

BOROUGH OF CRESSKILL
ORDINANCE NO. 18-02-1514

AMEND CHAPTER 275-66.1 TREE REMOVAL

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that those portions of the aforesaid set below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

SECTION I 275-66.1 – Tree Removal

A. General. The following shall apply to the removal of all trees within the borders of the Borough of Cresskill and is hereby incorporated into all sections and sub-sections of this Ordinance.

- 1) No tree with a diameter greater than 10” as measured at 4’ of height may be removed without a permit issued by the Building Department.
- 2) The fees for tree removal shall be as follows for each tree (diameter at 4’ high):
 - a) Under 16” diameter: No Fee;
 - b) 16” and greater than 16” diameter: \$125.00;
- 3) Administration fees for each permit for the removal of trees shall be as follows:
 - a) New Construction: \$300.00;
 - b) Existing structures: \$35.00;
 - c) Vacant lots: \$35.00.
- 4) Any administrative or removal fee may be reduced or waived if applicant proves financial hardship.
- 5) Penalties for failing to obtain a permit shall not be less than two times the above removal fees and administrative fees and shall not be greater than five times such fees.
- 6) All tree removal contractors operating within the Borough shall be fully Licensed Tree Care Operators (see N.J.S.A. 45:15C-12 et seq. and N.J.A.C. 7:3A-3.6 et seq.) and fully insured in accordance with New Jersey law.
- 7) All tree inspections (except for trees on Borough property or within the Borough’s right of way) shall be conducted by the Building Department. The Building Department:
 - a) may inspect if the removal request is for less than three trees in any calendar year;
 - b) shall inspect if the removal request is for three or more trees in any calendar year.
- 8) All tree inspections for trees on Borough property and trees within the Borough’s right of way shall be conducted by the Department of Public Works.
 - a) No trees on Borough property or within the Borough’s right of way may be removed without a permit from the Building Department and from the Borough’s Shade Tree Committee (Ordinance § 214-6).
- 9) All trees to be removed must be marked with orange ribbon to facilitate Borough inspection.
- 10) All appeals arising under this Ordinance shall go to the Planning Board.
- 11) As used in this Ordinance the term “buffer zones” refers to the outermost 10’ of the rear yard set-back and the outermost 5’ of the side yard setbacks.
- 12) As used in this Ordinance the term “clear cutting” means the removal of 10 or more protected trees from a property within a 365 day period. No clear cutting shall be permitted anywhere within the borders of the Borough except as set forth in this Ordinance.
- 13) Except as otherwise set forth in this Ordinance, a pre-condition for issuance of a permit to remove any tree shall be replacement of each such tree in setbacks or buffer zones. The Borough shall maintain a list of recommended replacement trees.

B. New Construction. In addition to the General Provisions set forth above, the following shall apply to all trees within the borders of the Borough of Cresskill that are affected by new construction.

- 1) There shall be no clear cutting of trees during any phase of new construction between 15' of the building footprint and rear yard and side yard property lines.
- 2) Clear cutting of trees may be permitted during any phase of new construction:
 - a) within a building footprint ;
 - b) within 15' of building footprint as permitted by Planning Board;
 - c) for purposes of the sub-section, this Ordinance's requirement that removed trees must be replaced in the setbacks or buffer zones may be waived by the Borough.
- 3) A \$2,000.00 escrow shall be posted with the Building Department upon site plan submission, to be held until final inspection.
- 4) All trees 10" or greater must be marked on a topographical survey to be submitted to Planning Board.
- 5) Whenever a nonresidential use is adjacent to the side or rear lot line of a lot in a Residential or a Professional Office Zone, there shall be planted along such lot line or buffer area evergreen trees or thick bushes or hedges of such type and spacing as required by the Planning Board, of an initial height of not less than four feet, except as provided for in § 275-70, and ultimately adequate to screen all operations on such nonresidential lot. All of the foregoing plants shall be properly maintained throughout the life of any use on all lots.

C. Existing Commercial Structures. In addition to the General Provisions set forth above, the following shall apply to all trees within the borders of the Borough of Cresskill that are located on lots with existing commercial structures.

- 1) Trees within 10' of a main structure may be removed without any removal fees (but applicant is still subject to administrative fees).
- 2) Dangerous / hazardous trees may be removed without any removal fees (but applicant is still subject to administrative fees).
- 3) No trees may be removed in buffer zones without a permit.
- 4) All other trees may be removed if a permit is issued, subject to all other terms of this Ordinance.
- 5) Buffer zones adjacent to R-10, R-15, R-40 and R-SC Zones. All lots in C and P Zones which are adjacent to a rear or side lot line or are across the street from an R-10, R-15, R-40 or R-SC Zone shall have buffer zones, which shall be fully landscaped areas without any buildings, signs, parking or loading spaces or any other primary or accessory structures or uses, except driveways or an open fences of not more than six feet in height. The buffer zones shall have the widths along such lot lines as set forth in §275-66(B).

D. Existing Residential Structures. In addition to the General Provisions set forth above, the following shall apply to all trees within the borders of the Borough of Cresskill that are located on lots with existing residential structures.

- 1) Trees within 10' of dwelling structure may be removed without removal fees (but applicant is still subject to administrative fees).
- 2) Dangerous / hazardous trees may be removed without removal fees (but applicant is still subject to administrative fees).
- 3) No trees may be removed in buffer zones without permit.
- 4) All other trees may be removed if a permit is issued, subject to other terms of this Ordinance.

E. Vacant Lots. In addition to the General Provisions set forth above, the following shall apply to all trees within the borders of the Borough of Cresskill that are located on vacant lots.

- 1) No tree may be removed without a permit.

F. Emergencies. In addition to the General Provisions set forth above, the following shall apply to all trees within the borders of the Borough of Cresskill in the event that a tree poses an imminent danger to persons or property.

1) Any tree may be removed without a permit if an emergency exists such that a Licensed Tree Care Operator, as soon as practicable after the tree is removed, certifies to the condition of the tree, that there was not enough time to obtain a permit, that the tree was an imminent danger to public safety or to property and provides photographic proof of same. Application for a retroactive permit must be promptly made.

SECTION II

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION III

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV

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