



Date Submitted: _____ Zoning Permit No: _____

TREE REMOVAL PERMIT
Per "Chapter 368: Trees" of Code of the Township of Montville
TOWNSHIP OF MONTVILLE

Questions?

Contact Anthony Petrillo, Assistant Zoning officer at apetrillo@montvillenj.org (973) 331-3320 fax (973) 334-0180

APPLICANT TO FILL OUT

☐ **SECTION 1: Applicant Information**

Block: _____ Lot: _____

Property Location Address: _____ Pine Brook __ / Montville __ / Towaco __

Property Owner's Name: _____

Tel # _____ E-mail _____

Contact Name of Tree Removal Company (if known) _____

Tel # _____ E-mail _____

* 3 or fewer healthy trees each year that are 6" or more in DBH (or 2.5" or more in DBH within the right-of-way) but less than 30" DBH - no permit is required but the

Zoning Office is required to be notified and provided with a survey locating said trees

*4+ trees per year require a permit and replacement – if you choose not to replace, a payment in lieu of replacement can be submitted - \$400 per tree not to exceed \$35,000 per acre for properties receiving zoning or site plan approval

*If a tree is less than 6" DBH it is not considered a protected tree and no permit is required and it can be removed but the Zoning Office is required to be notified

* A tree removal is permit is good for 6 months unless associated with a construction permit

☐ **SECTION 2: Fees** Requesting Permit for - Make check payable to "Montville Township":

Fees for removal of live protected trees are as follows: **(SEE ATTACHED DESCRIPTION & EXEMPTIONS)**

- a) 1-10 Submit a fee of \$25 per tree
- b) 11-20 Submit a fee of \$30 per tree
- c) 21 or greater Submit a fee of \$35 per tree
- d) Dead tree **no permit or fee for dead trees – Location of dead trees and Certification from qualified forester or landscape architect or licensed tree removal company is required
- e) Exempt tree **no permit or fee for exempt trees (See SECTION 6 and select exemption)
- f) Payment in lieu of replacement fee: number of trees required for replacement _____ X \$400 = _____ (maximum of \$35,000)

Total # of Trees: _____

Total Fee: _____

☐ **SECTION 3: Submission Requirements**

- () Copy of survey/tax map marking the location & DBH of all trees to be removed & distance from driveways, property lines, & structures.
- () For any tree removal requiring permits, a Tree Preservation and Replacement Plan depicting all trees to be removed on a surveyed drawing must be supplied.

☐ **SECTION 4: Signature**

CERTIFICATION: I hereby certify that the information submitted herein is correct and accurately describes the tree removal requested:

PROPERTY OWNER'S SIGNATURE _____

Municipal Staff Use Only

() Approved () Denied – See explanation **(SEE ATTACHED FOR APPEAL INFORMATION)**

Attachments include: () photos () survey () other _____

Approved / Denied by: _____

Executed On: _____

Anthony Petrillo, Assistant Zoning Officer

Zoning - Original ()

Applicant Copy ()

Amount Paid _____ Cash ____ Check ____ Receipt No. _____

TREE REMOVAL PERMIT - WORKSHEET

☐ **SECTION 5: Tree Removal Calculation for Live Protected Trees**

*Please indicate the number of protected trees to be removed on the property:

PRIVATE PROTECTED TREES

_____ A tree with a DBH (Diameter at Breast Height) of six inches or more located anywhere on the lot, other than a public protected tree

PUBLIC PROTECTED TREES

A public protected tree, is any tree located on lands owned by the Township or any land upon which easements are imposed for the benefit of the Township or upon which other ownership control may be exerted by the Township, including rights- of-way, parks, public areas and easements for drainage, sewer, water and other public utilities, with: (a) a DBH of two -and -one- half inches or more located 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, etc; or (b) a DBH of six inches or more located anywhere else

☐ **SECTION 6: EXEMPT TREES** *Please fill out this section if applicable and indicate if any of the situations apply to your property

_____ The removal or clearing is on property subject to an approved woodland management program pursuant to the

Farmland Assessment Act of 1964, or on property used as a garden center or tree nursery, or any trees located in commercial orchards;

_____ An individual who resides on a residential property, or a contractor hired by that individual, removes three or less protected trees per year, provided that each removed tree is less than 30 inches in diameter

_____ The removal or clearing is on property located within the air safety zone established pursuant to the New Jersey Air Safety and Zoning Act of 1983

_____ A public or protected tree is in such condition to pose imminent danger to public health, safety, and welfare or to existing structures.

_____ A public or protected tree is diseased, dead or dying as a result of natural causes, such as storms; provided that the person desiring the removal or clearing is the owner of the property on which the public or protected tree is located; and said person either provides prior notification of the proposed removal or clearing to the Zoning Officer and the Zoning Officer, in consultation with the Tree Specialist verifies the diseased, dead or dying condition or provides the Zoning Officer with a certificate from a qualified forester or landscape architect or licensed tree removal contractor stating that the tree was diseased, dead or dying as a result of natural causes, and its removal therefore was appropriate.

_____ The tree is growing on property actively operated as a farm under the state's Right to Farm Act which is removed to create fields for crops and pastures, or to construct a farm building;

_____ The tree is a hazard tree in a public road right-of-way or sight easement and is required to be cut or removed to facilitate public safety as determined by the Township's Public Works Department.

Removal without a permit. Any person who removes a protected or heritage tree, or any tree within an environmentally sensitive area, without having first obtained a permit, or does so in violation of any condition of such a permit, shall replace the removed tree on the property at a ratio of one inch in caliper of replacement tree per each inch DBH of each tree removed. As an example, if a 30 -inch caliper public tree is removed, trees having a combined diameter of 30 inches shall be planted in its place. All new trees planted shall be in accordance with the List of Recommended Replacement Tree Species on the Township's website. In the event such replacement or restoration cannot reasonably be accomplished on the property where the removal or clearing occurred, with the approval of the Tree Specialist, the person who effected the removal or clearing without a permit or in violation of any condition of the permit may deposit a sum equivalent to the value of the replacement trees required hereunder and the cost of their planting as determined by the Tree Specialist, using the wholesale prices of a local nursery as multiplied by a factor of 2 1/2, by Montville Township for the Tree Fund. The Township may institute a civil action to compel replacement, as herein provided, if the person who effected the tree removal or clearing does not complete the herein required tree replacement or make the herein described money deposit.

APPEALING A DENIAL

§ 368-20. Appeal of decision.

An applicant aggrieved by a condition attached to a permit or the denial of a permit application by the Zoning Officer, or any person subject to a determination of the Zoning Officer or Tree Specialist aggrieved thereby, may appeal to the Zoning Board of Adjustment. An appeal shall be taken by filing a written statement with the Township Clerk and Zoning Officer, which statement shall fully set forth the matter under appeal and the grounds for the appeal. The Zoning Board of Adjustment shall then set a time and place for hearing the appeal, notify the applicant, conduct the hearing and affirm, modify or reverse the matter appealed. The Zoning Board of Adjustment shall have the right, however, to refuse to hear or decide any appeal which has not been filed within 14 days after the applicant had notice of the matter as to which the appeal has been taken. The decision of the Zoning Board of Adjustment on such a matter shall be final and conclusive as a municipal action.

REPLACEMENT/REFORESTATION REQUIREMENTS

Number of Trees to be Removed	Size/Diameter (inches)	Number of Replacement Trees	Size of Replacement Trees (inches) DPM	Or Dollar Amount
1	Greater than 6 up to 10	1	2 to 2 1/2	See §169-17.C.
2	Greater than 6 up to 10	1	3 to 3 1/2	See §169-17.C.
1	Greater than 10 up to 16	2	2 to 2 1/2	See §169-17.C.
1	Greater than 16 up to 23	2	3 to 3 1/2	See §169-17.C.
1	Greater than 23 up to 30	4	3 to 3 1/2	See §169-17.C.
1	Greater than 30	5	3 to 3 1/2	See §169-17.C.

REPLACEMENT TIMELINE

- (1) When the applicant is issued a tree removal permit by itself, the applicant has six (6) months to remove the tree, after which the permit is no longer valid.
- (2) If the applicant has a tree removal permit in addition to a construction permit, the applicant will abide by the expiration date as set forth in the construction permit.
- (3) There shall be no removal of trees or land clearance of areas greater than ¼-acre between April 1st and November 15th in any given year where Indiana Bat Maternity Colonies could be located.
- (4) The applicant shall be required to replace the tree(s) or make a monetary contribution to Montville Township for the Tree Fund pursuant to the Replacement/Reforestation Requirements table above within six months after the completion of the project for which the permit was issued, the issuance of a Certificate of Occupancy or the issuance of a certificate of approval, whichever shall be sooner. The applicant may submit a written request to the Zoning Officer for an extension of time of up to an additional three months due to unforeseen circumstances or weather conditions, which request shall not be unreasonably denied. Any request for an extension of time greater than three months must be submitted in writing to the Township Committee for consideration.
- (5) Of the number of trees being replanted, the first one third (1/3) need to be a species native to the area, and 2/3 of the trees should be deciduous or evergreen in variety, in accordance with the List of Recommended Replacement Tree Species on the Township's website.

Performance bond. (Applicable when permit required for removal of more than 5 non-exempt trees)

As a precondition to the issuance of a permit pursuant to §368-14.B., the applicant shall post a cash bond or surety to assure replacement and tree care in an amount equal to \$450 for each tree.

The applicant shall contact the Tree Specialist within 48 hours of the completion of the planting of the trees required for replacement to schedule a date and time for an inspection in order for the Township to determine whether the required replacement has been completed satisfactorily.

The applicant shall again contact the Tree Specialist at least two years after the completion of the planting of the trees required for replacement to schedule a date and time for an inspection in order for the Township to determine whether the trees have been properly cared for and maintained.

The applicant and/or property owner shall forfeit the cash bond or surety amount if they fail to complete the planting of the trees within the time of completion set forth at §368-18.B(4). and/or fails to care for and maintain the trees within the timeline set forth in §368-18.D.

List of Recommended Replacement Tree Species

SPECIES/COMMON NAME VARIETIES	DESCRIPTION	Native and/or	
		NATIVE CULTIVAR	FALL DIGGING HAZARD
Acer freemanii x (Autumn Fantasy, Armstrong, Armstrong Gold)	Upward Branching Structure	X	
Acer rubrum (Brandywine, Red Sunset, Redpointe)	Sturdy Branching resists storm damage	X	Y
Acer saccharum (Fall Fiesta, Green Mountain, Legacy, Sugar Maple)	Dense Shade, Excellent Fall Color	X	
Amalanchier grandiflora ‘Robin Hill’ (Service Berry)	Light Pink	X	
Amalanchier laevis ‘Spring Flurry’	Reddish Leaves, Bright White Flowers		
Betula nigra (Duraheat, Heritage, Little King)	Compact	X	Y
Nyssa sylvatica (Black Gum)	Crimson Fall Color	X	
Carpinus caroliniana ‘Native Flame’	Red/Orange Fall Color	X	
Carpinus caroliniana (American Hornbeam, Musclewood)	Great Understory Tree	X	
Carpinus caroliniana ‘Ball of Fire’	Reddish Fall Color	X	Y
Carpinus caroliniana ‘Palisade’	Upright Oval Growth, Yellow to Orange Fall Color	X	
Carpinus caroliniana ‘Rising Fire’	Orange Fall Color	X	Y
Celtis occidentalis (Hackberry, Prairie Pride, Windy City)	Dark Green Foliage	X	Y
Cercis canadensis 'Summers Tower' or 'Cotton Candy' (American Redbud)	Lavender Pink or Pink Flowers	X	
Cercis canadensis var. texensis 'Oklahoma'	Smaller, Glossy, Tougher Leaves; Heat	X	
Cladrastis lutea (American Yellowwood)	Showy White Flowers in Spring, Yellow/Orange Fall Color	X	Y
Cornus rutgerensis 'Stellar Pink'	Light Pink	X	Y
Cornus ‘Venus’	Large, Pure White Flowers	X	Y
Cornus rutgerensis 'Constellation'	White	X	Y
Cornus rutgerensis 'Celestial'	White	X	Y
Ginkgo biloba [Ginkgo] (Autumn Gold, Goldspire)	Excellent Summer Foliage, Autumn Gold Foliage		
Gymnocladus dioica ‘Espresso’ (Kentucky Coffee Tree)	Hardy	X	
Celtis Occidentalis (Hackberry)	Interesting Bark Pattern	X	
Ilex opaca (Recommend 'Jersey Knight' & 'Jersey Princess', American Holly also acceptable)	Dark Foliage, Excellent Fruit Set, Evergreen	X	
Liquidambar styraciflua 'Slender Silhouette' (Fastigate Sweetgum)	Narrow, Great Fall Color	X	
Littleleaf Lindens	Beautiful Heart-Shaped Leaves, a Favorite Pollinator Species	X	
Magnolia virginiana (Emerald Tower, Green Mile, Green Shadow, Northern Belle, Sweetbay Magnolia)	Semi-Evergreen, Fragrant Summer Flowers	X	
Malus ‘Brandywine’ (Crabapple)	Grows to 30’ in height		
Malus ‘Redpointe’ (Crabapple)	Pest and Disease Resistant		
Malus ‘Royal Raindrops’ (Flowering Crabapple)	Vibrant Pink to Red Flowers		
Malus ‘Showtime’ (Flowering Crabapple)	Fuchsia Red Flowers, Fiery Orange Fall Color		

Nyssa sylvatica cultivar ‘Green Gables’ (Black Gum)	Tolerates Wet Sites	X	Y
Ostrya virginiana ‘Autumn Treasure’ (American Hop-Hornbeam)	Shade/Sun/Drought- Tolerant, Brilliant Fall Color	X	Y
Parrotia subaequalis (Persian Ironwood)	Crimson Red Fall Color, Tolerant of Heat and Cold, Pest Resistant		
Picea abies (Norway/European Spruce)	Tolerant Evergreen		
Prunus ‘First Blush’ (Flowering Cherry)	Oval Shape, Pink Flowers, Orange Fall Color		Y
Prunus ‘Royal Burgundy’ (Flowering Cherry)	Vase Shaped, Prefers Well-Drained Soils		Y
Prunus sargentii ‘Pink Flair’ (Flowering Cherry)	Narrow, Upright Form		Y
Prunus sargentii ‘Pink Myst’ (Flowering Cherry)	Dark Pink Flowers, Orange/Red Fall Color		
Prunus serrulata ‘Kwanzan’ (Flowering Cherry)	Double Blossom, the Tree that made Washington DC famous		Y
Quercus alba (White Oak)	Incredible Longevity	X	Y
Quercus bicolor (Swamp White Oak)	A Low-Maintenance Shade Tree	X	Y
Quercus warei ‘Kindred Spirit’	Columnar Form		Y
Quercus x warei ‘Regal Prince’	Columnar, Resistant to Powdery Mildew		Y
Taxodium distichum (Bald Cypress, Emerald Shadow, Green Whisper, Shawnee Brave)	Deciduous Conifer	X	
Thuja plicata ‘Green Giant’	Evergreen		Y
Tilia cordata (Little Leaf Linden)	Dark Green Glossy Foliage	X	
Tilia cordata ‘Greenspire’	Pyramidal Shape	X	
Ulmus ‘Accolade’	Resistant to DED		Y

List of Invasive or Problematic Species

The following is a list of trees and plants that shall **not** be used as replacement trees or be planted due to their invasive and damaging nature. This list has been established in order to protect and promote public health, safety and welfare, and protect public and private properties and indigenous and other plant material through the restriction and prohibition of new plantings of invasive plants, and the cultivating and/or maintenance and/or growing of existing plantings of invasive plants.

1. Acer platanoides (Norway Maple)
2. Ailanthus altissima (Tree of Heaven)
3. Albizia julibrissin (Mimosa)
4. Bamboo
5. Fraxinus (Ash)
6. Invasive plants resembling or having the characteristics of Running Bamboo
7. Pinus nigra (Austrian Pine)
8. Prunus cerasifera (Purple Leaf Plum)
9. Prunus padus (Purple Leaf Bird Cherry ‘Summer Glow’)
10. Pyrus calleryana (Bradford Pear/Callery Pear)
11. Sorbus americana (Mountain Ash)
12. Tsuga canadensis (Hemlock) – unless controlled for scale and adelgid

