

ORDINANCE OF THE TOWNSHIP OF WINSLOW, COUNTY OF CAMDEN, STATE OF NEW JERSEY CREATING CHAPTER 270 ENTITLED "TREES" REGULATING TREE PRESERVATION, REMOVAL AND REPLANTING

WHEREAS, the Township of Winslow ("Township") recognizes that trees are a natural resource that provides aesthetic, economic, ecological, environmental, and health benefits to the municipality and its inhabitants.

WHEREAS, the treatment of trees on individual properties can have significant impacts not only on those individual properties, but also on neighboring properties, the streetscape, and the entire municipality.

WHEREAS, the indiscriminate, uncontrolled, and excess destruction, removal, and cutting of trees upon lots and tracts of land within the Township may result in increased municipal costs to control drainage, increased soil erosion and sedimentation, decreased fertility of the soil, decreased local groundwater recharge, increased seasonal temperatures, decreased air quality, increased dust, loss of wildlife habitat, and change in visual character.

WHEREAS, these impacts tend to adversely impact the overall quality of the Township, with the resulting deterioration of conditions affecting the health, safety, and general wellbeing of the inhabitants within the Township.

WHEREAS, the Township desires to regulate the removal of trees within the community, to preserve the maximum amount of non-invasive trees in the community to the extent practical, and to cause reforestation of areas where trees have been removed.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Winslow, County of Camden and State of New Jersey as follows:

SECTION 1. Chapter 270 of the Township Code of the Township of Winslow entitled "Trees" is hereby created with the following regulations:

§ 270-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE

A structure detached from the principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

BUFFER STRIP

A strip of required yard space adjacent to the boundary of a property, district, road, street or highway, not less in width than is designated in this article, and on which is placed year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an effective screen and to give maximum protection and immediate screening to an abutting property or district. A buffer strip may include a wall or fence or a solid wall or fence, provided that such wall or fence is screened or constructed in such a manner that it will not conflict with the character of the abutting yard or district.

CALIPER

The diameter of a balled and burlapped or bare root nursery stock tree trunk taken six inches above the ground for trees up to four inches in diameter and taken 12 inches above the ground for trees larger than four inches in diameter.

CERTIFIED TREE EXPERT

A person authorized by the Department of Environmental Protection (DEP), NJ Forest Service, pursuant to N.J.A.C. 7:3-2, to annually attest that a landowner is in compliance with a woodland management plan and/or program.

CONSERVATION EASEMENT

A portion of land dedicated for designated conservation purposes and designated as such on any recorded deed, plat plan and/or as otherwise identified and delineated in any site plan.

CRITICAL ROOT ZONE

The region measured outward from the trunk of a tree to and beyond the dripline to include the entire area within which the tree's feeder roots are located, as determined by probing of the soil around the tree to a depth of 18 inches by a qualified tree care professional.

DBH

The diameter at breast height and shall mean the diameter of the stem of a tree measured four feet above the surface of the ground.

DEFORESTATION

The removal of a forest or stand of trees where the land is thereafter converted to a non-forest use.

EXISTING INDIVIDUAL LOT

All existing lots identified and recorded in the Township's Tax Map as of the date of adoption of this article.

FOREST

An ecosystem characterized by a dense community of trees.

HAZARD TREE

“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.

1. Has an infectious disease or insect infestation; and
2. Is dead or dying; and
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective; and
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).

HISTORIC TREE

A tree that is of unique historical value, as determined by the Planning Board in consultation with the Winslow Township Historical Society and others, and therefore constitutes an important community resource.

LANDMARK TREE

A tree that is of unique ecological or aesthetic value, as determined by the Planning Board, and therefore constitutes an important community resource.

LANDSCAPE EASEMENT

A portion of land dedicated for landscaping, the installation or planting of landscape materials including but not limited to trees, shrubs, ground covers, turf and/or other planting materials, and a portion of land protecting existing vegetation, from which only alien invasive species may be removed. A landscape easement may be required as a landscape barrier or buffer between properties of different uses or between residential neighborhoods and arterial streets and/or areas of a nonresidential nature. Additionally, a landscape easement may be identified and delineated in a deed, plat plan and/or site plan.

MUNICIPAL AGENCY/AGENT

The Planning Board/Land Use Board of the municipality having jurisdiction to review and approve an application for development pursuant to N.J.S.A. 40:55D-1 et seq.

PERSON

Natural persons, corporations and all other entities.

REPLACEMENT TREE(S)

Any deciduous or evergreen woody plant of the caliper or height required in this article, planted for the purpose of replacing trees that have been removed.

RIPARIAN AREA(S)

The interface between land and a river or stream.

SPECIMEN TREE

A tree with a DBH greater than 36 inches, a coniferous tree greater than 100 feet in height, a tree of any size listed as a rare, threatened or endangered species by the New Jersey Department of Environmental Protection.

STREAM PROTECTION

To provide stream shading, soil stability, sediment and water filtering effects, and wildlife habitat.

STREET TREE

A tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to 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.

TREE

Any perennial woody plant having at least one stem greater than five inches in diameter.

TREE REMOVAL

Any action that results in the death or significant degradation of the health or vigor of a living tree

including, but not limited to, destruction, cutting, chopping, displacement, and any act of tree pruning or thinning, equipment operation, soil compaction or materials storage, or paving in the area of the critical root zone that results in tree destruction.

TREE REMOVAL APPLICATION

The application form, as approved by the Township Committee, to be submitted by an applicant in connection with any proposed tree removal activity as described in this article.

TREE REMOVAL APPLICATION FEE

The fee, as approved by the Township Committee, to be collected with each tree removal application submitted to the Township of Winslow.

TREE REMOVAL PERMIT

Written authorization issued by the Winslow Township Zoning Officer authorizing the removal of a designated tree or trees identified in the applicant's tree removal permit application.

TREE REPLACEMENT PROCEDURES

The standards set forth in § 102-23F, as well as those set forth as accepted nursery practices and/or recommended practices of the American Nursery and Landscape Association.

WOODLAND MANAGEMENT PLAN

A written plan, prepared by an approved forester as defined by and in accordance with N.J.A.C. 7:3 Treasury Woodland Management and N.J.S.A. 18:15 that outlines proposed management of woodlands, forests and/or trees on a particular property.

ZONING OFFICIAL/OFFICER

The Zoning Officer of the Township of Winslow.

§ 270-2. Tree removal on existing individual lots.

The provisions of this section shall apply to tree removal on an existing lot and on existing individual lots there the lot is part of any pending development application, site plan, or subdivision.

- A. Permit required. No person shall commence or allow the commencement of any the following activities unless they first obtain a tree removal permit in accordance with all of the provisions of this article:
- (1) Removal that results in the loss of more than five trees per existing individual lot within any one calendar year. NOTE: Removal of one to five trees does not require the filing or approval of a permit.
 - (2) Removal of any historic tree, landmark tree or specimen tree.
 - (3) Removal of any tree within public property (e.g., street rights-of-way), preserved lands, conservation areas, conservation easements and other lands encumbered by a conservation-purpose deed restriction or easement, whether or not the property is owned in fee by a public, private or governmental agency.
 - (4) Riparian areas and steep slopes in riparian areas that do not exceed 10%.
 - (5) Removal of any tree within a buffer strip or landscape easement.
- B. Exemptions. Permits are not required for the following activities:
- (1) Removal of one to five trees, or trees with less than a DBH of 6"

- (1) Removal of trees that present a hazard to the safety of persons or property.
- (2) Removal of trees that are diseased, dead or storm damaged.
- (3) Removal of trees to eliminate invasive species including, but not limited to, thorn apple, autumn olive, honey locust, and Norway Maple. NOTE: Please refer to the New Jersey Invasive Species Strike Team website for a comprehensive listing.
- (4) Providing that a zoning permit for a residential dwelling has been obtained, clearing, or clear-cutting of not more than a total of 1500 Sq ft of land unless further restricted by Pinelands regulations of a residential lot for the construction of a dwelling/septic/wells/drive/accessory structure.
- (5) Removal of any tree grown or planted for resale purposes on the site of a legally permitted arboricultural business, such as a nursery, garden center, Christmas tree farm or orchard.
- (6) Any cutting of trees performed as part of ongoing timber stand improvement work in compliance with a state-approved woodland or forest stewardship plan.
- (7) Removal of any trees on a farm property with documented protection under the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and/or a state-approved woodland or forest stewardship plan.
- (8) Any septic design requiring tree removal.
- (9) Any well installation including connecting piping requiring tree removal.

C. Replacement of trees.

- (1) Replacement tree(s) meeting the requirements of this section shall be required to be planted whenever a permit is required. A tree replacement proposal shall be submitted at the time a tree removal permit is requested.
- (2) Replacement of trees shall not be required where trees are removed under any of the exemptions noted in this article, unless required as a condition of site plan or subdivision approval.
- (3) All replacement trees shall be of nursery grade quality and shall be planted in accordance with accepted nursery practice.
- (4) A list of suitable replacement trees can be found as Appendix A of this ordinance.
- (5) Planting procedures are contained within Appendix B- American Standard for Nursey Stock.

D. 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) Residential lots: pay a fee of \$175.00 per tree removed.
- (c) Commercial lots: pay a fee of \$300.00 per tree removed.

E. Application for tree removal permit. Any person desiring to cut down or remove any tree(s) governed by

the regulations set forth in Subsection A, shall first apply to the Zoning Officer for a tree removal permit. On a tree removal application to be supplied by the zoning official, the applicant shall identify the applicant's name and address, the address and block and lot for the land upon which the tree or trees are located, and the number, size, and species of the trees proposed to be removed. The applicant shall provide a map/sketch on a property survey dated within 5 years of the application, indicating location, species, and diameter of trees to be removed, a tree replacement proposal and the necessary application fee. The applicant shall physically mark trees proposed to be removed.

- F. Tree removal application fee. A fee for the permit according to the following schedule shall accompany the application to defray Township expenses and shall not be refundable. The fee shall be submitted to the Zoning Officer in the form of a check made payable to the Township of Winslow.

NOTE: A permit is not required for the removal of up to five trees. These fees begin with tree number six.

6- 10 trees: \$10.00 per tree

11-20 trees: \$15.00 per tree

21-35 trees: \$20.00 per tree

35 or more trees: \$50.00 per tree

- G. Tree removal application review.

- (1) The Zoning Official shall grant approval only upon a determination that the tree removal application is in accordance with this article. In the event that the Zoning Officer fails to take action or denies the application within 10 days after such application is filed, the applicant shall have an immediate right of appeal to the Municipal Agency/Agent. herein. Any permit granted shall expire after the passage of 12 months from the date of its issuance. All work, including all tree replacements, shall be completed during this twelve-month time period and in the manner described in the application. Any permit shall be deemed withdrawn if the terms of the permit or this article are not complied with. The applicant may request in writing a one six-month extension.
- (2) In rendering judgment on tree removal applications submitted for consideration, it is the intent of the Township, and of this article, to retain healthy trees in the Township and to preserve, whenever possible, all of the trees designated for protection and preservation. The following factors should be taken into consideration in rendering judgment:
 - (a) Whether the tree or trees are located upon a proposed building site, driveway, recreation area, roadway drainage right of way, septic system, or whether the trees are within 100 feet of any of the foregoing.
 - (b) Whether the tree or trees appear upon inspection by the Zoning Official to be diseased or so situated as to be substantially lacking vigor.
 - (c) Whether the tree or trees are so located that necessary grade changes will render protection unreasonably difficult or expensive.
 - (d) Whether the trees constitute significant screening between existing or proposed buildings on contiguous lots.
 - (e) Whether removal of the tree or trees will constitute a horticulturally advantageous thinning of an existing overgrown area, as determined by a certified tree expert.
 - (f) Whether removal of the tree or trees will significantly and adversely affect drainage

conditions, soil fertility or soil stability, as determined by the Township Engineer.

- (g) Whether other practical exigencies may exist which would unduly cause hardship or difficulty to the applicant if the tree or trees were retained as weighed against the value of such retention.
- (h) Whether historic, landmark or specimen trees are located on site and cannot be adequately protected or replaced.
- (i) Whether the tree can be removed without harming other trees.
- (j) Proof that no other local, county state and or individual approval is required shall be submitted prior to the issuance of a permit for removal of any tree within a buffer strip or landscape easement. A copy of the landscape easement shall be provided in conjunction with the application.

- (3) The Zoning Official shall be authorized to withdraw or rescind any permit issued for tree removal activities in the event of any act of noncompliance with the provisions of this article or regulations adopted hereunder.

H. Appeal procedure: The applicant shall have the right to appeal the Zoning Officer's decision to the Municipal Agency/Agent within 20 days of receipt of the Zoning Officer's decision in accordance with the requirements of the Municipal Land Use Law, specifically N.J.S.A. 40:55D-70(a). The Municipal Agency/Agent shall render a decision regarding the appeal within the time period and in accordance with the procedures outlined in the Municipal Land Use Law relative to applications filed pursuant to N.J.S.A. 40:55D-70(a). The Municipal Agency/Agent may in its discretion and upon complete review of the application, and after hearing the testimony of the Zoning Officer and the applicant, reverse, modify, or affirm the aforesaid decision.

I. Violations; penalties.

- (1) The Zoning Officer may institute complaints in the municipal court for any violations of this article. However, it shall be the policy of the Township of Winslow first to seek voluntary compliance with the provisions of this article by giving notice and an opportunity to comply in appropriate circumstances. In the event of a violation or, if notice has been given, continued noncompliance resulting in a violation, the Zoning Official may institute a complaint in the municipal court for any violation of this article.
- (2) Upon issuance of a violation, the Zoning Official shall immediately notify the Township Committee and Planning Board.
- (3) Any property owner violating any provision of this article may, upon conviction thereof, be punishable by fine not exceeding \$1,000 per tree or per violation.
- (4) Upon conviction of a violation of this article, and in lieu of fines, the Court can order replacement trees as required under this article as restitution for the harm caused.
- (5) In addition, the court shall impose court costs as incurred in processing and/or administering any violation issued under this article.
- (6) Upon notification by the municipality or its agent of the existence of a violation, any removal activity shall cease, and any violation shall be immediately resolved with the municipality through the Zoning Officer. If the removal activity is not stopped or the violation cannot be resolved immediately, the municipality, through its zoning officer, may issue a stop-work order until the

violation is resolved.

§ 270-3. **Tree removal on new construction lots.**

The provisions of this section shall apply to tree removal as part of new residential construction.

A. Permit required.

(1) Tree removal that exceeds 1500 sq ft of property.

B. Exemptions.

(1) Tree removal for a residential dwelling, provided a zoning permit has been issued; up to 1500 sq ft of property for the purposes of home, accessory structure, septic/well installation, and driveway construction.

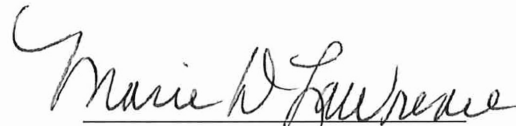
SECTION 2: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.


SECTION 3: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCED: April 23, 2024

ADOPTED: MAY 14 2024


Marie D. Lawrence, Mayor


Lisa L. Dority, RMC
Municipal Clerk

Certified to be a copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Winslow at a regular scheduled meeting on **May 14, 2024** at the Winslow Township Municipal Building.

Lisa L. Dority, RMC
Municipal Clerk

Dated: _____

APPENDIX A

Tree Species	Season	Planting Procedure
Cherry	Fall/Spring	Allowed in public right of way
Ginkgo	Fall/Spring	Allowed in public right of way
Hickory	Fall/Spring	Not allowed in public right of way
Hornbeam	Fall/Spring	Not allowed in public right of way
Japanese Lilac	Fall/Spring	Not allowed in public right of way
Linden	Fall/Spring	Not allowed in public right of way
Walnut	Fall/Spring	Not allowed in public right of way
Oak	Fall/Spring	Not allowed in public right of way
Maple	Fall/Spring	Not allowed in public right of way
Magnolia	Fall/Spring	Not allowed in public right of way
Arborvitae	Fall/Spring	Not allowed in public right of way
Holly	Fall/Spring	Not allowed in public right of way
Redbud	Fall/Spring	Not allowed in public right of way
Tulip	Fall/Spring	Not allowed in public right of way
Birch	Fall/Spring	Not allowed in public right of way
Crabapple	Fall/Spring	Not allowed in public right of way
Fringe	Fall/Spring	Not allowed in public right of way
Hawthorn	Fall/Spring	Not allowed in public right of way
Serviceberry	Fall/Spring	Not allowed in public right of way

APPENDIX B

Planting procedures are set forth in the American National Standards Institute, American Standard for Nursery Stock, page 24 -1.5.2 & 1.5.3.