

**BOROUGH OF HILLSDALE  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 24-13  
(Adoption)**

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**ORDINANCE OF THE BOROUGH OF HILLSDALE, COUNTY OF  
BERGEN, STATE OF NEW JERSEY TO REPLACE §286, TREES, IN THE  
CODE OF THE BOROUGH OF HILLSDALE**

WHEREAS, §286 of the Code of the Borough of Hillsdale (“Borough”) provides for the care, replacement and removal of trees in the Borough; and

WHEREAS, the Governing Body desires to update §286 and add to the Code of the Borough as follows:

**TREE ORDINANCE.**

**§ 286-1 Purpose and intent.**

The purpose of this chapter is:

- A. To establish an ordinance to preserve and protect trees within the Borough and to establish requirements for tree removal and replacement and to reduce soil erosion and pollutant runoff, promote infiltration of rainwater in the soil, and protect the environment, public health, safety, and welfare.
- B. To protect the character and natural resources of the Borough, consistent with the goals and objectives of the Master Plan. This chapter is not intended to restrict homeowners from removing dead, diseased, or hazardous trees. It is not intended to restrict homeowners from conducting routine pruning of trees or other maintenance procedures.
- C. To provide for a process whereby homeowners can remove and plant trees at their discretion in a responsible manner consistent with their rights as land owners and with the Borough's Master Plan, while responsibly managing and effectively off-setting the potential continued loss of trees within the Borough, in a manner as prescribed herein

**§ 286-2 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” mean the requirement is always mandatory and not merely discretionary

**APPLICANT** - Means any “person,” as defined below, who applies for approval to remove trees regulated under this ordinance.

**CALIPER** - The unit of measurement (measured in inches), used to describe, the diameter of a tree trunk, for example, "five-inch caliper."

**CRITICAL ROOT RADIUS (CRR)** - The zone around the base of a tree where the majority of the root system is found. This zone is calculated as a number in feet 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 of 6" x 1.5' = 9 feet.

**DIAMETER AT BREAST HEIGHT (DBH)** - The diameter of a tree measured 4 1/2 feet above ground level on the uphill side for existing trees. For species of trees where the main trunk divides below the 4 1/2 foot height, the DBH shall be measured at the highest point before any division.

**DRIP LINE** - A line connecting the tip of the outermost branches of a tree projected vertically onto the ground.

**ENVIRONMENTAL COMMISSION** - The Borough-appointed commission established for but not limited to advising the Borough on such matters as the protection, development, and use of natural resources, including water resources, located within the territorial limits of the Borough (Chapter 25 1-B, Hillsdale Ordinance).

**HAZARD TREE** - A tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below are proposed to be removed solely for development purposes and are not hazard trees.

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 LTE (Licensed Tree Expert).

**HERITAGE TREE** - Any tree on Borough or private property designated under the New Jersey Forestry Service "Big and Heritage Tree" program.

**LINE-OF-SIGHT TRIANGLE** - An imaginary triangle drawn by connecting lines 25 feet from the intersection of any two roadways, and a third line within the corner property, free of vegetation above 2 1/2 feet to maintain a clear line of vision for vehicular, bicycle and pedestrian safety.

**PERSON** - Any individual, person, corporation, association, entity, or utility.

**PRIVATE TREE** - Any tree located on lands privately owned within the Borough of Hillsdale.

**PUBLIC PROPERTY** - Any property owned by the Borough of Hillsdale such as public right-of-ways or easements intended for the benefit of the Borough of Hillsdale.

**PUBLIC TREE** - Any tree located on lands owned or controlled by the Borough, or by any other governmental body, or located within a public right-of-way or easement. This definition is intended to be interchangeable with the definition of "street tree."

**REPLANTED TREE** - Any deciduous or evergreen woody plant of the diameter caliper required in this chapter planted, for the purpose of replacing trees cut, removed, or destroyed.

**RESIDENT** - Means an individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or is proposed to be removed.

**SHRUB** - A woody plant that is never tree-like in habit and produces branches or shoots from or near the base.

**SPECIES** - The botanical name of the tree.

**STREET TREE** - Any tree located on lands owned or controlled by the Borough, or by any other governmental body, or located within a public right-of-way or easement. This definition is intended to be interchangeable with the definition of "public tree."

**TREE** - Any live, woody plant having a diameter or width greater than six inches and/or a circumference greater than 25 inches, measured at the natural ground level. If a plant has multiple stems, then the aggregate of the stem diameters and/or the aggregate of the circumferences shall be used in determining whether the plant is a tree.

**TREE ARBORIST** - An individual trained and certified in the science of planting, caring for, and maintaining trees, retained by the Borough of Hillsdale for that purpose either as an employee or on an as-needed basis.

**TREE BANK** - A tree restitution fund (specifically, the "Shade Tree Trust Account") held in escrow and administered by the Borough specifically for the acquisition and planting of trees in the Borough, that is contributed to by land developers and others where on-site tree restitution could not be reasonably achieved.

**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.

**§ 286-3 Regulation of Trees on public property.**

The regulation of shade trees, street trees, and public trees on Borough property shall be the jurisdiction of the Mayor and Council, who shall obtain recommendations from a tree arborist and the Environmental Commission, and who shall direct the DPW when any action, pursuant to this chapter is determined to be necessary to:

- A. Control the planting, care, and protection of such trees.
- B. Regulate the use of the grounds surrounding such trees as far as may be necessary to ensure their proper growth, care, and protection.
- C. Regulate the removal of such trees or parts thereof which are deemed to be dangerous to public safety, electric power, gas lines, water lines, or other public improvements, or which harbor a disease or infestation readily communicable to neighboring healthy trees, or for any reason in the exercise of a reasonable discretion, and within the purpose of this chapter.
- D. Require the removal of, or remove, dead trees.
- E. Prune such trees according to accepted technical methods used by qualified arborists, including measures to prevent the spread of disease.
- F. Maintenance of public right-of-way trees to include pruning, cable support, and removal where public safety hazards exist.
- G. Use tree bank funds for ongoing maintenance of Borough public trees, to include, but not limited to pruning, removal, watering, cable support, disease/pest infestation prevention and treatment.

H. The Public Works Department will keep a record of the known removal of trees from Borough owned lands that are removed each year. Before the end of each subsequent year, the Borough will ensure planting of replacement trees according to the “Tree Replacement Requirement Table” herein.

**§ 286-4 Tree preservation.**

No person shall do, or cause to be done by others, either purposely, carelessly, or negligently, upon private or public property within the Borough of Hillsdale, any of the following acts:

- A. Cutting, destroying, or damaging any tree, except as provided for in this chapter.
- B. Topping of public trees, defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- C. Plant any bush, tree, hedge, shrub, or other plant life, except trees and grass within the sidewalk area between the curb and the sidewalk of any street without first having acquired the opinion and consent of the DPW Superintendent.
- D. Plant any shade or ornamental tree within five feet of a sidewalk or between the sidewalk and a street without first having obtained the approval by the DPW Superintendent.
- E. Plant or permit to be planted, any poplar or willow tree within 50 feet of any street line or sanitary or storm sewer line.
- F. Attach any sign by nailing, stapling or use of other hardware which penetrates the bark of any tree located within public right-of-way.
- G. Trim, remove or cut down any street tree or public tree without an approved request form issued by the Borough.
- H. Placing or maintaining upon the ground anything which will impede the tree's free access to air and water to the tree's living components.
- I. Applying any substance to any part of a tree, including the roots, with the intention to injure or destroy the tree.
- J. Planting of any tree or shrub within the line-of-sight triangle of any two intersecting roads within the Borough.
- K. Failing to maintain trees, bushes, shrubs, buffer strips, and other landscaping and conditions imposed as part of site plan or subdivision approval without application and approval by a board of appropriate jurisdiction.
- L. The following applies to any N J Forest Service formally designated Heritage Trees in the Borough:

(1) The Environmental Commission shall list any Heritage Trees that are designated by the New Jersey Forest Service in any Environmental Resource Inventory that the Environmental Commission maintains.

(2) To the extent practical, any tree that has earned the designation of “Heritage Tree” by the State of New Jersey is to be afforded added protection, especially during any construction projects either on or adjacent to the property at which it is located.

(3) The Borough desires that any tree designated as a Heritage Tree be maintained in healthy condition to the extent practical, to include periodic pruning as needed, to encourage it to flourish naturally, including with any appropriate support and protection, if necessary, from the Borough to the extent permissible.

(4) No person shall physically damage or impair, cut down, or remove a Heritage Tree, whether such tree is located on public or private property, without first obtaining formal approval of the Borough Council, approval for which shall not be issued without formal application for tree removal, acted upon only after an opportunity for public comment and discussion.

**§ 286-5 Permitted activities.**

Except as specifically allowed for at § 286-6 below, no person, directly or indirectly, shall, without first obtaining an approved permit or other formal approval as provided for herein, remove or otherwise destroy any tree on lands located in Hillsdale. Notwithstanding the restrictions contained herein, the following activities shall be permitted:

- A. Upon obtaining permit application approval, the removal of not more than three trees per 12 months period on any approved or existing building lot, as shown on the current Tax Assessment Map of the Borough. All replacement trees under this subchapter shall be in accordance with the “Tree Replacement Requirements Table” herein.
  - B. The removal of trees in accordance with a site plan or subdivision plan approved by the Planning Board or a plot plan submitted for a soil movement permit approved by the Building Department, in conjunction with development or soil movement applications, so long as the approval includes a requirement that the applicant replace two trees for each tree removed for property that is not located in a floodplain in accordance with the “Tree Replacement Requirement Table” contained herein. All replacement trees under this chapter shall be suitable in the discretion of the Planning Board or Board Attorney with the input of the Environmental Commission, if deemed desirable.
- (1) Floodplains are identified by largest areas shown as either the 100-year flood hazard area on the New Jersey Department of Environmental Protection flood delineation maps or as the special flood hazard area per the 100-year flood on the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency.
  - (2) For those properties located within either 100-year floodplain, the ratio for tree replacement shall be four replaced trees for each tree removed from property that is within a 100-year floodplain.
  - (3) The Mayor and Council may, if they desire, obtain recommendations for approval by the Hillsdale Environmental Commission and the Borough Engineer regarding replacement trees.
  - (4) The following replacement methodology shall be used subject to the recommendations of the Borough Engineer, the Environmental Commission, and the Superintendent of the DPW, if requested.
    - (a) The first location preferred for replanting shall be on the same property from which the tree was removed.
    - (b) The second location preferred for replanting shall be on a different, 100-year floodplain property preferably nearby private property within the Borough of Hillsdale that formally consents to receive and foster the intended tree replanting(s).
    - (c) The third location preferred for replanting shall be on public property within the Borough of Hillsdale.

(d) If a suitable replanting site cannot be determined, monetary payment to the tree bank shall be made for each tree not planted as specified in the "Tree Replacement Requirements Table" herein.

- C. The cutting, trimming or maintenance of trees in a manner which is not harmful to the health of the tree, with the use of gaffs or spikes to ascend a tree being specifically prohibited.
- D. To assure the removal of street trees which are diseased, dead, or partially or completely fallen by acts of nature or which endanger public safety.
- (1) Street Tree Removal request procedure. Residents shall submit an emailed request, through the Hillsdale website Public Works DPW tab: "Report a Problem to DPW" link. The DPW, will review the request, conduct a visit, and respond within 10 business days, citing whether the tree will be removed and whether a new tree should be permitted, and shall suggest tree species, and appropriate location. The following criteria shall be utilized in determining if tree removal is necessary:
  - (1) The tree is dead;
  - (2) 20-30% of the tree crown has declined and it is aesthetically unattractive;
  - (3) The tree has structural deficiencies;
  - (4) The tree has been repeatedly cut back by Public Service Electric and Gas line clearance crew, rendering it unattractive;
  - (5) Sidewalk, driveway apron, or curbing improvements necessitate the removal of an excessive number of roots, thus making the tree unstable or bringing about its premature demise possibly at the property owners' expense;
  - (6) The presence of the tree in some way compromises public health, safety, or general welfare.

Where practical to do so, notification may be provided to resident(s) adjacent to a tree designated for removal informing them that the tree will be removed, and advising them of options for tree replacement. The Department of Public Works may utilize "A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas" published the International Society of Arboriculture, as a standard for identifying structural deficiencies in street trees.

- E. The removal of trees necessary to construct any structure for which a permit has been issued by the Construction Code Official, so long as the approval includes a requirement that the applicant replace the trees removed as specified in the "Tree Replacement Requirement Table," herein.
- F. To direct activities involving tree trimming or removal located within a public right-of-way or easement, or publicly owned or controlled property, so long as the Borough of Hillsdale is in responsible charge of the activities.
- G. Street tree planting requests (within the public right-of-way) by private homeowners, may be permitted upon request, review, and approval by the DPW. An underground public utility location mark-out is required prior to planting.
  - (1) Street Tree Planting request procedure. Residents shall submit an emailed request, through the Hillsdale website Public Works DPW tab: "Report a Problem to DPW" link. The DPW Superintendent shall inform the Borough Administrator of the resident's desire to plant a tree in the right-of-way. The Administrator shall provide permission for such planting in his discretion.
- H. Any tree species that are designated as being invasive by the State of New Jersey may be

removed from private property without formal application to the Borough and will not be counted towards any limitation placed on the number and frequency of tree removals on private property.

I. Tree removal application process. Except as specifically exempted at § 286-6, any person planning to remove a tree on their property shall submit a Tree Removal Application to the Borough Zoning Officer, and no tree shall be removed until municipal officials have reviewed and approved the removal. For larger scale clearing projects the Borough may require a tree survey be submitted as part of the application to determine number, sizes, and exemptions of trees for the assessment of fees.

(1) Permit required.

A person may remove or otherwise destroy any tree on any land within the Borough only in accordance with the terms and conditions of this chapter. Caution should be taken, particularly during periods of construction, to avoid the placement of materials, machinery, or temporary soil deposits within the dripline area of any tree located on any land within the Borough.

No person, directly or indirectly, shall, without first obtaining a permit or approval as provided for hereinbelow, remove, or otherwise destroy any tree on lands located in Hillsdale as set forth in this section.

(2) Application for permit.

A. A person desiring to remove or otherwise destroy a tree shall apply to the Borough Zoning Officer or his or her designee for a permit to remove or otherwise destroy a tree. This application should be in narrative form within a letter and specify:

1. The name and address of the owner of the premises.
2. The name and address of the applicant for the permit, if other than the owner accompanied by the owner's consent to said application.
3. The lot and block number of the premises for which the permit is sought.
4. If removal of a Heritage Tree is being applied for, the tree's register number.
5. The name(s) and unexpired registration number(s) of the tree care business(es) to be used, that is registered with the New Jersey Board of Tree Experts, licensed to provide the required tree care services for hire in the state of New Jersey (thereby having to display its NJ Tree Care business registration number on all vehicles, and having in its full-time employ at least one full time Licensed Tree Expert or Licensed Tree Care Operator depending on the services to be performed). A landscaping firm or other contractor not currently registered with the New Jersey Board of Tree Experts may not be used for tree removal.

B. The application for a permit is to be accompanied by a sketch containing the following:

- (1) A description of the premises upon which the tree removal or destruction is to take place by street address and lot and block number;
- (2) The size of the lot;
- (3) The location upon the lot where the destruction or removal of the tree or trees is proposed to take place;

- (4) The identity of and the number and tree diameter of trees to be destroyed or removed;
- (5) The purpose of the destruction or removal of the trees;
- (6) The proposal, if any, for replacing any destroyed or removed trees or other landscape improvement; and
- (7) The location of all streams on the lot or adjacent properties.

The Zoning Officer or his or her designee shall apply the following standards in evaluating the permit for the tree removal or destruction. Said Zoning Officer or his or her designee shall visit the location and inspect the land and trees which are the subject of the application to determine the effect of the destruction or removal upon:

- (1) The drainage or other physical conditions on the land and adjacent property;
- (2) The stability of the soil of the subject land, with particular concern as to whether erosion will be created by the tree removal; and
- (3) The growth and development of the remaining trees on the land and adjacent property.

C. Permit fee for tree removals undertaken within a 12-month period shall be set as follows:

Number of Trees:	Fee:
3-6	\$150.00 Total
7-10	\$250.00 Total
Over 10	\$500.00 Total

\*There will be no fee for permit application for removal of 2 or less trees in any twelve-month period.

D. Notwithstanding the fee schedule, no permit fee shall be required for the removal of a dead or hazard tree with prior notice, provided that the applicant and/or property owner satisfies all the other requirements of this chapter.

E. Issuance of permit for tree removal; time requirements.

The Zoning Officer or his or her designee shall accept for filing the permit application referenced in §286-5 I. (1) above. Said application shall be date and time stamped when received, and the applicant shall be furnished a copy of said application with said date and time stamped. Thereafter, the Zoning Officer or his or her designee shall within 15 business days of receipt of the completed application for the removal of a non-Heritage tree(s):

1. Visit and inspect the location of the application as provided; and
2. Decide whether the destruction or removal of the trees, which is the subject of the application, will cause or contribute to drainage problems, soil erosion or the loss of tree species; and
3. Grant or deny the requested permit in whole or in part. The failure of the Zoning Officer or his or her designee to act upon the application for the removal of a non-Heritage tree(s) within said 15 business days shall constitute approval of said application and entitle the applicant to the permit requested unless an extension of the fifteen-day period has been agreed upon between the applicant and the Zoning Officer or his or her designee in writing before the period expires. In the case of a Heritage tree, the Zoning Officer or his or her designee shall refer a completed application to the Planning Board. The Planning Board shall grant or deny the requested permit within 30 business days of the filing of the application by the applicant. Any applicant may request an informal hearing in support



of a permit, and all decisions to deny the permit must be in writing, setting forth the reasons for such denial.

**§ 286-6 Exceptions.**

The following exceptions shall apply:

- A. The Planning Board may waive the replacement planting requirements either in number, species, or replacement size or grant exceptions from the requirements of this chapter, as may be reasonable and within the purposes and intent of this chapter. The Planning Board shall consider if the literal enforcement of one or more provisions is impracticable or will exact an undue hardship due to the peculiar conditions pertaining to the property in question. The form of application will be the same as required pursuant to the Site Plan Review Ordinance.
- B. Where the Environmental Commission and Borough Engineer deem it acceptable and make such recommendation to the land use board or Construction Department, the number of trees for restitution may be reduced in quantity if replacement caliper sizes are increased based on the methodology found in the current New Jersey No Net Loss Reforestation Act "Caliper Tree Substitution Size" list for the various types of trees.
- C. Any tree that poses imminent danger to life or property. If because of the imminency of the hazard, prior notification of the removal of said tree pursuant to this chapter has not been given to the Zoning Officer in the form of an application for tree removal prior to removal, then notification in the form of an application for tree removal must be provided within seven days of such removal.
- D. Any dead tree or substantially diseased tree due to natural causes or storm damage where:
  - (1) The person desiring to destroy or remove the tree is the owner of the land upon which the tree is located;
  - (2) The person notifies the Zoning Officer of the desire to remove the tree in the form of an application for tree removal claiming an exemption, providing relevant photos, and certification by a NJ Licensed Tree Expert (per NJ Title 45:15C-11); and
  - (3) The Zoning Officer inspects and verifies that the tree is dead/substantially diseased from natural causes. The Zoning Officer has the discretion to use a Licensed Tree Expert (LTE) to determine the tree's status.
- E. Accident or storm-damaged trees where removal is in response to an emergency.
- F. Tree removal covered by approved site plan. However, a copy of any site plan application, which provides for the removal of a Heritage Tree, must be provided to the Zoning Officer or his or her designee to allow his/her review and comment, if any, to the Planning Board.
- G. The removal of any trees which are a part of tree farms in active operation, nurseries, fruit orchards, and garden centers, including an approved woodlot management program pursuant to the provisions of the New Jersey Farmland Assessment Act of 1964.
- H. The removal of trees ordered or conducted pursuant to a New Jersey Department of Environmental Protection ("NJDEP") or U.S. Environmental Protection Agency ("EPA") environmental cleanup.

**§ 286-7 Criteria for consideration of tree replanting.**

- A. The Planning Board may consult with the Hillsdale Environmental Commission, the Department of Public Works the Borough Engineer, or any professional as provided in the Municipal Land Use Law.<sup>1</sup>
- B. Standards for replanted trees.
  - (1) Replanted trees shall be at least 2 1/2 inches in caliper, measured at breast height, and must be nursery stock, balled in burlap and staked upon planting per Borough standards provided by the Borough Engineer or the New Jersey Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forestry Services, as detailed in the most recent Program Guidelines. Trees for reforestation shall be indigenous to the site from which trees have been removed, consistent with the species found and/or being considered for removal. The Planning Board may also consult with the Environmental Commission in the selection of replacement trees.
  - (2) Replanted trees for restitution shall not include trees required for visual buffers, foundation plantings, or ornamental trees. Tree size substitutions and species shall be in conformance with the following:

**Tree Replacement Requirements Table – (If Removed Tree is Not Replanted “In-Kind”)**

<b>Category</b>	<b>Tree Removed (DBH)</b>	<b>Tree Replacement Requirement</b>
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 2 trees with a minimum DBH tree caliper of 2.5” for each tree removed.
2	DBH of 13” to 22.99”	Replant 3 trees with a minimum DBH tree caliper of 2.5” for each tree removed.
3	DBH of 23” or greater and if trees are removed within a floodplain	Replant 4 trees with a minimum DBH tree caliper of 2.5” for each tree removed.
Where the tree replanting specified above is not reasonably accommodated at the property where tree removal is to take place or at an alternate private property (preferably nearby) by formal agreement, taking into account the cost of trees and planting, an amount of \$250 per replacement tree may be paid to the Borough for deposit into the Tree Bank for future tree plantings in the Borough.		

- (3) Where possible, tree removals are to be replaced in-kind with a tree that has an equal or greater DBH than the tree removed (“in-kind”), or meet the Tree Replacement Requirements Table provided herein.
- (4) Monocultural planting of trees is to be avoided. Diversity in tree species plantings can help reduce the occurrence of harmful insect and tree disease epidemics.
- (5) Planting site constraints, such as planting belt width, overhead and underground utilities, sidewalks, curbs soil and moisture conditions, setbacks, traffic visibility, spatial arrangement, signage, awnings, etc., will be considered in all tree planting selections, and adhere to the

<sup>1</sup> Editor’s Note: See N.J.S.A. 40:55D-1 et seq.

following:

- a. No tree planting within 35 feet of a stop sign or traffic light;
- b. No tree planting within 25 feet of the midpoint of the curb corner an intersection;
- c. No tree planting within 15 feet of a small tree, 30 feet of a medium tree;
- d. No planting of small trees within 5 feet, or medium trees within 12 feet, or large trees within 15 feet of an underground utility;
- e. No tree planting within 7 feet of a driveway apron or utility pole;
- f. Tree species expected to exceed 25 feet in height at maturity shall not be planted beneath overhead utilities.

(6) When possible, replacement species shall be selected to maintain the existing character of the neighborhood.

(7) Plantings are to conform to the American Association of Nurserymen's Planting Standards, and/or "Trees for N.J. Streets," published by N.J. Shade Tree Federation, including as to the season in which it is planted.

(8) When possible, consideration is to be given to residents' preference in the species selection and planting location of replacement trees.

(9) The planting of invasive tree species as identified by the New Jersey Department of Environmental Protection, such as Tree of Heaven, and similar species such as bamboo, or allowing their proliferation on property within the Borough is not permitted.

(10) Re-planting is to take place within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough.

(11) Replacement plantings are to be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced within twelve (12) months in the event its death within 2 years of replanting.

(12) Replacement tree plantings shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements

(13) Unless otherwise agreed to by the Borough, the species type and diversity of replacement trees shall be in accordance with the "Approved Tree Replacement Planting List," herein.

#### APPROVED TREE REPLACEMENT PLANTING LIST\*

<b>Taller Trees – Common Name</b>	<b>Taller Trees – Scientific Name</b>	<b>Smaller Trees - Common Name</b>	<b>Smaller Trees - Scientific Name</b>
<b>American Elm</b>	<b>Ulmus americana</b>	<b>America Hornbeam</b>	<b>Carpinus caroliniana</b>
<b>Blackgum</b>	<b>Nyssa sylvatica</b>	<b>American plum</b>	<b>Prunus americana</b>
<b>Black locust</b>	<b>Rubinia pseudoacacia</b>	<b>Arbor vitae</b>	<b>Thuja occidentalis</b>
<b>Black maple</b>	<b>Acer nigrum</b>	<b>Blackgum</b>	<b>Nyssa sylvatica</b>
<b>Chestnut Oak</b>	<b>Quercus prinus</b>	<b>Eastern Redbud</b>	<b>Cercis canadensis</b>
<b>Pin Oak</b>	<b>Quercus palustris</b>	<b>Eastern redcedar</b>	<b>Juniperus virginiana</b>
<b>Red oak</b>	<b>Quercus rubra</b>	<b>Flowering dogwood</b>	<b>Cornus florida</b>
<b>Red maple</b>	<b>Acer rubrum</b>	<b>Hophornbeam</b>	<b>Ostrya virginiana</b>
<b>Silver maple</b>	<b>Acer saccharinum</b>	<b>Mountain maple</b>	<b>Acer spicatum</b>
<b>Sugar maple</b>	<b>Acer saccharum</b>	<b>River birch</b>	<b>Betula nigra</b>
<b>Sweet birch</b>	<b>Betula lenta</b>	<b>Serviceberry,</b>	<b>Amelanchier</b>

<b>Taller Trees – Common Name</b>	<b>Taller Trees – Scientific Name</b>	<b>Smaller Trees - Common Name</b>	<b>Smaller Trees - Scientific Name</b>
		<b>common</b>	<b>arborea</b>
<b>Sweetgum</b>	<b>Liquidambar styraciflua</b>	<b>Serviceberry, Canadian</b>	<b>Amelanchier canadensis</b>
<b>Tuliptree</b>	<b>Liriodendron tulipifera</b>	<b>Serviceberry, Allegheny</b>	<b>Amelanchier laevis</b>
<b>White Oak</b>	<b>Quercus alba</b>	<b>Sweetbay</b>	<b>Magnolia virginiana</b>
<b>Yellow birch</b>	<b>Betula alleghaniensis</b>	<b>Sweet crab apple</b>	<b>Malus coronaria</b>

**\* Other trees listed by The Native Plant Society of New Jersey are also acceptable for planting in Hillsdale. If listed native trees are not reasonably commercially available, those listed in Hillsdale’s Environmental Resource Inventory, published by the Hillsdale Environmental Commission, may be selected for replanting. Species selection is to consider that monocultural planting reduces tree population resiliency to epidemics of insects and disease when they occur.**

C. The location of site plan or subdivision approved replanted trees shall be determined by the following schedule of preference when at all possible:

- (1) In the location where the trees are removed.
- (2) Within the building lot containing the removed trees.
- (3) Within the development site approved by the Planning Board or within the public right-of-way fronting or bounding the site.
- (4) Elsewhere in the Borough within public property, but as near as possible to the building lot where the trees are removed.
- (5) When a suitable relocation site is not available for replanting or relocation of a tree, a payment to the tree bank shall be made as described elsewhere herein.

D. Replanted trees on private property shall be watered and maintained by the property owner. Replanted trees on public property shall be watered and maintained by adjoining property owners to the greatest extent possible.

**§ 286-8 Maintenance.**

Landscaped buffers, landscape plantings, and replacement trees that are part of an approved site plan, subdivision, soil movement permit, or plot plan shall remain in effect and be maintained in perpetuity. Conditions of approvals requiring such buffers and/or landscape plantings shall be binding upon all subsequent property owners of the lands upon which the approvals were granted. Any alteration of such improvements must be approved by the appropriate land use board or municipal official referenced under this chapter.

**§ 286-9 Enforcement.**

The Borough Zoning Officer or his/her designee is designated as the enforcing agent for this chapter. Upon review of as-built plans or site inspection of any development application or soil movement activity, the Borough Engineer shall inform the Zoning Officer of any trees removed in excess of those called for removal in the Planning Board's approval. The Zoning Officer may order any tree work or other activity which is carried on in violation of any tree removal permit or any provision of this article to be stopped forthwith. The order shall be issued in writing and a copy served upon any person engaged in tree work upon the subject lot. If no such person is present upon the lot, then the order shall be served

upon the applicant; but if no permit has been issued as to such lot, then the order shall be served upon

the owner of the lot. Thereafter, except for such work as is necessary to remedy the violation, any further work shall comply with the terms and conditions of any application approval and the provisions contained herein.

**§ 286-10 Violations and penalties; fee calculation schedule.**

This chapter shall be administered and enforced by the Borough Zoning Officer.

- A. Any and each person violating any provision of this chapter, including landscaping, tree service companies and other contractors, shall, upon conviction thereof, each be punishable by a fine not exceeding \$1,000 per offense, except as otherwise stated here. The cutting, destruction or removal of each tree shall constitute a separate offense. In no case shall the penalty for each violation be less than the in-lieu replacement planting fee listed herein, plus 25%.
- B. If a tree(s) is/are cut, destroyed, or removed in conjunction with any land use for any reason, in conjunction with any land use, development or programmed soil movement activity in excess of the specified number of trees which were approved for removal by the Borough, restitution shall be made by the applicant in accordance with the schedule contained in the Tree Replacement Requirements Table, contained herein.
- C. The Borough will be entitled to reimbursement of all costs incurred reasonably related to the enforcement of this article plus calculated application and tree replacement fees associated with trees removed in violation of this article, including, but not limited to, reasonable attorney fees, engineering fees, expert fees, and the cost to the Borough incurred for the purpose of retaining a professional to calculate the number of trees removed in violation of this article.

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If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

All ordinances or parts of ordinances of the Borough heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect upon passage and publication as provided by Law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
Escobar, John			X				
Fox, Justin			X				
Lundy, Abby	X		X				
Osso, Clemente		X	X				
Ruocco, John			X				
Trochimiuk, Janetta			X				
Sheinfield, Michael							

Adopted: August 13, 2024

Attest: Denise Kohan  
Denise Kohan  
Municipal Clerk

Michael Sheinfield  
Michael Sheinfield  
Mayor