

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1962**

**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. Section 152 “Tree replacement” of Article XX “Tree Removal and Replacement” of Chapter 300 “Land Use and Development” of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

§ 300-152 Tree replacement.

- A. Where tree replacement is required pursuant to the provision of this article, said tree replacement shall comply with the following schedule:

Diameter at breast height (DBH) of existing tree to be removed (inches)	Number of replacement trees (Minimum 2 ½ inch caliper)
Between 7 and 16 inches	1
Between 16 and 22 inches	3
Between 22 and 28 inches	5
Between 28 and 34 inches	7
34 inches or greater	9

- B. Replacement trees need to be planted according to standards developed by the International Society of Arboriculture, described in the pamphlet titled, "New Tree Planting." The wire baskets, burlap and twine shall be removed from replacement trees prior to planting. The trunk flare will be at the natural existing grade of the soil.
- C. Replacement trees need to be planted at least 25 feet from existing trees and replacement trees, and they may not be planted under the canopy of existing trees, except for shade-tolerant trees.
- D. Replacement trees must be cared for, kept alive and not removed for 10 years after planting.
- E. Replacement trees shall be planted in the next planting season – either before June 1 or after October 1.
- F. Shade Trees are deciduous trees that mature at greater than 50 feet in height and are 2.5” caliper, 1 foot above the trunk flare or Evergreens 8 feet and over in height such as:
- (1) Oaks – Quercus (white oak, swamp white oak, shingle oak, pin oak, chinkapin oak, chestnut oak, black oak)
 - (2) Maples – Acer (Red maple & Sugar maple) (NO Japanese or Norway maples, Acer

- palmatum or Platanoides
- (3) Birch – Betula (Gray, Black, River, Yellow)
 - (4) Hickories – Carya spp. (bitternut hickory, pignut hickory, shell bark hickory, shag bark hickory, mockernut)
 - (5) Sweet Gum – Liquidambar stryaciflua
 - (6) Black Gum-Nyssa syvatica
 - (7) American Sycamore – Platanus occidentalis
 - (8) Hackberry – Celtis occidentalis
 - (9) American Holly – Ilex (american holly*)
 - (10) Tulip Tree – Liriodendron tulipifera
 - (11) Linden Tree – Tilia (tilia americana)
 - (12) American Hornbeam- Carpinus caroliniana
 - (13) Hop Hornbeam- Ostrya virginiana
 - (14) Service Berry- Amelanchier spp.

*Only 25% of total replacement trees can be evergreen.

- G. The trees must be planted at a depth where the trunk flare is visible and level with the final grade. No mulch may be touching the trunk. The wire baskets and burlap must be removed. The trees must be planted at least 20 feet away from each other and every other tree. Trees must be planted at least 10 feet from the pavement or curb and they may not be planted under the canopy of existing trees.
- H. Replacement trees need to be planted according to standards developed by the International Society of Arboriculture, described in the pamphlet titled, “New Tree Planting.” All tree stock must be of quality according to the ANSI standards of Nursery stock. The Tree Specialist may make concessions of locations due to aspect.

Section 2. Section 154 “Waiver of tree replacement requirements” of Article XX “Tree Removal and Replacement” of Chapter 300 “Land Use and Development” of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

§ 300-154 Waiver of tree replacement requirements.

Where, in the discretion of the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council, new plantings are required by the ordinances of the Borough but are not necessary due to the existence of a sufficient number of trees presently on the property, the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council may waive any or all requirements for new plantings. If the requirement for new plantings is waived, for each replacement tree that would have been required in accordance with Section 300-152 hereof, the applicant shall pay a fee which shall be deposited in the Tree Escrow Fund, in the following amounts: for the replacement of three trees or less, \$850 per replacement tree; and for the replacement of more than three trees, \$1,000 per replacement tree. Said fee shall be due and payable prior to issuance of a tree removal permit.

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.

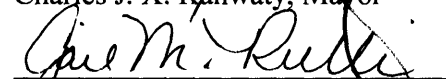
This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED:



Charles J. X. Kahwaty, Mayor

ATTEST:



Gail M. Rulli, Borough Clerk

Introduced: 08-20-2024

Adopted: 09-17-2024