permitted* where the total number of trees to be removed is less than 10% of the total number of trees on the property, including trees to be removed pursuant to Subsection D hereinbelow; provided however that, if the total number of trees to be removed pursuant to Subsection D is 10% or more of the total number of trees on the property, then the property owner may remove the number of trees as is permitted pursuant to Subsection D. Except as otherwise provided for tree removal pursuant to Subsection D, no more than 10% of the total number of trees on the property may be removed within any five-year period.
- D. Tree replacement not required. Unless tree removal is being considered as part of a development application before the Planning Board or Zoning Board, the Construction Official or Tree Specialist shall issue a permit for removal of trees in the following circumstances, and no tree replacement shall be required, except as may be required as part of a separate approval process:
- (1) For any tree that is hazardous, dead or dying.
 - (2) For any tree or trees removed or cut in accordance with a Woodland Management Plan or a Forest Stewardship Plan that has been approved by the New Jersey Forest Service, provided that such plan is filed with the Construction Official, Tree Specialist, Shade Tree Commission and Tax Assessor.
 - (3) For any tree or trees removed or cut in accordance with an approved conservation plan prepared by the Soil Conservation District, provided that such plan has been filed with the Shade Tree Commission and Tax Assessor.
 - (4) For any tree or trees planted and grown for commercial purposes on property used as a commercial nursery, tree farm, garden center, Christmas tree plantations or tree orchards.
 - (5) For any tree growing in a utility right-of-way or fire trail, subject to the approval of the Shade Tree Commission.
 - (6) For new construction, which shall include a new structure or an addition to an existing structure, tree replacement is not required for trees removed within the footprint of the new structure or the addition to an existing structure.
 - (7) For any tree within the footprint of a new or relocated septic system.

- (8) *For one tree that is located within 25 feet of a dwelling, an applicant may remove the tree upon obtaining a tree removal permit, regardless of its condition, with no requirement for replacement. For a second tree that is located within 25 feet of a dwelling, an applicant may remove the tree upon obtaining a tree removal permit, regardless of its condition, and shall be required to replace the tree with one tree. For removal of additional trees within 25 feet of a dwelling, an applicant shall comply with the tree replacement schedule in § 300-152.*

Section 2. Paragraph C and D of Section 300-153 “Issuance of permits; fees; bonds” of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

C. Fees.

- (1) The fee for an application for removal of trees, either dead or alive, under § 300-150 of this chapter shall be \$75 ~~\$50~~ for the first five trees and \$20 ~~\$10~~ for each additional tree.
- (2) The fee for an application for removal of a tree in connection with a soil moving permit application shall be as set forth in § 404-12 of the Borough Code.

Section 2. Paragraph C of Section 300-155 “Protection of trees” of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

- C. The self-supported protective barrier shall be placed, as determined by the Construction Official or Tree Specialist, at the Critical Root Zone of any tree along the limit of clearing and around the entire Critical Root Zone for trees to remain undisturbed *on the entire site being developed* ~~within the limit of clearing.~~

Section 3. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 4. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 5. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: _____
Charles J. X. Kahwaty, Mayor

ATTEST: _____
Gail M. Rulli, Borough Clerk

Introduced: 05-21-2024
Adopted: 06-18-2024