

- C. If a tree removal permit is required, a **Tree Removal and Replacement Plan** shall be submitted and shall contain the minimum information: (See §12-4 of the Township Ordinance for Complete Requirements)
1. A certification from the lot owner that the applicant is specifically authorized to make the application for tree removal.
 2. The shape and dimensions of the lot or parcel, including a north arrow, the location of all existing and proposed easements, existing and proposed infrastructure, roadways and buildings, if any.
 3. The location of trees 10" DBH and greater to be removed.
 4. The location of any State record and specimen trees to be removed. The applicant shall provide documentation demonstrating that all reasonable efforts have been made to preserve State record and specimen trees, including, but not limited to, if feasible, relocation of existing and proposed infrastructure, roadways and buildings. Removal of State record trees or specimen trees requires approval of the Hopewell Township Committee. Replacement requirements for any State record tree or specimen tree approved to be removed shall be established by the governing body.
 5. Tree preservation limits including limits of all tree protection with appropriate construction details. There shall be no wires or attachments to trees being protected. Protection is required for any soil disturbance within the drip line of any tree not being removed. No materials of any kind shall be stored and no construction machinery shall be placed within the drip line of any tree to be protected, and shall be so noted on the plan.
 6. Tree replacement plan. A tree replacement plan may be integrated with landscape plans submitted for other separate land use approvals. Replacement trees shall be planted on the same tax lot as the trees to be removed.
 - a. Trees planted within other existing natural stands of trees on-site may be spaced five feet to 20 feet on center.
 - b. Tree replacement species shall be indigenous to the area and site.
 - c. Street trees, (i.e., deciduous trees planted within 10 feet of a street right-of-way), shall comply with the planting requirements at Township Code Section 14-1. If these trees are to be used as replacement trees, they shall be indigenous / native species. The following species from the list at §14-2.1 are native:
 - Red Maple *Acer Rubrum* - native
 - Scarlet Oak *Quercus coccinea* - native
 - Pin Oak *Quercus palustris* - native
 - *Willow Oak *Quercus phellos* - native
 - Sugar Maple *Acer saccharum* - native
 - *Sweetgum *Liquidambar styraciflua* - native
 - *Sourgum or black gum *Nyssa sylvatica* – native
 *Spring Planting Only.
 - d. All proposed replacement tree species shall be selected from Trees for New Jersey Streets as published by the New Jersey Shade Tree Federation; Street Tree Factsheets, a publication of the Municipal Tree Restoration Program; and the adopted Hopewell Township Community Forestry Plan ([see attached list](#)).
 - e. Tree replacement materials shall be provided in accordance with the standards set forth in ANSI Z60.1, American Standard for Nursery Stock.
 - f. Unless otherwise set forth in this section, tree replacement shall follow the guidelines set forth in the "New Jersey No Net Loss Reforestation Act," P.L. 1993, c.106 (c:13:1L-14.2).
 7. Soils disturbed during tree replacement shall be stabilized in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

D. Tree Replacement Requirements.

1. The number and size of replacement trees for each tree ten inches in DBH or larger that is to be removed beyond a combined total of 150 inches DBH shall be as follows:

<i>Diameter of Removed Trees at Breast Height in Inches</i>	<i>Number of Replacement Trees for Each Tree Removed</i>	<i>Caliper of Replacement Trees</i>
10" up to 16"	2	2 – 2 1/2"
Greater than 16" up to 23"	2	3"
Greater than 23" up to 30"	4	3 1/2 – 4"
Greater than 30"	5	3 1/2 – 4"

2. Credits for tree replacement shall be given on a one-to-one basis when one of the following conditions are proposed on the tree replacement plan:
 - a. Preservation of stands of ten or more trees with a DBH of six inches or greater within the limit of the disturbance line. Credit will only be given for native trees located within the stand.
 - b. Preservation of one acre or more of on-site areas having stands of trees with a DBH of six inches or greater which are to be left in natural condition. Preservation shall be provided by a deed of conservation easement from the lot owner to Hopewell Township which deed shall be filed with the Mercer County Clerk's Office by the applicant as a condition of the tree removal permit after approval by the Township Committee. This credit excludes all previous dedicated easements.
 - c. All replacement trees shall be maintained in healthy condition for no less than two years from the date of planting.
 - d. When the site in question cannot physically accommodate the total replacement amount of trees required by this section, as certified by the applicant and verified by the Administrative Officer, tree replacement may be accomplished by a contribution of the monetary value of non-replaced trees to the Township Tree Escrow Fund in an amount as set forth below and in Chapter X, Fees and Permits. Payment shall be a condition of the tree removal permit.

<i>Diameter of Removed Trees at Breast Height in Inches</i>	<i>Tree Escrow Fund Contribution (Value for Each Tree to Be Removed and Not Replaced)</i>
10" up to 16"	\$480.00
Greater than 16" up to 23"	\$840.00
Greater than 23" up to 30"	\$1,680.00
Greater than 30"	\$2,100.00

E. Term of Permit.

Approved tree removal permits shall be valid for a period not to exceed 12 calendar months from the date of issuance by the Administrative Officer and shall be conditioned upon payment of all permit and inspection fees. An extension may be granted by the Township Administrator for a period not to exceed three months for good cause shown. All work not completed within the term of permit or term of extension shall be the subject of a new application and the payment of new fees.

F. Display of Permit and Right of Entry.

1. The tree removal permit shall be prominently displayed on the site continuously while trees are being removed or replaced or work done as authorized by the tree removal permit and for ten days thereafter.
2. All persons cutting or removing trees, if other than the applicant, shall carry with him/her authorization from the owner and applicant authorizing such person to cut or remove trees.
3. In the event that trees are being cut or removed in accordance with a forest management plan or a soil conservation plan, a copy of said plans shall be in the possession of the person cutting or removing such trees, if not the owner of the lot.
4. As a condition for the issuance of the permit, the applicant shall agree in writing to the entry onto his/her premises by the Administrative Officer or his designee as necessary to inspect the site in review of the application for a tree removal permit and to inspect the permitted tree removal work to effectuate the

provisions of this chapter. Failure to allow such entry shall constitute a violation of the permit and this chapter.

G. Tree Protection During Construction.

1. Prior to any tree removal, protection shall be installed. Tree protection shall remain until tree removal is complete.
2. When the tree protection area is adjacent to street rights-of-way and utility easements, the location of said street rights of-way and utility easements shall be identified during construction.
3. Any trees damaged during construction must be inspected and treated if required in accordance with written guidance from a tree expert. If the damage is unable to be treated as certified by the tree expert the damaged tree shall be removed and replaced in accordance with Section 12-4 of the Township Code.

H. Guarantees.

1. *Performance Guarantee.* When a tree replacement plan is proposed as part of residential construction, compliance with the tree replacement plan shall be required prior to release of the final certificate of occupancy. When a tree replacement plan is part of non-residential construction or new utility construction a performance bond guaranteeing compliance with the tree replacement plan shall be provided to the Township. The performance guarantee shall be in a form and in an amount prescribed by the Municipal Land Use Law.
2. *Maintenance Guarantee.* When a tree replacement plan is proposed as part of residential construction, the two year maintenance obligation shall be required as a performance condition of the final certificate of occupancy. When a tree replacement plan is part of non-residential construction or new utility construction, a two year maintenance bond in the amount of 15 percent of the performance bond shall be provided to the township. The maintenance guarantee shall be in a form and in an amount prescribed by the Municipal Land Use Law.

I. Violations and Penalties.

1. Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this section shall, upon conviction of such violation be punished by a fine of up to two thousand (\$2,000.00) dollars for each violation, in the discretion of the Judge before whom conviction may be had. Each illegally removed tree shall be considered a separate violation. Each violation of any of the provisions of this section and each day the same is violated shall be defined and taken to be a separate and distinct offense. In addition, the court may order restitution (fine and/or appraised value, whichever is greater) and/or replacement of the tree illegally removed.
2. In addition to other remedies, the Tree Specialist or other authorized official may institute any appropriate legal action to prevent a continuing violation of the terms of this section.