

# 1. Municipal Information Form

## Municipality of Princeton County of Mercer

Address: 400 Witherspoon St., Princeton, NJ 08540

Contact name and title: Sharon Ainsworth, Chair,  
Princeton Shade Tree Commission

Phone: Email: sasainsworth@gmail.com

Organization Name: Princeton Shade Tree Commission

Mayor's Signature \_\_\_\_\_

I certify that this Community Forestry Management Plan was developed specifically and exclusively for our municipality.

Date of Management Plan Submission: September 2014

Time period covered in Management Plan: 2014-2018

Check off the Community Stewardship Incentive Program (CSIP) practices identified in the management plan.

- |                                    |                                 |
|------------------------------------|---------------------------------|
| # 1 Training                       | # 2 Ordinance Establishment     |
| # 3 Public Education and Awareness | # 4 Arbor Day Activities        |
| # 5 Tree Inventory                 | # 6 Hazard Tree Assessment      |
| # 7 Storm Damage Assessment        | # 8 Tree Maintenance & Removals |
| # 9 Insect and Disease Mgt.        | # 10 Wildfire Protection        |
| # 11 Tree Planting                 | # 12 Tree Recycling             |
| # 13 Sidewalk Maintenance          | # 14 Storm Water Management     |
| # 15 Other                         |                                 |

*Official Use only*

*Certification*

The above named community has made formal application to the New Jersey Forest Service. I am pleased to advise you that after our review, the NJ Forest Service has concluded that this plan meets standards set forth by the State and the NJ Community Forestry Council and is approved for the period covered.

State Forester \_\_\_\_\_

Approved Date \_\_\_\_\_

# **Princeton Community Forestry Management Plan**

**September 2014**

**prepared by**

**Princeton Shade Tree Commission  
and  
Kevin L. Scibilia  
New Jersey Certified Tree Expert # 279**

# Princeton Community Forestry Management Plan

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# Princeton Community Forestry Management Plan

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## 2. INTRODUCTION

This is the first five-year Community Forestry Management Plan for the municipality of Princeton, formed January 1, 2013, by the consolidation of Princeton Borough and Princeton Township. This plan has been prepared in accordance with the New Jersey Shade Tree and Community Forestry Act, P.L. 1996, Chapter 135, and builds upon the former Borough and Township management plans.

Implementation of the plan will require increased participation by the Shade Tree Commission (STC) members, a fiscal commitment from the municipality, and the engagement, awareness, and inclusion of residents and civic organizations interested in maintaining and enhancing our urban forest.

Approval of this plan by the State Forester, upon favorable recommendation from the NJ Community Forestry Council, will provide liability protection to Princeton under the New Jersey Shade Tree and Community Forestry Act, and will render the municipality eligible to receive grant money from the New Jersey Forest Service to assist in the implementation of the plan.

### A. Mission Statement

Our mission is to enhance, maintain and promote a sustainable community forest in a proactive and cost-effective manner that benefits the aesthetic, environmental, economic, cultural and social vitality of Princeton.

### B. Goals and Objectives

The plan's key goals and objectives are as follows:

#### Goal 1: Tree Inventory and Assessment

Use the newly updated tree inventory database to efficiently and effectively manage, protect, and enhance the municipality's urban forest.

Objectives:

- i. Evaluate new tree inventory software developed by Davey TreeKeeper that offers more robust and user-friendly features than the current software.
- ii. Determine what uses should be made of the inventory, and then review database to ensure relevant data are captured and entered.
- iii. Generate for an annual report information on tree diversity, age, condition, and vulnerability to--as well as incidence of--disease and pest infestations. The report will also include the number of trees removed and planted. The annual report will be posted on the STC website.

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## Goal 2: Tree Planting

Develop and implement guidelines for tree planting that address issues such as net loss, species diversity, vulnerability to disease and insect infestations, mitigation of heat island effect, and site preparation techniques (such as structured soils). At present, tree mitigation stands at 50%. Our goal is zero net loss within five years.

### Objectives:

- i. Develop a list of recommended trees to be used by the Town Arborist, the STC, and residents to better inform planting decisions, taking into account factors such as planting strip width, overhead wires, underground utilities, pavement shading, benefits to wildlife, susceptibility to pests and disease, and variety shape, height, and cultural needs.
- ii. Use data from the tree inventory to develop a multi-year planting plan based on neighborhood needs, tree diversity goals, vulnerability to loss, and budgetary considerations.
- iii. Investigate the use of site preparation techniques, such as structured soils, to enhance the success rate and longevity of newly planted trees.
- iv. Investigate the use of contract growing of desirable street tree species as a means to reduce costs and ensure adequate supply.
- v. Investigate the participation of volunteers in the planting of trees.
- vi. Identify potential planting sites and gaps in the current streetscapes, parks, and parking lots.

## Goal 3: Hazard Tree Identification

Enhance efforts to identify and reduce risk to people and property from hazardous, vulnerable, diseased, and ailing urban forest and shade trees. Regularly inspect for hazard all street trees in the municipality throughout the duration of the Management Plan.

### Objectives:

- i. Investigate the use of STC members and/or volunteers to assist the Town Arborist in identifying hazard trees, and ensure that the list of hazard trees in the tree inventory database is maintained and continuously updated by the Town Arborist.
- ii. Develop a plan for the removal of hazardous trees and the treatment or removal of diseased trees. Bacterial leaf scorch has led to the loss of numerous Oak trees. The Emerald Ash Borer (EAB) was recently found in Somerset County and could soon reach Princeton. Nearly all untreated Ash trees will succumb to an EAB infestation. (Ash trees make up 11% of Princeton's street trees.) Confer with NJ State Forester to learn whether a concerted statewide strategy is being undertaken to address the EAB issue, and whether there is any state funding available.
- iii. Maintain and enhance the working relationship with utility companies in order to properly oversee and care for trees with limbs growing into utility lines.

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## Goal 4: Tree Maintenance and Care

Develop guidelines for the maintenance and care of municipal trees and trees on private property.

### Objectives:

- i. Review the current maintenance and care program for municipal trees and develop a plan to address unmet needs.
- ii. Research the pros and cons of using trained volunteers to prune newly planted street trees and small-stature trees. If adopted, investigate the establishment of an education and certification program for STC members and residents on structural pruning of newly planted and small-stature trees.

## Goal 5: Training and Professional Development

Maintain and increase the expertise of STC members and municipal employees so as to meet and exceed the training and professional development requirements of the New Jersey Shade Tree and Community Forestry Assistance Act. Currently, six of the seven STC members are CORE trained and the two alternate members are CORE trained.

### Objectives:

- i. Meet and exceed the annual requirement of at least two STC members' accruing 8 Continuing Education Units (CEUs).
- ii. Ensure that all STC members have an understanding of the tree inventory database, and that a minimum of two members receive training on use of the Davey TreeKeeper system.
- iii. Identify and enroll STC members and town employees in educational programs specific to the Emerald Ash Borer, hazard tree identification, and other emergent issues.
- iv. Invite experts to speak to STC members at least once per year to facilitate the accrual of CEUs by commission members.

## Goal 6: Public Education, Awareness, and Outreach

Develop and implement a more robust public education program to increase awareness of the benefits of trees and their proper care. Inform and engage the community to better address challenges such as the anticipated Emerald Ash Borer infestation.

### Objectives:

- i. Redesign and frequently update the STC website to encourage more use by the public. Timely information on topics such as the Emerald Ash Borer and bacterial leaf scorch affecting Red and Pin Oaks will be added.
- ii. Establish and implement a formal protocol for the annual Arbor Day event routinely scheduled at a local elementary school.
- iii. Continue participation in the annual Communiversity event and develop new strategies to engage the public.

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- iv. Contact Arbor Day Foundation to combine the membership of the two former municipalities and strive for “Growth Awards.”
- v. Investigate ways to inform and engage the public regarding the care and nurturing of public and private trees. Partner with other organizations when possible to maximize public outreach and participation.
- vi. Cultivate relationships with local media outlets to increase public awareness of tree-related issues and STC activities.

## Goal 7: Monitoring and Evaluating the Five-Year Plan

The Five-Year Plan will be monitored on an ongoing basis to ensure that it remains relevant to the STC’s stated mission and community needs and circumstances.

### Objectives:

- i. The STC will review the Five-Year Plan and submit for review by the State an Annual Accomplishment Report; it will also provide an Annual Report to the Town Council that includes an evaluation of the STC’s progress in meeting its stated goals.
- ii. The success of stated goals and objectives will be evaluated to determine effectiveness, and adjustments will be made if needed.

## **C. Liability Statement**

Street trees are an asset to the community and provide aesthetic, economic, and environmental benefits. It is widely recognized that a comprehensive and proactive community forestry management plan can maximize the benefits of trees while minimizing their potential hazard to public safety.

The intent of this plan is to direct available resources to the greatest need and to work in a systematic manner to achieve a sustainable urban forest with reduced risk to public safety. Through proactive management and care of its trees, and by utilizing the inventory database and hazard tree assessment tools, the STC and municipal staff will be well positioned to take corrective action to preclude structural tree failure and other hazard tree–related conditions. It is important to also acknowledge that not all hazardous tree conditions can or will be predicted. Moreover, budgetary and manpower constraints do not permit every tree identified as hazardous to be removed.

The proposed Community Forestry Management Plan (CFMP) demonstrates that Princeton is devoting reasonable levels of resources in a planned manner to reduce the number of tree-related incidents, thereby increasing public safety while reducing its exposure to liabilities.

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## 3. COMMUNITY OVERVIEW

Princeton Borough and Princeton Township consolidated into one municipality on January 1, 2013. The newly formed Princeton Shade Tree Commission, consisting of seven members and two alternates, was charged with drafting the community's trees and shrubs ordinance and developing a new CFMP. While this would have been the third CFMP for the former entities, it is the first for the "new" Princeton. The new Trees and Shrubs Ordinance was adopted by Princeton Council on July 21, 2014 (revised ordinance is attached as Appendix 1).

Princeton, with a population of approximately 30,000 residents, consists of 18.1 square miles located in the center of the state. In general, it is an open semi-wooded community of diverse housing, including substantial and moderate homes and a well-recognized affordable housing program. A substantial portion of the property of Princeton University lies within Princeton's borders, as does the property of the Institute for Advanced Study, the Princeton Theological Seminary, and Westminster Choir College. There is one large shopping center, several other shopping centers of smaller size, some office research and service areas, and a large amount of preserved open space.

The recently updated street tree inventory shows that the municipality of Princeton has a total of nearly 19,000 street trees. The chart below provides data on the street tree species distribution:

### Top Ten Tree Species

Rank	Species	# of trees	% of total
1	Acer rubrum (maple,red)	1812	9.56
2	Fraxinus americana (ash,white)	1679	8.87
3	Pinus strobus (pine,eastern white)	963	5.1
4	Quercus palustris (oak,pin)	831	4.4
5	Acer platanoides (maple,Norway)	817	4.3
6	Platanus x acerifolia (planetree,London)	785	4.1
7	Acer saccharum (maple,sugar)	766	4.0
8	Liriodendron tulipifera (tuliptree)	628	3.3
9	Picea abies (spruce, Norway)	616	3.3
10	Tsuga canadensis (hemlock,eastern)	611	3.2

A review of the data reveals that 11% of Princeton's street trees are Ash (White and Green), and over 5% are Pin or Red Oak. Bacterial leaf scorch continues to have a major impact on the community's Pin and Red Oaks, and with confirmation of the Emerald Ash Borer (EAB) in Somerset County, the Ash tree population is also at risk.

Tree loss and damage have increased in recent years due to a series of unusual weather events including Hurricane Irene, Superstorm Sandy, and ice storms. This unexpected tree loss, coupled with an aging tree population, bacterial leaf scorch, and a potential EAB outbreak, will

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require strategic management of our urban forest, as well as significant public investment and support.

## **Tree Care Disaster Plan for Emerald Ash Borer**

Ash trees on public and private property currently contribute significantly to Princeton's tree canopy. Neighboring states that have experienced an EAB outbreak report a loss of up to 99% of (untreated) Ash trees. Projections suggest that Princeton can expect to lose the vast majority of its Ash trees within 5 years of the EAB's arrival. A key component of the CFMP will be to develop a plan to address this pending crisis. The plan will include a public awareness campaign and a management proposal detailing the projected cost and logistics of the removal of dead trees, the targeted treatment or removal of others, and replacement plantings as needed. An underlying concern is that municipal employees and private contractors may not be able to keep up with the demand for removal of dead and dying hazardous ash trees.

## **Species Diversity**

An important component of the new five-year plan is an increase in the species diversity of Princeton's street trees. Population diversity is important to disease management and tree loss. While not often mentioned, longevity of the species selected is also important to the urban forest. In general, smaller-stature trees have shorter lifespans than large-stature trees. Ornamental trees like redbuds, dogwoods, and cherries generally have a thirty-year useful life expectancy, while oaks, beech, lindens, and sycamores often perform for at least seventy years. Factors such as overhead utility lines and verge width are also important considerations in species selection.

## **Smoyer Nursery/Contract Growing**

The former Township nursery at Smoyer Park is being phased out. To meet the growing demand to replace and plant street trees, it may be cost-effective to contract with a commercial nursery. The contract would specify the provision of a given number of trees by species and size, to be delivered in 4 to 5 years. The STC will investigate the benefits of contracting with a commercial nursery for the purchase of public trees.

## **Tree City USA**

The STC will contact the National Arbor Day Foundation to transfer the Tree City USA status from township (1997) and Borough (1998) to the "new" Princeton.

## **Structural Pruning**

Structural pruning of newly planted trees is a relatively simple maintenance procedure that provides enormous benefits for very little or no cost. Trained employees and/or volunteers could substantially reduce future branch loss through the proper pruning of trees. The STC will investigate the establishment of an education and certification program for its members and for employees and residents who are trained in the structural pruning of newly planted and small-stature trees.

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Another issue overlooked in the planting of trees, particularly in the parks, is that of buck rub. If trees are structurally pruned with regard to their lower branches, they will become more attractive to deer. Newly planted trees should have proper protection for their trunks.

## **Hazard Tree Inspection/Assessment**

The current method of locating hazard trees relies substantially on the designation as such in the Tree Inventory Database and on the reporting of such trees by the Town Arborist, Department of Public Works or town employees, local residents, and STC members. Princeton has approximately 125 miles of roadway with nearly 19,000 street trees. Implementation of a more systematic inspection process may help identify hazard trees earlier and better guide management decisions. The STC members will implement a pilot program to improve the monitoring of hazard trees. Each volunteer will be trained in the identification of hazard trees and will be assigned a section of the community to monitor. Any tree that a volunteer believes to be a hazard will be reported to the Town Arborist for assessment.

## **4. COMMUNITY FORESTRY PROGRAM ADMINISTRATION**

The organizational chart for Princeton is attached as Appendix 2.

### **Shade Tree Commission Members, 2014-2015**

Sharon Ainsworth, Chair

Lily Krauss, Vice Chair

Patricia Frawley

Steve Hiltner

Pam Machold

May Papastephanou

Janet Stern

Alternate 1: Victoria Airgood

Alternate 2: Joanne Diez

Council Liaison: Jenny Crumiller

The Shade Tree Commission advises the Mayor and Council, the Zoning Board, the Planning Board, the Department of Public Works and the public on concerns relating to shade trees on public property, along public right-of-ways, and in certain circumstances on private property. STC members are appointed by the Mayor and serve as volunteers. The STC has policy-making responsibility for the regulation, planting, care, and control of trees and shrubs upon and in the streets, highways, public places, public right-of-ways, and parks of the municipality.

The Department of Public Works is responsible for the planting, pruning, and removal of public trees within a budget established by the Mayor and Town Council. The Town Arborist is an advisor to the STC, serves as the tree ordinance enforcement officer, and is the primary liaison

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to the public. Trees believed to be hazards or in need of maintenance are evaluated by the Town Arborist, who then schedules the work to be completed by Public Works personnel.

## 5. COMMUNITY MAP

The map of Princeton is attached as Appendix 3.

## 6. TRAINING PROGRAM

**Training overview.** In keeping with the goals and objectives of this CFMP, training for STC members will focus on hazard tree identification. Some STC members may also want to receive training in structural pruning of young trees.

**CORE training and Continuing Education Units (CEUs).** Currently, 6 of Princeton's 7 STC members, as well as its 2 alternates, are CORE trained. It would be desirable if a second Department of Public Works employee were CORE certified. A minimum of two STC members will annually receive the 8 continuing education credits as required.

The STC will also consider inviting instructors to conduct CEU training for the entire group, on topics that will increase the breadth and depth of members' knowledge about trees. The STC might also consider the possibility of inviting the general public to these sessions.

## 7. PUBLIC EDUCATION/AWARENESS/OUTREACH

The purpose of the public education, awareness, and outreach program is to increase public knowledge of the benefits trees provide the community and to better enlist public support for protecting our urban forest.

### **Arbor Day**

The Shade Tree Commission plans and executes an Arbor Day event that typically involves schoolchildren planting a tree and watching a demonstration of tree pruning, climbing, and chipping equipment by the Town Arborist and Public Works personnel.

### **Communiversality**

The STC participates in Communiversality, the annual Princeton community street festival held in April. The STC typically hands out tree-related literature, tree seedlings provided through the New Jersey State Tree Nursery and answers questions about trees.

### **Tree City USA**

The STC will strive to maintain Tree City USA status as previously achieved by the former Borough and Township.

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### Website

Progress is being made on converting the former Borough STC website to reflect the “new” Princeton, as evidenced by additions such as the joint Tree Inventory database. The recently adopted Trees and Shrubs Ordinance, with its revised rules and permit requirements, will be added soon. Future updates will include information on the EAB, a preferred tree planting list, a drawing of a tree-planting detail, and other relevant tree-related topics.

### 8. STATEMENT OF TREE BUDGET

Given that the Town Council determines the budget each year, the following is the estimated budget for 2014.

Princeton has a tree budget of \$30,000 for purchase of trees, maintenance of equipment, and costs associated with training and continuing education. In addition, there are an arborist, two full-time truck drivers/ground workers, and one lift operator who work predominantly on tree removal and tree pruning. The estimated budget for the employee salaries and benefits and portions of the administrative costs are \$275,000. The total value of Princeton’s shade tree program is over \$305,000.

<b>Personnel</b>	\$275,000 (Estimated share of wages and benefits)
Administrator	
Township Arborist	
3 full-time DPW employees	
Clerical support	
<b>Training</b>	\$5,000 (Estimated costs)
Continuing education	
Professional dues memberships	
Miscellaneous expenses	
<b>Program Expenses</b>	\$25,000 (Estimated costs)
Equipment maintenance	
Purchase of trees	
<b>Volunteer Services</b>	\$6,332 (Value of volunteer services)
Shade Tree Commission Members	
Volunteer help at Arbor Day, Festivals	
Estimated hours: 250 @ 25.33/hr.	
<b>Total Value of Shade Tree Program</b>	<b>\$336,332</b>

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## 9. STATEMENT OF PLAN IMPLEMENTATION

### 2014

- Submit new Community Forestry Management Plan.
- Submitted draft tree ordinance which was adopted by the Mayor and Council in July .
- Update STC website content to reflect the new Commission and initiatives.
- Research Davey TreeKeeper software upgrade.
- Maintain pruning and removal schedule to alleviate hazard trees.
- Contact Arbor Day Foundation to combine memberships of prior municipalities.
- Divide Princeton into sectors that can be inspected every two years for hazard trees.
- Combine two street tree inventories into one (completed 1<sup>st</sup> quarter 2014).
- Continue education and/or CORE accreditation.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual Accomplishment Report.

### 2015

- Investigate contract growing of replacement trees.
- Research cost and potential implementation of structured-soils for new plantings.
- Research use of trained volunteers to prune newly planted and small-stature trees.
- Continue participation in annual Arbor Day, Communiversity, and other outreach events to enhance public awareness of the benefits of trees and their proper care.
- Obtain training in hazard tree identification for all inspectors of hazard tree sectors.
- Develop EAB action plan for public trees, including removal budgets and projected replacements.
- Develop recommended tree list to include a mix of large and small-stature trees.
- Maintain Tree City status.
- Inspect sectors for hazard trees and continue pruning/removal of hazard trees.
- Review current tree maintenance and care program and develop plan to address unmet needs.
- Continue education and/or CORE accreditation.
- Develop plan to publicize on the website and through the media the EAB threat and steps available to address it.
- Target planting of sufficient number of replacement trees to achieve zero net loss.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual Accomplishment Report.

### 2016

- Inspect sectors for hazard trees.
- Prune recently planted trees for structure (by volunteers, if appropriate).
- Continue participation in annual Arbor Day, Communiversity, and other outreach events to enhance public awareness of the benefits of trees and their proper care.
- Maintain Tree City status.
- Implement the media plan to increase public awareness of the EAB.

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- Implement the EAB management plan for public trees, if necessary.
- Continue education and/or CORE accreditation.
- Continue pruning/removal of hazard trees.
- Target planting of sufficient number of replacement trees to achieve zero net loss.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual Accomplishment Report.

## 2017

- Inspect sectors for hazard trees.
- Prune recently planted trees for structure (by volunteers, if appropriate).
- Maintain Tree City status.
- Continue participation in annual Arbor Day, Communiversity, and other outreach events to enhance public awareness of the benefits of trees and their proper care.
- Continue implementation of the EAB media plan and public tree management plan.
- Continue education and/or CORE accreditation.
- Continue pruning/removal of hazard trees.
- Target planting of sufficient number of replacement trees to achieve zero net loss.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual Accomplishment Report.

## 2018

- Inspect sectors for hazard trees.
- Prune recently planted trees for structure (by volunteers, if appropriate).
- Maintain Tree City status.
- Continue participation in annual Arbor Day, Communiversity, and other outreach events to enhance public awareness of the benefits of trees and their proper care.
- Continue implementation of the EAB media plan and the public tree management plan.
- Continue education and/or CORE accreditation.
- Continue pruning/removal of hazard trees.
- Target planting of sufficient number of replacement trees to achieve zero net loss.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual Accomplishment Report.

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## **10. COMMUNITY STEWARDSHIP INCENTIVE PROGRAM (CSIP)**

The discussions below describe both Princeton's current activities in each of several areas covered by the CSIP program and the need for further action.

### **1. Training**

Continuing Education Units for hazard tree identification are a priority for all STC members. Additional training for pruning young trees can be obtained by a few or all STC members. If appropriate, trained volunteers will be used on cleanup/pruning days.

### **2. Ordinance Revision**

The two shade tree ordinances have been replaced by a new ordinance approved by the Mayor and Council on July 21, 2014. See Appendix 1.

### **3. Public Education and Awareness**

There are many avenues for education and awareness, including the annual Arbor Day celebration, the annual Communiversity event, the STC website, and print and online articles alerting residents to the EAB threat and other tree-related information.

### **4. Arbor Day Activities**

Princeton will continue the annual proclamation by the mayor as part of the Tree City USA program. A tree planting ceremony has traditionally been part of Arbor Day activities.

### **5. Assessment/ Inventory**

The street tree inventories from the former Borough and the former Township have been combined into one usable database that is regularly updated to reflect maintenance, removals, and new plantings.

### **6. Tree Hazard Identification Plan**

The proposal for this Five-Year Plan is to complete a total hazard tree inventory every other year--half of the municipality one year and half the next. Given the large area to be covered, it would be more effective to train and utilize the STC volunteers to scout for possible hazard trees and then forward those locations to the Town Arborist. As a New Jersey Certified Tree Expert, he can make the final assessment of risk and schedule the work.

### **7. Damage Assessment**

For this upcoming plan, the priority will be on the development of an action plan to address the impending arrival of the EAB. In many ways, planning for this potential outbreak will be similar to storm damage assessment.

### **8. Tree Maintenance**

The Department of Public Works performs the majority of pruning and removal in town, as determined by the Town Arborist. Priorities relating to risk reduction are determined by the

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Town Arborist as time and budget allow. Contingency plans for the arrival of the EAB are part of this CFMP.

## **9. Insect and Disease Management**

Insects and diseases can best be managed by diversifying species. Plans for dealing with the losses from the EAB, as well as from bacterial leaf scorch, are being developed within this five-year plan. These include possible protective measures for prominent, high-value trees; removal of dying trees; and replanting with a diversity of less-susceptible species.

## **10. Wildfire**

Given the forest cover type in Mercer County and the abundant natural as well as man-made firebreaks, wildfire is not considered a high priority at this time.

## **11. Tree Planting**

Princeton will investigate contract growing of tree species to plant in vacant areas in the public right-of-ways. The number of replacements needed to keep up with mortality/removals is expected to rise sharply in the coming years with the arrival of the EAB. Priority in contract growing will be given to ensuring a regular supply of desirable replacement trees.

## **12. Tree Recycling**

Leaves, branches, and yard waste are taken to the Lawrence Township recycling facility, which converts the material into chips, mulch, and compost that are then made available to the public at no charge and sold to commercial users..

## **13. Sidewalk Maintenance**

Heaved sidewalks due to tree roots continue to be a problem here as well as throughout urban and suburban areas. Princeton has a sidewalk grinding machine that can eliminate tripping hazards on heaved edges of concrete walks less than two inches in height. Curving sidewalks around the buttress roots of trees, bridging over roots with bricks or pavers, and utilizing structured soils are other options for dealing with tree-sidewalk conflicts.

## **14. Storm Water Management**

Princeton maintains an active curbside leaf collection program to help prevent clogging of storm drains and organic matter washing into waterways. The Princeton Environmental Commission is the lead entity for the Town's stormwater management program. Management of open space, especially forested open space such as Herrontown Woods and Mountain Lakes Park, is the best means of dealing with stormwater.

**15. CFMP Plan Preparation** Complete, (September) pending approval by the New Jersey Forest Service's Community Forestry Program.

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## APPENDIX ONE: PRINCETON SHADE TREE ORDINANCE

2014-26 AN ORDINANCE BY PRINCETON CONCERNING TREES AND SHRUBS AND THE PRINCETON SHADE TREE COMMISSION, AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968."

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and WHEREAS, following consolidation, the Princeton Shade Tree Commission engaged in a comprehensive review of Chapter 33 of the "Code of the Borough of Princeton, New Jersey, 1974" and Chapter 22 of the "Code of the Township of Princeton, New Jersey, 1968," both entitled "Trees and Shrubs," for purposes of consolidating same and also for purposes of updating the standards and regulations affecting trees and shrubs in Princeton; and WHEREAS, the Shade Tree Commission has found that the following benefits are associated with maintaining a healthy urban forest and tree canopy (which list is not exhaustive):

- Trees and wooded areas constitute a natural resource that boosts the economic value of property and promotes the general welfare of the community.
- Trees augment natural, scenic, and aesthetic values, creating desirable visual environments and streetscapes.
- Trees stabilize soil, reduce stormwater runoff and sedimentation, increase groundwater recharge, and reduce the potential for flooding and for water and wind erosion.
- Trees sequester carbon and reduce the buildup of atmospheric carbon dioxide; trees increase oxygen, filter air pollution, and reduce dust.
- Trees serve as buffers, providing privacy, absorbing noise, and reducing nighttime glare.
- Trees provide shade and decrease energy consumption through transpiration of water vapor, which lowers ambient temperatures.
- Trees act as heat shields on the south, east, and west sides of a home and thus may significantly cut cooling costs.
- Trees reduce the impact of the sun's UV rays, and they lower the temperature of concrete and asphalt 10 degrees or more, thereby lessening the heat island effect.
- Trees form a windbreak to slow and redirect the wind, lowering heating bills in cold weather.
- Trees produce food and habitat for wildlife; and

WHEREAS, based on the foregoing benefits, and other aesthetic, economic, ecological, health and environmental benefits of trees and shrubs, the Shade Tree Commission drafted proposed Code revisions recommended for adoption by the Princeton Council; and

WHEREAS, Princeton is a designated Tree City, U.S.A. and as such, the Princeton Council is committed to maintaining reasonable standards for the preservation and protection of trees and shrubs on both public and private property as significant aesthetic, ecological, economic, health and environmental resources which enhance Princeton's natural character and heritage; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. The following provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968" regarding the Shade Tree Commission and Trees and Shrubs are hereby repealed:

A. Section 2-83 of Chapter 2, entitled "Shade Tree Commission," and Chapter 33, entitled "Trees and Shrubs," of the "Code of the Borough of Princeton, New Jersey, 1974," and

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B. Article VI of Chapter 2 (Sections 2-23 through 2-25) and Section 2-110 of Chapter 2, which are both entitled "Shade Tree Commission," and Chapter 22, entitled "Trees and Shrubs," of the "Code of the Township of Princeton, New Jersey, 1968."

Section 2. A NEW Chapter 22 of the "Code of the Township of Princeton, New Jersey, 1968," as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the composition, duties and authority of the Shade Tree Commission and the regulations and standards impacting trees and shrubs, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968."

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as 4 provided for by law. The provisions of the attached Chapter 22 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted. I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held July 21, 2014.

Kathleen K. Brzezynski  
Deputy Clerk

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It establishes the duties and responsibilities of the Shade Tree Commission, sets forth the standards and regulations affecting trees and shrubs on public and private property and requires persons engaging in tree pruning, removal and/or repair for hire to register with the municipality.

## EXHIBIT A

### CHAPTER 22. TREES AND SHRUBS.

#### Article I. Findings, Intent and Purpose; Definitions.

##### Sec. 22-1. Findings, intent and purpose.

The mayor and council recognize that trees and shrubs are a natural resource that provide aesthetic, economic, ecological, environmental and health benefits to the municipality of Princeton and its inhabitants, and that the treatment of trees and shrubs on individual properties can have significant impacts not only on those individual properties, but also on neighboring properties, the streetscape, the tree canopy and the entire municipality. For these reasons, the mayor and council find that it is in the interest of Princeton and its inhabitants to establish rules and regulations for the stewardship of trees and shrubs within Princeton, on both public and private property, and more specifically, for the care and protection of trees and shrubs, preservation of the maximum number of trees and shrubs, safeguarding of specimen and significant trees and replacement of removed or destroyed trees.

##### Sec. 22-2. Definitions.

As used in this chapter, the following terms shall have the following definitions:

- (a) Canopy shall mean the upper and outermost part of a tree created by the tree's crown and shall mean, in the case of contiguous trees, the upper and outermost parts of the trees' crowns.
- (b) Crown shall mean the upper mass or head of a tree created by its branches and leaves.
- (c) Destroy shall mean to kill or damage irreparably, which shall be deemed to include, but not be limited to: damage inflicted to the root system by machinery, storage of materials, soil compaction or change of natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus, pests or other infestation; excessive pruning or thinning not in conformance with American National Standards

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Institute (ANSI) standards, leading to a failure to thrive; paving over the root system with any impervious materials within such proximity as to be fatally harmful to the tree; or application of any substance toxic to the tree or causing the tree to be exposed to any such substance.

(d) Diameter shoulder height or DSH shall mean the diameter of the trunk of a tree measured at a point four and one-half feet above ground level.

(e) Enforcement officer shall mean a certified arborist appointed by the administrator upon consultation with the shade tree commission for the purpose of enforcing the terms of this chapter.

(f) Evergreen tree shall mean a tree with foliage that remains green and functional throughout the year.

(g) Ornamental tree shall mean a tree that can be single or multiple stemmed and that grows to a maximum height of twenty-five feet.

(h) Replacement tree shall mean a tree no smaller than two to two and one-half inches in caliper and of a species and size appropriate for the site.

(i) Significant tree shall mean a tree or grove of trees recognized as significant by the shade tree commission or enforcement officer on the basis of specimen, quality, historical significance, location, size or other unique characteristics.

(j) Specimen tree shall mean any tree equal to at least eighty percent of the size of those listed on the "Champion Big Tree Register" of the New Jersey Community Forestry Program in the Department of Environmental Protection's Division of Parks and Forestry, or any tree actually listed on the "Champion Big Tree Register."

(k) Shrub shall mean any woody plant with persistent stems protruding from grade level.

(l) Tree shall mean any woody plant with a main stem or multiple stems with branches protruding above the root flare, which includes all deciduous, ornamental and evergreen trees.

## Article II. Shade Tree Commission.

### Sec. 22-3. Commission created; membership; term of office of members.

(a) There is hereby established a shade tree commission consisting of seven members and two alternates, designated as "Alternate No. 1" and "Alternate No. 2." There shall also be one non-voting liaison appointed from the governing body. The mayor, upon consultation with the council, shall appoint the members and alternates. All members and alternates shall be Princeton residents. The term of office of the members shall be five years. The term for members of the initial commission shall begin on the date of their appointment and shall be as follows: one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, two members shall be appointed for four years, and two members shall be appointed for five years. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1. The commission shall annually elect its chairperson from among its members. (b) Alternate No. 1 and Alternate No. 2 shall serve during the absence or disqualification of any regular member or members. The term of each alternate member shall be five years commencing on January 1 of the year of appointment; provided, however, that in the event two alternate members are appointed, the initial term of Alternate No. 2 shall be four years and the initial term of Alternate No. 1 shall be five years. The terms of the initial alternate members appointed shall commence on the day of their appointment and shall expire on the fourth or fifth December 31 next ensuing after the date of their appointments, as the case may be. An alternate member may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

### Sec. 22-4. Powers and duties of the shade tree commission.

The shade tree commission shall have the following general powers and duties:

(a) Policy making responsibility in the regulation, planting, care and control of trees and shrubs upon and in the streets, highways, public places, public right-of-ways and parks of the municipality. The shade tree commission shall have responsibility for the regulation, planting, care and control of trees and shrubs upon and in state and county highways and county parks only to the extent authorized or required by law;

(b) Responsibility to consult and advise with the enforcement officer in all matters within its purview;

(c) All authority conferred by N.J.S.A. 40:64-1 et seq., to the extent applicable;

(d) Authority to review tree surveys, removal plans and planting plans submitted with land development applications referred to it by the planning board or zoning board. After its review the commission may prepare a report of its findings and recommendations to be sent to the board of jurisdiction at least fourteen days prior to that board's scheduled hearing of the development application;

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- (e) Authority to prepare criteria, standards, guidelines, and recommendations, including recommendations as to specific appropriations, for the use of funds collected in the Princeton Shade Tree Trust Reserve;
- (f) Authority to develop a list of sites throughout Princeton that require the replacement of trees or the addition of new trees, and regularly update the list to reflect the replacement or removal of trees;
- (g) Authority to develop and maintain a recommended tree species list;
- (h) Authority to develop and maintain an inventory of trees and shrubs upon and in the streets, highways, public places, public right-of-ways and parks of the municipality;
- (i) Responsibility to develop and recommend tree removal standards for trees located on private property;
- (j) Responsibility to make, keep, and preserve minutes and records of its meetings and activities, and to make annual reports to the mayor and council. Copies of all minutes and records of its meetings and activities shall be filed with the clerk;
- (k) Responsibility to decide appeals and informal complaints, as set forth in sections 22-15 and 22-16, respectively, below; and
- (l) Such additional functions as required by this chapter or within the law as may be delegated to it.

Sec. 22-5. Interference with work prohibited.

No person shall prevent, delay or interfere with any lawful work undertaken by the shade tree commission or its authorized agent.

Article III. Protection of Trees and Shrubs on or Extending onto Public Streets, Highways and Right-of-Ways, and Public Property.

Sec. 22-6. Approval required for certain actions concerning trees and shrubs located on public streets, highways and right-of-ways, and property under municipality's jurisdiction.

(a) No person shall do, or cause to be done, any of the following acts upon public streets, highways, right-of-ways or parks or other lands under the municipality's jurisdiction, or cause or permit the same to be done by any third party contractor or subcontractor, without obtaining the written approval of the enforcement officer, in accordance with subsection (b) below:

(1) Cut, trim, break, climb with spikes, disturb the roots of or otherwise injure, remove or destroy any tree or shrub or injure, misuse or remove any structure or device placed to support or protect such tree or shrub.

(2) Plant any tree or shrub.

(3) Fasten or affix any rope, wire, electric attachment, sign or other device to a tree or shrub.

(4) Place or maintain, or cause to be placed or maintained, in or upon the ground, any stone, cement, sidewalk, mortar, building material, impervious material or other substance that shall impede or prevent the free access of water, air or fertilizer to the roots of any tree or shrub or within the drip line of a tree or shrub.

(5) Place or cause to be placed any chemical or substance harmful to tree life, including but not limited to gasoline or oil, on any tree or shrub or within the drip line of any tree or shrub.

(6) Hitch or fasten an animal to any tree or shrub, or to any guard or support provided for the same, or permit any animal to bite or otherwise injure any tree or shrub.

(7) Hitch or fasten a bicycle or other personal property to any tree or shrub, or to any guard or support provided for the same.

(b) A person may request in writing the approval of the enforcement officer to undertake an activity otherwise prohibited in section 22-6(a) above. Within fifteen days of said written request, the enforcement officer shall, in his or her discretion, approve or deny the request. The failure of the enforcement officer to approve or deny the request within fifteen days shall constitute an approval of the request.

(c) Excepted from the requirements of this section is the treatment of trees and shrubs by the appropriate public agency with the consent of the enforcement officer.

Sec. 22-7. Removal or trimming by municipality when interfering with public street, highway or right-of-way use; duty to reimburse municipality for work performed. If the limbs or branches of any trees or shrubs grown on any land in the municipality extend over or into any of the public streets, highways or right-of-ways in the municipality and interfere with the free and uninterrupted use of such streets, highways or right-of-ways for any lawful purpose, the enforcement officer shall notify and direct the owner of the premises on which such trees or shrubs may stand, or the agent of

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such owner, to trim or detach, on or before a time to be fixed in such notice, any limbs, branches or parts of trees or shrubs so extending in the street, highway or right-of-way in the municipality. If the owner of any such trees or shrubs shall fail or neglect to comply with the terms of such notice, the enforcement officer is authorized and empowered to trim or detach, or cause to be trimmed or detached, any limbs, branches or parts of trees or shrubs so extending into the street, highway or right-of-way in the municipality. Upon completion of such work, there shall be rendered, by the enforcement officer, to the owner of the premises on which such trees or shrubs stood and for whom such work was done, a bill for such work, showing the money expended by the municipality therefor, and upon failure of the party for whom such work was done and such money expended to reimburse the municipality within sixty days from the time of completion of such work, suit shall be brought in the name of the municipality for the amount due in any court of competent jurisdiction.

Sec. 22-8. Removal of substance, material or covering at base of trees and shrubs; duty to reimburse municipality for work performed. Where any tree or shrub in any public street, highway or right-of-way in the municipality may be surrounded at the base of its trunk by ground which is not open as required in section 22-6(a)(4) above, or by open ground of less quantity or measurement than that herein required in section 22-6(a)(4) above, it shall be the duty of the enforcement officer to notify the owner of the property in front of which any such tree or shrub may be to remove, within a time fixed in such notice, so much of the substance, material or other covering as may be necessary to give the space of open ground herein required. If the person so notified shall not remove the substance, material or covering by the time so fixed, the enforcement officer may do so, or cause the same to be done and, upon completion thereof, render a bill to the person so notified for the work done and the money expended therefor. If payment shall not be made within sixty days from the time of completion of such work, suit shall be brought in the name of the municipality for the amount due in any court of competent jurisdiction.

Sec. 22-9. Protection of trees and shrubs from utility wires.

Any person having control over any wire for the transmission of electric current or telephone, cable or any other utility service along a public street, highway or right-of-way shall at all times guard all trees and shrubs through which such wires pass against any injury from the wires or from the current carried by them. Prior to undertaking any work on the utility affecting any such tree or shrub, the utility company shall provide at least five days' prior written notice to the enforcement officer and abutting property owner of same. The device or means used shall be subject to the approval of the enforcement officer.

Article IV. Removal of Trees on Private Property; Permit Requirements.

Sec. 22-10. Purpose.

This article is intended to further the intent and purpose of this chapter, as set forth in Article I above. To that end, this article establishes tree removal standards for trees located on private property. The purpose of these specific standards is to encourage and further the protection and preservation of trees and their canopy as important public and environmental resources and to:

- (a) Control and prevent the indiscriminate or excessive removal and destruction of trees and their canopy.
- (b) Control and prevent conditions that cause an increase in stormwater runoff, sedimentation, soil erosion, loss of wildlife habitat and air and noise pollution, or that inhibit aquifer recharge or impair the ambiance or physical appearance of neighborhoods, historic landscapes and streetscapes.
- (c) Strike a balance between limiting the adverse impacts of tree removal and not unduly interfering with the ability of a property owner to appropriately remove trees on private property.

Sec. 22-11. Trees requiring permit before removal.

It shall be a violation of this article for any person to remove or otherwise destroy any tree as set forth in this section, or to cause or permit the same to be done by any third party contractor or subcontractor, without first obtaining a permit or approval as provided herein below. Except as otherwise provided in section 22-12 below, the following acts are hereby regulated and shall require a tree removal permit:

- (a) Removal of or otherwise destroying a tree with a DSH of eight inches or more;
- (b) Removal of or otherwise destroying an ornamental or evergreen tree with a height of ten feet or more;
- (c) Removal or otherwise destroying a tree with a canopy extending over a public right-of-way; and
- (d) Removal of or otherwise destroying any specimen or significant tree, as defined in section 22-2 above.

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## Sec. 22-12. Exceptions.

Excepted from the requirements of this article are the following:

- (a) Any tree that poses imminent danger to life or property or where removal is in response to an emergency. To qualify under this exception, the tree shall only be removed to the extent necessary to abate the imminent danger or emergency. If notification of the removal of said tree pursuant to this article has not been given to the enforcement officer prior to removal, then notification must be provided as soon as practicable but no later than the next business day. Said notification shall include verification that the tree removal was necessary to abate the imminent danger or emergency;
- (b) Any tree that has fallen solely as a result of storm damage or other natural causes;
- (c) Any dead tree or substantially diseased tree as a result of natural causes or storm damage where:
  - (1) The tree is still standing;
  - (2) The person desiring to destroy or remove the tree is the owner of the land upon which the tree is located;
  - (3) The person notifies the enforcement officer of the desire to remove the tree; and
  - (4) The enforcement officer verifies in writing that the tree is dead or substantially diseased as a result of natural causes. The failure of the enforcement officer to approve or deny the request within fifteen days shall constitute an approval of the request;
- (d) Tree removal that is a part of any land development application subject to the jurisdiction of the planning or zoning boards, or any of their subcommittees. The shade tree commission may, however, provide its review and comment, if any, regarding the tree removal to the municipal engineer;
- (e) Tree removal as part of an application requiring preservation plan approval by the historic preservation commission or the commission's administrative officer for properties that are subject to the commission's jurisdiction within the historic preservation zoning districts or historic preservation buffer zoning districts; and
- (f) The removal of any trees that are a part of an approved woodland management program pursuant to the provisions of the New Jersey Farmland Assessment Act of 1964.

## Sec. 22-13. Application for tree removal permit.

- (a) General Application Requirements. A person desiring to remove or otherwise destroy a tree or trees as provided for in section 22-11 above shall first apply to the enforcement officer for a permit, on forms provided by the municipality and containing the information required in subsections (b), (c) and (d) of this section.
- (b) Narrative. The application required by subsection (a) above shall include a narrative specifying:
  - (1) The location of the premises where the tree removal or destruction is to take place, by both street address and lot and block number;
  - (2) The name and address of the owner of the premises;
  - (3) The name and address of the applicant for the permit, if other than the owner, accompanied by the owner's consent to said application;
  - (4) A list providing the species, DSH and number of trees to be destroyed or removed;
  - (5) The reason or purpose for the destruction or removal of trees; and
  - (6) A description of the applicant's tree replacement plan, in accordance with subsection (d) below. (c) Sketch/Printed Plan. The application required by subsection (a) above shall be accompanied by a sketch and/or printed plan showing the following:
    - (1) The size of the lot;
    - (2) All structures and their appurtenances, including but not limited to any building, garage, shed, deck, pool, driveway, walkway, patio or other impervious surface;
    - (3) The location upon the lot where the destruction or removal of the tree or trees is proposed to take place;
    - (4) The identity and location of trees to be destroyed or removed;
    - (5) The location of all streams and wetlands on the lot; and
    - (6) The proposed location(s) for planting of replacement tree(s), as well as their species and DSH.
- (d) Tree Replacement Plan.
  - (1) The tree replacement plan shall provide for replacing the removed or destroyed tree(s) in the same or contiguous location(s) on the premises. The tree replacement plan shall have the goal of a one-to-one tree replacement. In lieu of replacing the removed or destroyed trees, the applicant may pay a tree replacement fee into the Princeton Shade Tree Trust Reserve. The tree replacement fee shall be a sum representing the cost to replace the removed or destroyed tree(s) and shall be maintained and utilized by Princeton for purposes of planting trees and shrubs on

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public property. As used hereafter, the phrase "tree replacement plan" shall be deemed to include reference to the payment of a tree replacement fee.

(2) A tree replacement plan shall not be a mandatory requirement for submission of an application for a tree removal permit. However, whether an applicant has included a tree replacement plan as part of his or her application, and the substance of that plan, shall be among the factors considered by the enforcement officer in making a decision on the application, in accordance with section 22-14(a)(3) below.

(e) Marking. The applicant shall conspicuously mark each tree to be removed or destroyed with a material which can be wrapped around the trunk of each tree, such as ribbon or string.

(f) Notice. A copy of the application shall be mailed or hand delivered to the owners of the properties contiguous to the premises where the proposed tree destruction or removal is to take place. The applicant shall confirm compliance with this requirement on the application.

(g) The fee for each application shall be twenty-five dollars.

Sec. 22-14. Review of application for tree removal; decision on application; time requirements; expiration.

(a) The enforcement officer shall accept for filing the permit application referenced in section 22-13 above. Said application shall be date and time stamped when received. Thereafter, the enforcement officer shall within fifteen business days of receipt of the completed application:

(1) Visit and inspect the location and inspect the land and trees that are the subject of the application;

(2) If necessary, meet with the applicant to discuss the application; and

(3) Grant or deny the requested permit in whole or in part, or make recommendations that would make the application acceptable to the enforcement officer, in accordance with the following considerations:

a. Whether the removal or destruction of the tree or trees will cause or contribute to physical or environmental problems on the land and other property, including but not limited to flooding, soil instability and erosion.

b. Whether the destruction or removal of the tree or trees will have a negative impact on the contiguous canopy or on the growth and development of the remaining trees on the land and other property.

c. Whether the destruction or removal of the tree or trees will have a negative aesthetic or visual impact on the land and other property.

d. Whether the destruction or removal of the tree or trees will threaten or otherwise lead to a loss of wildlife habitat or tree species.

e. Whether the tree or trees are specimen or significant tree(s) as defined in section 22-2 above.

f. Whether the destruction or removal of the tree or trees is proposed to take place in an area identified by the New Jersey Department of Environmental Protection as a riparian buffer zone.

g. Whether the destruction or removal of the tree or trees is a part of an overall landscape plan for the property.

h. Whether a denial of the permit, in whole or part, would cause an undue hardship on the applicant.

i. Whether the application includes a tree replacement plan which will mitigate the negative impact that the tree removal or destruction will have on the land and other property.

(b) A decision other than one to grant the requested permit in its entirety shall include the enforcement officer's written findings and reasons for said decision.

(c) The failure of the enforcement officer to grant or deny the application for a permit for the removal or destruction of a tree or trees within the fifteen-day period 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 enforcement officer in writing before the period expires.

(d) The removal of trees and any tree replacement plan are to be implemented within one year from issuance of the permit. A permit shall expire and shall no longer be in effect twelve months after the date said permit was first granted, unless an extension of the twelve-month period has been agreed upon between the permittee and the enforcement officer in writing before the period expires.

Sec. 22-15. Appeals.

(a) If an application for a permit is denied or otherwise not granted in whole, the applicant shall have a right to appeal the matter.

(b) The applicant may appeal to the shade tree commission or may choose to appeal directly to the mayor and council. Should the applicant choose to appeal to the shade tree commission and is not thereafter satisfied with the shade tree commission's decision, the applicant shall have the right to appeal to the mayor and council. An applicant

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who appeals the enforcement officer's decision directly to the mayor and council waives his or her right to appeal to the shade tree commission.

(1) Appeal to shade tree commission. An appeal to the shade tree commission is taken by submitting written notice to the shade tree commission within ten days of receipt of a full or partial denial from the enforcement officer. The applicant will be notified as to the date and time when his or her matter will be heard by the shade tree commission. The shade tree commission shall decide the matter anew and in accordance with the standards set forth in subsections (a)(3) a.- i. of section 22-14 above. The shade tree commission shall render its decision within forty-five days of receipt of the written notice of appeal. The failure of the shade tree commission to decide the appeal within forty-five days shall constitute reversal of the decision by the enforcement officer. In any event, the applicant shall be notified of the shade tree commission's action or failure to act by written notice from the shade tree commission. If the applicant is not satisfied with the shade tree commission's decision, then the applicant shall have a right to appeal to the mayor and council as set forth in paragraph (2) below.

(2) Appeal to mayor and council. An appeal to the mayor and council is taken by submitting written notice to the clerk within ten days of receipt of a full or partial denial from the enforcement officer or within ten days of receipt of the shade tree commission's decision, as the case may be. The applicant will be notified as to the date and time when his or her matter will be heard by the mayor and council. The mayor and council shall decide the matter anew and in accordance with the standards set forth in subsections (a)(3) a.- i. of section 22-14 above. The mayor and council shall render their decision within forty-five days of receipt of the written notice of appeal. The failure of the mayor and council to decide the appeal within forty-five days shall constitute reversal of the decision by the enforcement officer. In any event, the applicant shall be notified of the mayor and council's action or failure to act by written notice from the clerk. If the applicant is not satisfied with the mayor and council's decision, then the applicant shall have a right to pursue an appeal in a court of competent jurisdiction as permitted by law.

## Article V. General Provisions.

### Sec. 22-16. Violations and penalties; informal and formal complaint procedures.

A person who removes or destroys a tree without a required permit, or otherwise violates or causes to be violated any of the provisions of this chapter, shall be subject to the following informal and formal complaint procedures:

(a) Informal complaint. Any person who removes or destroys a tree without a required permit, or who otherwise violates or causes to be violated any of the provisions of this chapter, shall have the opportunity to resolve the matter before the shade tree commission prior to the issuance of a summons and complaint. The following procedure shall apply:

(1) The shade tree commission shall offer a recommendation that is, in its judgment, sufficient to resolve the matter, which may include payment of a fine or payment of a replacement fee to the municipality for removal or destruction of the tree. Fines and/or replacement fees shall be paid into the Princeton Shade Tree Trust Reserve.

(2) The violator shall within ten days of the shade tree commission's recommendation advise the enforcement officer as to whether or not the violator accepts said recommendation. If at the end of said ten-day time frame said recommendation is not accepted by the violator, then the enforcement officer shall have the authority to issue the violator a summons and complaint returnable in the Princeton municipal court.

(b) Adjudication of complaints in municipal court. Only in the event the shade tree commission's recommendation is not accepted by the violator within the ten days as provided for in subsection (a) above and all attempts at informal resolution have been unsuccessful may a summons and complaint be issued. In the event a summons and complaint are issued, the violator shall be subject to the penalties set forth in section 1-6 of this Code. In addition, the court may order restitution (appraised value) and/or replacement of the tree or trees illegally removed or destroyed. Replacement of an illegally removed or destroyed tree shall be with another tree of a species and size appropriate for the site, no smaller than two to two and one-half inches in caliper. Each tree removed or destroyed on the same lot in violation of this chapter shall be considered a separate violation.

### Sec. 22-17. Annual report.

The enforcement officer shall make an annual report to the shade tree commission, which shall then report to the mayor and council, as to permits granted and denied in each calendar year pursuant to this article. Such report shall be submitted by February 1 of each year as to the preceding year's activities.

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## Sec. 22-18. Severance.

In the event that any portion of this chapter, or the application of this chapter to any specific situation, shall be declared invalid, such declaration shall not, in any manner, prejudice the enforcement of the remaining provisions, or the enforcement of this chapter in other situations.

## Article VI. Contractor Registration.

### Sec. 22-19. Registration requirements.

(a) No person shall engage in tree pruning, removal and/or repair in the municipality for hire without first registering with the enforcement officer, on forms to be supplied by said enforcement officer. Completed registration forms shall become public records.

(b) The purpose of this registration requirement is to ensure that persons engaged in tree pruning, removal and/or repair in the municipality for hire are cognizant of the municipality's tree ordinances.

(c) At the time of registration, applicants shall certify that they have received a copy of and will comply with the municipality's tree ordinances.

(d) The municipality makes no guarantee or representation regarding the fitness, knowledge or qualification of any person that is registered by the municipality to engage in tree pruning, removal and/or repair for hire.

(e) Every registration shall be issued and renewed on an annual basis, effective January 1 of each year, upon payment of an annual fee to the enforcement officer in the amount of fifty dollars.

(f) No registration shall be required of any owner of real property in the municipality who shall personally perform activities otherwise requiring a registration; except that all such work must otherwise comply with the municipality's tree ordinances.

(g) The shade tree commission may, upon recommendation of the enforcement officer, after notice and an opportunity for a hearing, suspend or revoke any registration for violation of law or related municipal ordinances, or for good cause, which is shown to be prejudicial to the public health, safety or welfare. When the enforcement officer has reasonable cause or belief that an emergency affecting the public health, safety or welfare so requires, said enforcement officer may temporarily suspend any registration for a period not to exceed one week, until the shade tree commission can be convened to consider said suspension.

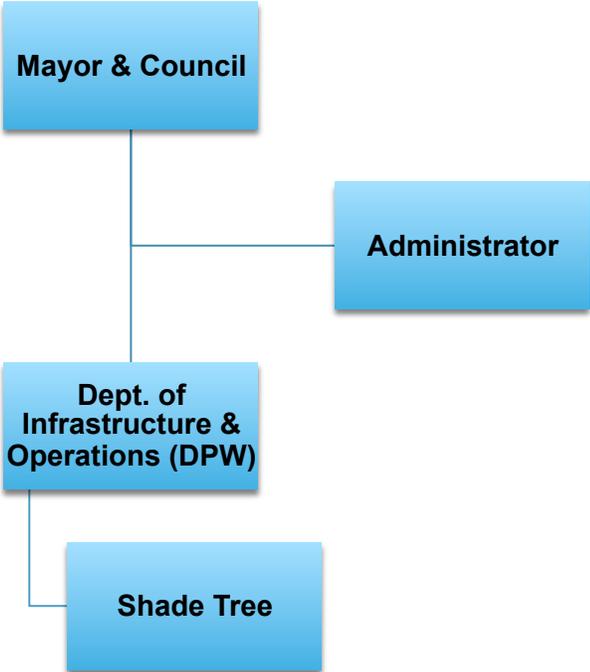
(h) Applicants shall be advised at the time of registration that they are required to dispose of damaged or infested trees for which a permit of removal is granted pursuant to section 22- 14 in accordance with then current industry standards of proper disposal for said trees.

(i) Any person who violates this section shall be subject to the penalties set forth in section 22-16 above.

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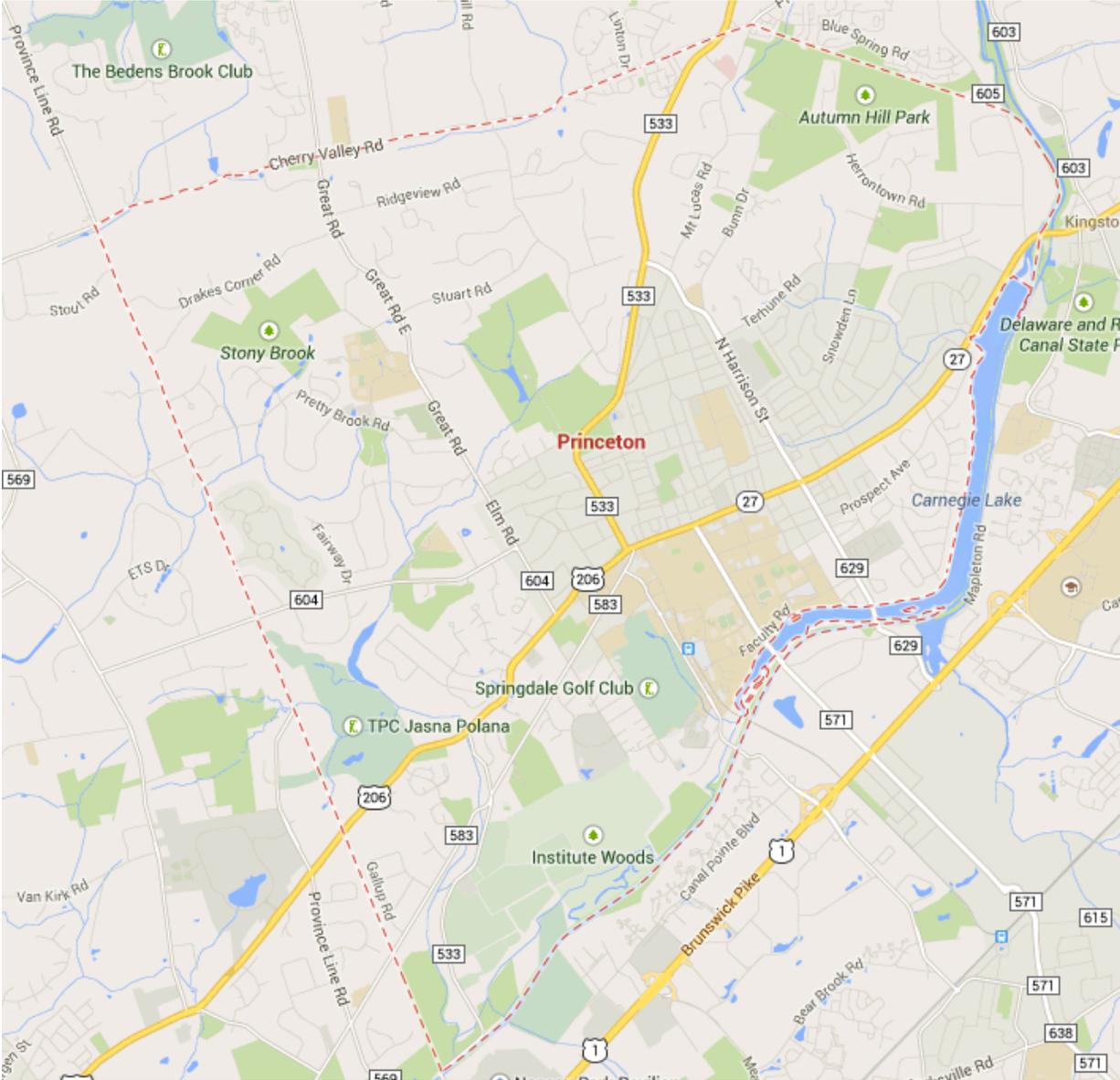
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## APPENDIX TWO: PRINCETON ORGANIZATIONAL CHART



# Princeton Community Forestry Management Plan

## APPENDIX TWO: MAP OF PRINCETON



Princeton, Mercer County, NJ

