

*Borough of Kinnelon, NJ
Thursday, June 8, 2023*

Chapter 186. Tree Removal

§ 186-9. Application for tree removal or tree encroachment permit or placard; fees; procedure.

A. Filing of application.

- (1) An application for a tree removal or tree encroachment permit shall be filed in duplicate in the Construction Office or other designated recipient and forwarded to the attention of the Borough Forester. Any required New Jersey Department of Environmental Protection approvals shall be attached to the application when submitted to the Borough Forester. After reviewing said application, the Borough Forester will issue or deny a tree removal permit.
- (2) Upon receiving a tree removal or tree encroachment permit, or a placard, as required hereunder, the respective permit/placard shall be prominently displayed and clearly visible from the road at the site and shall remain posted during the entire tree removal process and/or tree removal period, but in no case shall the permit or placard be displayed for less than 10 days from issuance.
- (3) An application for a placard, as allowed under chapter, shall be submitted directly to the Borough Forester, and shall be approved by the Borough Forester, or his/her delegate, within five days of receipt by the Borough Forester.

B. Fees.

- (1) No permit will be required and fees shall be waived for the removal of dead, diseased or hazardous trees. However, no such trees shall be removed without prior notice by the property owner to the Borough Forester and the issuance of a placard for such removal. If the property owner fails to provide such notice, the Borough Forester may require replacement trees for screening purposes as determined by the Forester, in furtherance of § 186-14.
- (2) There shall be submitted, simultaneously with the filing of the tree removal or tree encroachment permit application a nonrefundable fee of the amount of \$50 to cover the costs of processing the application, including the requisite inspections of the site and the issuance of a tree removal placard.
- (3) Application fee schedule:
 - (a) Permit: \$10 per tree.
 - (b) Placard: \$5 total.

C. Procedure.

- (1) All tree removal and/or tree encroachment permit and placard applications shall be reviewed by the Borough Forester, or his delegate, to determine whether there is a basis for the issuance of a tree removal or tree encroachment permit or placard. The Borough Forester, or his delegate, shall consider numerous factors, including but not limited to:
 - (a) Whether the activity is proposed for an area which is to be occupied by or surrounds a structure or some other improvements;

- (b) Whether the potential effect of the proposed tree removal activity would disturb an area that is 5,000 square feet or more, thus requiring prior permission from the Morris County Soil Conservation District, or would disturb an area which would require a grading permit or steep slope variance from the Borough of Kinnelon;
- (c) Whether the purposes of chapter will be met by permitting the tree removal requested;
- (d) Whether the proposed number and density of trees removed would result in any permanent reduction in screening or the subject property from the surrounding properties;
- (e) Whether the proposed activity would result in a horticulturally advantageous or disadvantageous thinning of an existing wooded or naturally screened area;
- (f) The potential hardship that would be imposed upon the applicant if the permit is denied;
- (g) Whether the tree(s) proposed for removal or tree encroachment is located within a conservation area; and
- (h) Whether other trees have been removed from the property within the preceding three years.

D. The filing of the tree removal or tree encroachment permit or placard application shall be deemed to constitute consent for Borough officials or agents to enter upon the subject land to inspect the designated site(s).

E. Adjacent neighbor notification: No permit shall be issued until 10 days after submission of the permit request pursuant to chapter, along with proof that all persons with property adjacent to the property at issue, from which tree removal is requested, have been notified in order to give each such property owner an opportunity to consult with the applicant, and/or given the opportunity to take such other steps that that neighbor may feel necessary to protect his/her interests as affected by the proposed tree removal. Notification to any and all such adjacent neighbors shall be by hand or certified mail and proof of delivery provided to the Borough Forester. If only a placard is issued, no notice to adjacent neighbor(s) will be required.

F. Issuance of tree removal or tree encroachment permits or placard.

- (1) A tree removal or tree encroachment permit or placard shall be granted or denied in writing by the Borough Forester or his/her delegate. Such response shall be within 10 days for a permit and five business days for a placard after submittal of a deemed complete application to an enforcing officer; which complies with the terms and conditions of this chapter, or within such further time as may be consented to by the applicant. Failure of the Borough Forester, or his/her delegate, to act within the period prescribed shall constitute approval of the application.
- (2) When a tree removal or tree encroachment permit application is filed in conjunction with work for which an application for a construction permit or for approval(s) from the Planning Board or Board of Adjustment will be filed, the tree removal or tree encroachment permit shall be conditioned upon the receipt of the construction permit or other requisite approvals and shall not be effective until such permit or approvals have been obtained.
- (3) The enforcing officer shall be enabled to require replacement plantings for screening or erosion control purposes.

G. In reviewing any such application the Borough Forester may at his/her discretion consult the Environmental Commission, the Borough Engineer, Construction Official, Board of Health, or other individual or municipal entity, as he/she may deem necessary or advisable. Any application approved, in whole or in part, shall automatically become a tree removal permit in accordance with any conditions required by the Borough Forester.