Community Forestry Management Plan

Municipal/County Information Form

Municipality: Princeton
County: Mercer
Address: 400 Witherspoon Street
Princeton, NJ 08540

Contact Name and Title: Taylor Sapudar, Municipal Arborist, Department of Infrastructure and Operations
Phone #: 609-497-7633
Fax # and E-mail: tsapudar@princeton.edu

Organization Name: Municipality of Princeton

Mayor/County Freeholder's Signature:

Date of Management Plan Submission: December 4, 2019

Time Period Covered in Management Plan: 2019 - 2023

Incentive Program (CSIP) Practices Identified in Management Plan:
- xCSIP #1 Training
- xCSIP #2 Community Forestry Ordinance Establishment
- xCSIP #3 Public Education and Awareness
- xCSIP #4 Arbor Day
- xCSIP #5 Tree Inventory
- xCSIP #6 Hazard Tree Assessment
- xCSIP #7 Storm Damage Assessment
- xCSIP #8 Tree Maintenance and Removals
- xCSIP #9 Insect and Disease Management
- xCSIP #10 Wildfire Protection
- xCSIP #11 Tree Planting
- xCSIP #12 Tree Recycling
- xCSIP #13 Sidewalk Maintenance Program
- xCSIP #14 Storm Water Management
- xCSIP #15 Other

Official Use Only Certification

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

Signed ____________________________
State Forester ____________________________
Approved date ____________________________
Community Forestry Management Plan

1. Municipal Information Form

2. Introduction
   - A. Mission Statement
   - B. Goals and Objectives
   - C. Liability Statement

3. Community Overview

4. Community Forestry Program Administration

5. Community Map

6. Training Plan

7. Public Education/Awareness/Outreach

8. Statement of Tree Budget

9. Statement of Plan Implementation
   - General
   - Tree Inventory/Assessment
   - Hazard Tree Identification
   - Tree Planting
   - Tree Maintenance and Care
   - Administrative/Other

10. Community Stewardship Incentive Program (CSIP)

Appendix 1: Princeton’s Trees and Shrubs Ordinance (#2016-34)
Appendix 2: Ordinance Exempting Ash Trees from Some Requirements of Tree Removal Permits (#2016-40).
2. INTRODUCTION

This is the second five-year Community Forestry Management Plan (CFMP) 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 Guidelines issued by the New Jersey State Forest Service’s Urban and Community Forestry Program (State UCF Program) pursuant to the New Jersey (NJ) Shade Tree and Community Forestry Act, P.L. 1996, Chapter 135. The plan builds upon the first five-year plan of the consolidated municipality as well as the former Borough and Township management plans.

Implementation of the plan will require the oversight and engagement of the Princeton Shade Tree Commission (STC), a fiscal commitment from the municipality, the experienced and skilled efforts of the staff of the Department of Public Works, including the Municipal Arborist, and the involvement and participation of residents and civic organizations interested in maintaining and enhancing Princeton’s municipal forest.

This plan has been developed in consultation with Princeton’s Municipal Arborist, Taylor Sapudar, a NJ Licensed Tree Expert and an arborist certified by the International Society of Arboriculture (ISA). Having such a plan, developed in consultation with a professionally trained forester, provides a foundation for the proper care and management of the municipal tree resource. Furthermore, approval of this plan by the State Forester, upon favorable recommendation from the NJ Community Forestry Council, will satisfy one of the criteria necessary for Princeton’s community forestry program to maintain “Approved Status” under the State UCF Program.

Having “Approved Status” conveys benefits and opportunities to a municipality. The benefits include liability protection under the New Jersey Tort Claims Act, P.L. 1996, Chapter 135, Section 16, for the Town of Princeton, Princeton’s Shade Tree Commission, its members, and any volunteer participating in the community forestry program. The opportunities include eligibility of the municipality to apply to receive grant money from the State UCF Program to assist in the implementation of the plan.

2A. 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.
2B. GOALS AND OBJECTIVES

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

Goal 1: Tree Inventory and Assessment

Maintain and use Princeton’s tree inventory database to efficiently and effectively manage, protect, and enhance the municipality’s community forest.

Objectives:

1-i. Re-inventory Princeton’s street trees to update the database Princeton maintains in Davey TreeKeeper software and develop strategies to keep the inventory current.

1-ii. Use tree inventory data in conjunction with the US. Forestry Service’s i-Tree software suite to prepare forestry analyses, benefits assessment, and reports for use in briefing the Mayor, the Council, and the public on matters pertaining to community forestry.

1-iii. Use Davey TreeKeeper inventory for tracking new tree planting projects, hazard tree identification, and tree management and care.

Goal 2: Tree Planting

Plant trees to sustain a diverse and healthy community forest.

Objectives:

2-i. Develop a multi-year municipal planting plan based on neighborhood needs and budgetary considerations. The plan will utilize data from the tree inventory and from identified potential planting sites and gaps in the current streetscapes, parks, and parking lots. The plan will consider municipal priorities and limiting factors such as planting strip width. Species selection will take into account tree diversity goals, vulnerability to loss, benefits to wildlife, susceptibility to pests and disease, and shape, height, and horticultural needs.

2-ii. Plant at least 500 trees on municipal lands over the 5-year plan period.

2-iii. Coordinate with other stakeholders (e.g., the Town Engineer and other municipal officials, the State Department of Transportation, Princeton University, the business community, residents) to accomplish the replanting of Princeton’s central business district.

Goal 3: Hazard Tree Identification and Management

Maintain ongoing efforts to identify and address the aging tree population on municipal lands and in right-of-ways in order to reduce risk to people and property from hazardous, vulnerable, diseased, and ailing urban forest and shade trees.

Objectives:

3-i. As hazard trees are identified by the Municipal Arborist, ensure that the list of these trees is maintained and continuously updated in the tree inventory database.

3-ii. Ensure that the removal of hazardous trees and the treatment or removal of diseased trees, such as oak trees infected by Bacterial Leaf Scorch (BLS) and ash trees vulnerable to the Emerald Ash Borer (EAB) infestation, are carried out.

3-iii. Support the municipality’s working relationship with utility companies in order to properly oversee and care for trees with limbs growing into utility lines.
3-iv. Recommend a tree management section for inclusion in the municipality’s emergency management plan, sufficient to meet the standards set by the Federal Emergency Management Agency (FEMA) for such sections; and, if applicable, follow its provisions.

Goal 4: Tree Maintenance and Care
Sustain the community forest by promoting the maintenance and care of trees on municipal lands and in right-of-ways.

Objectives:
4-i. Develop a protocol for the routine maintenance and care of municipal trees that is in accord with applicable standards established by the American National Standards Institute (ANSI) (e.g., A300) and the ISA. The protocol will consider factors such as the availability of municipal resources, overhead wires and underground utilities, pedestrian and traffic safety, and efficiencies that can be realized by carrying out tree maintenance on trees in a block or area, rather than tending to single trees most in need.

Goal 5: Public Education/Awareness/Outreach
Promote awareness of the benefits of both public and private trees and provide information on their proper care. Inform and engage the community to better address challenges that all trees face, such as diseases, insect infestations (e.g., EAB) salt runoff, and climate change.

Objectives:
5-i. Redesign and update tree-related information on the STC section of the municipal website to encourage more use by the public.
5-ii. Annually plan and execute an Arbor Day event for at least one third grade class at each local elementary school. This typically involves the schoolchildren planting a tree and watching a demonstration by the Municipal Arborist and Department of Infrastructure and Operations (DIO) personnel of tree pruning, climbing, and chipping equipment.
5-iii. Continue participation in Princeton’s annual Communiversity event, a festival held in April. The STC typically hands out tree-related literature, distributes tree seedlings provided through the New Jersey State Forestry Nursery, and answers questions about trees.
5-iv. Utilize municipal capacities, such as the municipal website, the Mayor’s newsletter, and the social media capabilities of Access Princeton (https://www.princetonnj.gov/departments/access-princeton), to inform and engage the public regarding the care and nurturing of public and private trees, including factors to consider in making planting decisions and obligations that apply under State law and municipal ordinances.
5-v. Continue to maintain relationships with local media outlets (such as Town Topics, the Princeton Packet, and the online website “Planet Princeton”) to increase public awareness of tree-related issues, including pest alerts and STC activities.
5-vi. Maintain Princeton’s status as a Tree City USA, as conferred by the Arbor Day Foundation, and pursue Tree City USA Growth Awards.
5-vii. Partner with entities (e.g., Sustainable Princeton, the Princeton Environmental Commission, and other environmental groups) to increase awareness of the importance of trees.
2C. LIABILITY STATEMENT

Street trees on a public easement or right-of-way, trees on municipal parkland, and other trees under municipal care are an asset to the community. They are a valuable component of municipal infrastructure and provide aesthetic, economic, and environmental benefits. But trees can pose hazards.

In Princeton, responsibility for the care of municipal trees resides with the Princeton STC. In accordance with the authorities granted municipalities under State law at N.J.A.C. 40:64-1 et seq., the Mayor and Council of Princeton affirmed this conveyance of responsibility through the adoption in September 2016 of the Trees and Shrubs ordinance (#2016-34), which replaced Shade Tree ordinances separately adopted by Princeton Borough and Princeton Township and also updated the first Trees and Shrubs ordinance adopted—-in 2014 (#2014-26)—by the consolidated municipality of Princeton. With this conveyance of responsibility for tree care, Princeton has also conveyed to the STC the potential liability due to injury and damage caused by a municipal tree.

Princeton appreciates that the State Legislature recognized that the burden such liability would place on volunteers who serve on Shade Tree Commissions and in local community forestry programs is unsupportable, and therefore revised the New Jersey Tort Claims Act (P.L. 1996, Chapter 135, Section 16), adding N.J.S.A. 59:4-10, “Immunity from liability relative to community forestry.” This section provided that, if a local government establishes a Shade Tree Commission in accordance with N.J.A.C. 40:64-1 et seq., the “shade tree commission, or a member of a shade tree commission, or a volunteer participating in a community forestry program . . . is not liable for an injury or death caused directly or indirectly by a tree or shrub.” Princeton understands that this immunity from liability is limited to conduct within the scope of municipal shade tree and community forestry responsibilities and applies only if Princeton’s community forestry program is accredited under the State UCF Program.

Having a five-year Community Forestry Management Plan (CFMP), prepared in accordance with the State’s Guidelines, accepted and signed by the Mayor, and approved by the State, is a prerequisite for accreditation. This plan is designed to satisfy this requirement. It is widely recognized that management of the municipal tree resource under a comprehensive and proactive community forestry management plan can maximize the benefits provided by trees while minimizing their potential hazard to property and public safety.

The intent of this plan is to direct available resources to the greatest needs and to work in a systematic manner to achieve a sustainable municipal forest with reduced risk to property and public safety. Through proactive management and care of the trees on the lands for which the municipality is responsible, under the oversight of the Princeton STC, Princeton will be well positioned to minimize, if not entirely prevent, structural tree failure and other hazardous tree-related conditions. It is important to acknowledge that not all hazardous tree conditions necessarily can or will be predicted. Moreover, budgetary and staff constraints may not permit every tree identified as potentially hazardous to be removed immediately, but they will be considered for future removal.
The proposed CFMP is designed to assure that Princeton is mindful of the hazards that trees can cause and will devote reasonable levels of resources in a planned manner to reduce the number of tree-related incidents, thereby increasing public safety and preventing damage to property.
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 (each town had been in their third CFMP). The Town Council adopted the “new” Princeton Trees and Shrubs ordinance on July 21, 2014, and subsequently updated it on September 12, 2016 (attached as Appendix 1). Princeton’s first 5-year CFMP was approved by the State on December 1, 2014 (effective through calendar year 2018).

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 recognized affordable housing program. A significant 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, including 20 municipal parks that total nearly 745 acres.

The Princeton Community Master Plan, adopted in November 2011, and the subsequent Master Plan Reexamination Report (November 2017) include provisions supporting the preservation, protection, and reforestation of the public tree resource. The 2017 review also referenced the STC for its recently completed update to the Trees and Shrubs ordinance that strengthened the tree removal and replacement requirements. The STC was further recognized for taking leadership in the community response to the EAB, a serious threat to the ash tree population.

The recently updated street tree inventory shows that the municipality of Princeton has a total of 18,077 street trees. This table records street tree distribution by genus:

<table>
<thead>
<tr>
<th>TOP 10 STREET TREES BY GENUS</th>
<th># of trees</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ACER (Maple)</td>
<td>3553</td>
<td>20</td>
</tr>
<tr>
<td>2. FRAXINUS (Ash)</td>
<td>1854</td>
<td>10</td>
</tr>
<tr>
<td>3. QUERCUS (Oak)</td>
<td>1843</td>
<td>10</td>
</tr>
<tr>
<td>4. PINUS (Pine)</td>
<td>986</td>
<td>5</td>
</tr>
<tr>
<td>5. PLATANUS (Planetree)</td>
<td>877</td>
<td>5</td>
</tr>
<tr>
<td>6. PRUNUS (Cherry)</td>
<td>795</td>
<td>4</td>
</tr>
<tr>
<td>7. PICEA (Spruce)</td>
<td>700</td>
<td>4</td>
</tr>
<tr>
<td>8. LIRIODENDRON (Tulip Tree)</td>
<td>611</td>
<td>3</td>
</tr>
<tr>
<td>9. TSUGA (Hemlock)</td>
<td>580</td>
<td>3</td>
</tr>
<tr>
<td>10. ULMUS (Elm)</td>
<td>567</td>
<td>3</td>
</tr>
</tbody>
</table>

The data reveal that trees in 3 genus categories make up 40% of Princeton’s street tree population (maple, ash, and oak). Unfortunately, 2 of the 3 genera are under siege: all species of ash (Fraxinus) are targets of
the EAB, and many species of oak (Quercus) are susceptible to BLS. Just over 3,000 street trees or about 17% of the population are at risk due to EAB and BLS. Tree loss and damage have also increased due to a series of unusual weather events including Superstorm Sandy, ice storms, and late-season heavy snow-fall. At least 500 new trees have been planted in the past 5 years, yet removals continue to outpace plantings by a roughly 2 to 1 ratio. These convergences of events, coupled with an aging tree population and a substantial number of removals on some properties being developed, require strategic management of our urban forest, as well as significant public investment and support.

Prior CFMPs: Review of Goals and Objectives

During the past five years, the majority of the goals and objectives identified in the current CFMP have been met. Others not yet fully achieved remain as goals to aspire to; conversely, a few were no longer deemed a priority given resource constraints and changing needs.

Most of the STC’s efforts have centered on the plan’s Goal 1 (Tree Inventory and Assessment), Goal 2 (Tree Planting), Goal 3 (Hazard Tree Identification), Goal 4 (Tree Maintenance and Care), and Goal 6 (Public Education, Awareness, and Outreach). These goals demanded priority due to several factors that necessitated changes to the tree ordinance and enhanced communication with the public. Among the more urgent of these factors were:

- an increase in property redevelopment
- an increase in BLS in oaks
- confirmation of the EAB infestation

(Because the EAB infestation alone dominated in the past three years many STC strategies and actions that are encompassed by these five goals, it is useful to spell out these initiatives specifically; thus, they are described below, in the subsection entitled The Emerald Ash Borer Management Plan.)

Goal 5 (Training and Professional Development) has necessarily been a lesser focus. Five of the STC members are Core trained, along with one of the alternates and the Municipal Arborist.

Achievement of Goal 7 (Monitoring and Evaluating the Five-Year Plan) was expedited starting in 2017 when the STC created an “Annual Goals and Member Assignment” document. This document lists each goal agreed upon for the given year and catalogs the respective implementation tasks and member assignments. It is updated after each meeting to help keep the goals on track. This document, coupled with the STC annual report, provides a record for future reference and accountability.

Additional analysis of the plan’s objectives by Goal category follows:

Goal 1. Tree Inventory and Assessment

Objective/s accomplished
The STC thoroughly reviewed the Davey TreeKeeper software and researched alternative programs. At present the decision is to continue its use with the updated version of TreeKeeper and to again pursue field use of the TreeKeeper mobile app if funding is available to purchase a more powerful tablet.
Objective/s not achieved
The proposed posting of an annual report on street tree diversity, age, and condition on the STC website has been delayed by more immediate demands, such as addressing the EAB infestation.

Goal 2. Tree Planting

Objective/s accomplished
A recommended tree list for residents was created by the STC and posted on the website. The former Municipal Arborist also created a list of desirable tree species for public plantings. Members have researched ways to use the tree inventory database to identify potential planting sites for street trees (but it does NOT cover parks and parking lot areas). In various site reviews, the committee has considered the use of structured soils (but it has had limited success in implementation due to cost). The proposal to phase out the former Township nursery at Smoyer Park was implemented.

Objective/s not achieved
A multi-year planting plan, while desirable, has not yet been developed. The potential use of a contract to grow desirable street tree species needs further investigation. The use of volunteers to plant trees has been discussed, but liability concerns were raised. The goal of developing a five-year plan to increase species diversity remains but as yet is not fully met.

Goal 3. Hazard Tree Identification

Objective/s accomplished
Student volunteers have assisted the Municipal Arborist (in 2016, 2018) in surveying the ash street tree population for removal. The Municipal Arborist has included certain other tree species in the survey, like BLS-infected oaks. The Municipal Arborist monitors the tree work done by PSEG, the Town's utility provider, to ensure proper care of municipal trees. Members of the public, primarily through Access Princeton, have assisted in reporting hazard trees.

Objective/s not achieved
STC members sporadically have assisted in hazard tree identification, but specific designation of areas to monitor has not been established.

Goal 4. Tree Maintenance and Care

Objective/s accomplished
The STC has been actively involved in the policy setting for the management and care of ash trees, as noted in the summary on the EAB below. The Department of Public Works (DPW) staff, at the direction of the Municipal Arborist, has been vigilant in monitoring hazard trees, with priority given to the removal of EAB-compromised ash and BLS-infected oak trees.

Objective/s not achieved
The proposal to investigate an education and certification program to train employees or volunteers on structural pruning (of new plantings) was not pursued. Employees are trained to prune by existing programs. Liability concerns discouraged pursuit of training volunteers for this purpose.
Goal 5. Training and Professional Development

Objective/s accomplished
The STC has met and exceeded the annual CEU requirements. Many (but not all) STC members are familiar with the TreeKeeper database. Davey is training the new Municipal Arborist in the use of the system. The Town has provided adequate resources to attend education programs on emergent issues and other topics.

Objective/s not achieved
The objective to invite experts to speak to STC members at least once per year to facilitate accrual of CEUs was not actively pursued. However, other learning opportunities offered by the State have easily filled the void.

Goal 6. Public Education, Awareness, and Outreach

Objective/s accomplished
The STC, in addition to the EAB program outlined in detail below, has actively sought to increase public engagement and knowledge. Examples include: the development (and update) of a brochure in English and Spanish that digests the Town’s Trees and Shrub ordinance, and that is available both in print and on the STC website, as well as distributed to all realty companies in the Town and to the Town Clerk’s office, public library, DPW, and Zoning/Planning departments; the development and distribution of a proper mulching technique “bookmark”; and inclusion of emergent issues like the Spotted Lanternfly outbreak on the STC website and in the Mayor’s weekly email newsletter to the community. The STC has also worked with local media (Town Topics, the Princeton Packet, and “Planet Princeton”) to share timely information with the public. Although the STC website is once again under construction (to conform to the Town’s new website format), it does continue to offer valuable information.

The National Arbor Day Foundation transfer of Tree City USA status to the “new” Princeton was successful. The annual Arbor Day event has been expanded to enable the STC to provide tree seedlings to all third-grade students (350 this year) in the five elementary schools. STC members individually wrap the trees for this project. In 2014, 2015, 2016, and 2017, the STC sponsored an Arbor Day event in which a tree was planted at each of the elementary schools, with the help of the third-grade classes. The Arbor Day celebration in 2018 included a Princeton Elm tree planting ceremony in honor of Bernie Miller, former member of Council and STC liaison.

Communiversity continues to be a useful outreach and education event. This year, STC members along with Mercer County Master Gardener volunteers distributed 750 tree seedlings to the public. The State’s Recovery Program provided the trees—three evergreen species and five deciduous species. Fifteen pages of tree recipient signatures were submitted to the NJDEP’s Forest Service along with photographs. The mulch “bookmarks” and EAB brochures were also distributed.

Objective/s not achieved
The STC did not pursue a “Growth Award” funded by the national Arbor Day Foundation.
Goal 7. Monitoring and Evaluating the Five-Year Plan

Objective/s accomplished
The STC has met its obligation to submit to the State an Annual Accomplishment Report, and it has been reviewed and approved each year by the Mayor.

Objective/s not achieved
The CFMP annual report should routinely be submitted to the Town Council.

The Emerald Ash Borer Management Plan

As mentioned above, the confirmed finding of the EAB infestation in Princeton in 2015 resulted in a concerted effort to develop and implement an EAB management plan and public information program. The STC’s response to the EAB incorporates key objectives from Goal 1 (tree inventory), Goal 2 (plantings), Goal 3 (hazard ID), Goal 4 (maintenance and care), and, importantly, Goal 6 (public education/awareness/outreach). The following is a summary of the STC’s EAB plan and public outreach by calendar year:

Year 1: 2015

*Each year since the EAB was discovered in 2015, the STC has shared information on the insect with the public at the annual spring street festival known as Communiversity. This outreach included distribution of State and Federal EAB brochures and the displaying of items such as ash tree leaf samples and insect/bark samples.

*The STC added a “Pest Alert” section to the opening page of its website. This includes images of the EAB and ash tree leaves, descriptions of damage, and links to a variety of helpful websites and information regarding the EAB.

Year 2: 2016

*The STC wrote, reviewed, and presented recommendations to Council to supplement the Trees and Shrubs ordinance by establishing an “Adopt an Ash Tree” program and allowing property owners to remove ash trees (with proper permit application) without the standard tree replacement requirement (attached as Appendix 2: “Ordinance Exempting Ash Trees from Some Requirements of Tree Removal Permits”; #2016-40).

*The STC organized a public EAB information session on June 23, 2016, with Pam Zipse, Outreach Coordinator for Rutgers Urban Forestry Division. The session, attended by about 40 residents, was filmed and a video link placed on the STC website.

*Working with the Municipal Arborist, the STC provided the Municipal Council with EAB analysis, management recommendations, and projected costs. The estimates were based on the Town’s Davey TreeKeeper database of street trees that revealed close to 1,800 ash trees. This estimate did not include ash trees in other public spaces or on private property.
*Two volunteer students and one paid student assisted the Municipal Arborist in surveying the ash street trees in five areas determined by the arborist as having high ash tree populations. A preliminary assessment was made as to their relative viability.

*The Town for the second year in a row worked with the State to install EAB monitoring traps.

*An application was filed and approval granted for Princeton to participate in a biological control study program, known as the Parasitic Wasp Release Program. This is a program administered jointly by the US Department of Agriculture, Animal Plant Health Inspection Service, US Forest Service, and NJ Department of Agriculture. Mountain Lakes Preserve, a 75-acre park, was selected as the release site. With the support and guidance of the NJDA, there were bi-weekly releases of wasps throughout the 2017 growing season.

**Year 3: 2017**

*The STC, working with the Municipal Arborist, developed criteria for identifying and prioritizing ash trees for treatment eligibility or removal.

*The STC developed an application form and public outreach campaign for the Adopt an Ash Tree program, including a full-page advertisement about the program in Town Topics. To date, the program has resulted in a modest number of public donations. In addition, two tree companies, Bartlett Tree Experts and Wells Tree & Landscape, have adopted some public ash trees for ongoing treatment.

*The STC, working with the Municipal Arborist, recommended a slightly amended version of the NJ State EAB Management template to the Town Council, and it was approved in December 2017.

*The STC pursued a more aggressive survey of areas in the Town’s public parks where ash trees might present a public hazard—work that had begun in late 2016. Members most familiar with Davey TreeKeeper began working on strategies to incorporate this important park ash data into the system.

*STC members began participating in the Code for Princeton Ash ID project to develop an app for field ash tree identification and to record their location in public parks.

*The STC website was updated to include more EAB information such as approved treatment options and product information. A list of tree service firms registered with the Town was added to the website.

*A contracted tree service injected 110 ash street trees with a federally approved insecticide.

*Princeton successfully competed for a $30,000 Reforestation CSIP grant to assist in replanting a neighborhood that unfortunately was planted solely with ash trees in its municipal right-of-ways when it was built. The ash trees are not candidates for treatment and will be removed.
Year 4: 2018

*The Municipal Arborist, working with a student volunteer, has completed an ash street tree removal list to serve as the basis for an RFP tree service contract. The contract calls for the removal of at least 372 ash trees of the identified trees, along with their proper disposal and stump grinding.

*The Code for Princeton Ash ID project was further refined and the organizers, including STC members, participated in the launch of the Ash ID app (June). Efforts are underway to further expand the use of the Ash ID app through the public high school science program and with Sustainable Princeton volunteers.

*A protocol is under development to record and monitor the ash tree removals and replacement plantings in TreeKeeper to facilitate compliance with the Reforestation grant. Ash tree removals under the above-mentioned RFP will also be duly noted in the database. A record of public ash tree injections has been developed, including those sponsored under the Adopt an Ash Tree program.

*The STC has made regular contact with local media and has utilized the Mayor’s weekly newsletter and the annual community tax report to keep the public informed about the EAB.

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As evidenced by this chronological summary, the STC has integrated the majority of the Goals and Objectives identified in the first CFMP into its EAB management and outreach plan.
4. COMMUNITY FORESTRY PROGRAM ADMINISTRATION

Princeton Shade Tree Commission Members, Fall 2018

Sharon Ainsworth, Chair
Lily Krauss, Vice Chair
Victoria Airgood
Welmoet Bok van Kammen
Patricia Frawley
Alexandra Radbil
Janet Stern
Alternate 1: Raymond DeVoe
Alternate 2: Sandra Chen
Council Liaison: Mayor Liz Lempert

The Princeton Shade Tree Commission is responsible and accountable for the management of municipal trees, including street trees on municipal right-of-ways and trees in municipal parks. Once the Community Forestry Management Plan is accepted and signed by the Mayor and approved by the State, the STC is responsible for seeing that the plan is carried out. The STC also advises the Mayor and Council, the DIO, and other governmental entities (such as the Zoning Board and the Planning Board) on tree-related matters, and it addresses concerns of the public relating to shade trees and conservation of the municipal tree canopy.

Princeton’s community forestry program is administered under State law and the municipal Trees and Shrubs ordinance adopted in July 2014 and subsequently updated in September 2016 (#2016-34). 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 Municipal Arborist is an advisor to the STC. As a Licensed Tree Expert and an ISA-Certified Arborist, the Arborist is able to offer technical guidance and expertise.

STC members are appointed by the Mayor and serve as volunteers. The Municipal Arborist reports to the DIO Director, who reports to the Town Administrator, who reports to the Mayor and Council. The DIO Director also oversees the Department of Public Works (DPW), which includes the Municipal Arborist. The DPW is responsible for the planting, pruning, and removal of public trees within a budget established by the Mayor and Town Council. Trees believed to be hazards or in need of maintenance are evaluated by the Municipal Arborist, who then schedules the work to be completed by DPW personnel. When electric or other wires are involved, the Municipal Arborist and DPW staff rely on and work with PSEG utility foresters. In some cases, the municipality may contract out specific projects. For example, in July 2018, the municipality awarded a crane removal contract to a licensed and insured tree care company for trees in the right-of-ways that posed a threat to infrastructure. In September 2018, the municipality awarded a contract to a licensed landscaping firm to plant in the municipal right-of-ways 76 trees selected by the Municipal Arborist and approved by the DIO Director.

In addition to their policy-making responsibilities, Shade Tree Commission members are directly involved in carrying out other aspects of the community forestry program. They contribute to maintenance of the tree inventory and use the inventory to generate reports to inform the Mayor, Council, and members of the public. They organize the annual Arbor Day event and distribute information at other com-
munity events. With respect to development applications submitted by private landowners to the Zoning Board or the Planning Board, the ordinance gives the Commission the authority to review and provide to the applicable Board its findings and recommendations on the tree surveys, removal plans, and planting plans included in the applications.

The Municipal Arborist is the municipal government’s primary liaison to the public on tree-related matters. With respect to Princeton’s Trees and Shrubs ordinance, the Municipal Arborist serves as the municipality’s enforcement officer. The ordinance requires tree care companies providing services in Princeton to be registered with the municipality and to be in compliance with the NJ Licensed Tree Care Operators Act. The Municipal Arborist oversees this registration process. The ordinance also governs removal of trees on private lands (residential, commercial, nonprofit). It requires, with some exceptions, that a person must obtain a permit prior to removing or otherwise destroying a tree. The Municipal Arborist administers this permitting program in consultation with the STC. Permit applications are submitted to the Municipal Arborist, who inspects the tree in question and must approve or deny the application within 21 days. The STC’s role is to develop and recommend tree removal standards and requirements. Also, if an applicant is dissatisfied with a denial or the terms of approval, the STC has responsibility for deciding appeals and recommending informal resolution of complaints.
PRINCETON SHADE TREE COMMISSION ORGANIZATIONAL CHART

Princeton Community

Mayor & Council

Administration

Infrastructure & Operations

Engineering

Planning

Zoning

Building & Construction

Emergency Management

Public Works

Municipal Arborist/Ordinance Enforcement Officer

KEY

[ ] indicates reporting relationship
[ ] indicates communication, consultation
5. COMMUNITY MAP
6. TRAINING PLAN

Training overview. In keeping with the goals and objectives of this CFMP, the STC is committed to maintaining and increasing the expertise of its members and municipal employees. Specific training and skills to be pursued utilizing the State’s Training Skills and Accreditation Program include the following:

- CORE training: Currently, five of Princeton’s seven STC members, as well as one of the two alternates, are CORE trained. The Municipal Arborist is Core trained and is a State licensed tree expert.

- Continuing Education Units (CEUs): A minimum of two STC members will acquire up to eight CEUs each year to meet the State requirement. The STC will pursue CEU-approved course offerings that advance member knowledge in key areas such as tree selection, proper tree pruning, insect and disease identification, tree inventories, and public relations and community involvement.

- Funding: The Town provides adequate funds each year for STC member participation in approved training programs to ensure that the State requirements are met and exceeded.

7. PUBLIC EDUCATION/AWARENESS/OUTREACH

Public education, awareness, and outreach are priorities for Princeton’s STC, which recognizes that public support for protecting and enhancing our trees and wooded areas is critical to sustaining a healthy community forest.

Accordingly, “public education, awareness, and outreach” is set forth as a goal in this plan, the purpose of which is to promote awareness of the benefits of trees and their proper care and to inform and engage the community in addressing the challenges that trees and woodlands face. The specific public education, awareness, and outreach objectives to be pursued during the next five years are enumerated under Goal 5 in Section 2B of this plan.
8. STATEMENT OF TREE BUDGET

The Municipality of Princeton has a Tree Budget for plantings, removals, stump grinding, disease management, leaf removal, personnel (including administrative costs), equipment maintenance, training, volunteer support, and miscellaneous expenditures totaling approximately $1,302,018.00. Princeton has a Municipal Arborist, as well as two full-time Truck Drivers/Grounds Crew and one Lift Operator who work predominantly on tree removal and tree pruning.

The Mayor and Council determine the Budget each year; the following is an estimate of the 2019 Budget.

<table>
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<tr>
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<td>Insect/Disease Management</td>
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<th>EDUCATION AND OUTREACH:</th>
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<td>Training and Education (Municipal Employees)</td>
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<tr>
<td>Public Outreach</td>
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</table>

**TOTAL VALUE OF SHADE TREE PROGRAM:** $1,302,018.00
9. STATEMENT OF PLAN IMPLEMENTATION

2019

General
- Implement the approved Community Forestry Management Plan.
- Participate in annual Arbor Day, Communiversity, and other outreach events to promote public awareness of the benefits of trees and their proper care.
- Upon the request of the Mayor, provide tree-related information and/or recommendations to the Mayor and Council.
- Utilize the municipal website and other media outlets to provide information to the public related to tree care, and to report on the tree care initiatives of the STC and the municipality.

Tree Inventory/Assessment
- Ensure that the tree inventory maintained in Davey TreeKeeper software is regularly updated to reflect changes, including plantings, prunings, and removals.
- Maintain the compatibility of the tree inventory in Davey TreeKeeper software with the USDA Forest Service’s i-Tree software suite.

Hazard Tree Identification
- Monitor the pruning and removal schedule carried out by the Department of Public Works (DPW) to alleviate hazard trees.

Tree Planting
- Plant replacement trees on the public lands to the extent that available resources allow, and in accordance with the municipality’s multi-year planting plan.
- Engage with multiple stakeholders to accomplish the replanting of trees on municipal lands in the historic central business district.

Tree Maintenance and Care
- Monitor the DPW’s routine maintenance and care of trees on municipal lands and in right-of-ways.
- Continue to offer guidance on and implement the municipality’s approved EAB plan.
- Support the Municipal Arborist’s outreach to utility companies conducting tree care work within the municipality.

Administrative/Other
- Maintain Tree City status by meeting the annual requirements and, when appropriate, apply for Tree City USA Growth Awards.
- Continue to meet CEU education and CORE accreditation requirements.
- Prepare or encourage the inclusion of a tree management section in the municipality’s emergency management plan and, in case of an emergency, follow its provisions.
- Provide an annual report to the Mayor and Council.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual report.
General

- Implement the approved Community Forestry Management Plan.
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- Engage with multiple stakeholders to accomplish the replanting of trees on municipal lands in the historic central business district.

Tree Maintenance and Care
- Monitor the DPW's routine maintenance and care of trees on municipal lands and in right-of-ways.
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- Support the Municipal Arborist's outreach to utility companies conducting tree care work within the municipality.

Administrative/Other
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- Continue to meet CEU education and CORE accreditation requirements.
- Prepare or encourage the inclusion of a tree management section in the municipality's emergency management plan and, in case of an emergency, follow its provisions.
- Provide an annual report to the Mayor and Council.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual report.
2022

General
- Implement the approved Community Forestry Management Plan.
- Participate in annual Arbor Day, Communiversity, and other outreach events to promote public awareness of the benefits of trees and their proper care.
- Upon the request of the Mayor, provide tree-related information and/or recommendations to the Mayor and Council.
- Utilize the municipal website and other media outlets to provide information to the public related to tree care, and to report on the tree care initiatives of the STC and the municipality.

Tree Inventory/Assessment
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- Maintain the compatibility of the tree inventory in Davey TreeKeeper software with the USDA Forest Service’s i-Tree software suite.

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- Engage with multiple stakeholders to accomplish the replanting of trees on municipal lands in the historic central business district.

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- Monitor the DPW’s routine maintenance and care of trees on municipal lands and in right-of-ways.
- Continue to offer guidance on and implement the municipality’s approved EAB plan.
- Support the Municipal Arborist’s outreach to utility companies conducting tree care work within the municipality.

Administrative/Other
- Maintain Tree City status by meeting the annual requirements and, when appropriate, apply for Tree City USA Growth Awards.
- Continue to meet CEU education and CORE accreditation requirements.
- Prepare or encourage the inclusion of a tree management section in the municipality’s emergency management plan and, in case of an emergency, follow its provisions.
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Administrative/Other
- Maintain Tree City status by meeting the annual requirements and, when appropriate, apply for Tree City USA Growth Awards.
- Continue to meet CEU education and CORE accreditation requirements.
- Prepare or encourage the inclusion of a tree management section in the municipality’s emergency management plan and, in case of an emergency, follow its provisions.
- Provide an annual report to the Mayor and Council.
- File New Jersey Shade Tree and Community Forestry Assistance Act Annual report.
- Prepare and submit subsequent CFMP.
10. COMMUNITY STEWARDSHIP INCENTIVE PROGRAM (CSIP)

The following provides an index of the CSIP practices included in the Subsequent CFMP.

1. Training
Two-thirds of the STC members are Core trained. A minimum of two STC members will acquire at least 8 Continuing Education Units each year to meet the State requirement. Priority will be given to coursework on areas such as tree selection, proper tree pruning, insect and disease identification, tree inventories, and public relations and community involvement. (See Section 6, page 18; Section 9, pp. 20-24)

2. Community Forestry Ordinance Establishment
Princeton’s Trees and Shrubs ordinance was amended with input from the STC and approved by the Mayor and Council on September 12, 2016 (#2016-34). (See Section 3, p. 7; Appendix 1)

3. Public Education and Awareness
Public education and awareness are a plan priority and include the annual Arbor Day school outreach activities, the annual Communiversity street fair, the STC website, and media outreach on tree-related information. (See Section 2B, Goal 5, p. 4; Section 7, p. 18; Section 9, pp. 20-24)

4. Arbor Day
Princeton will continue the annual proclamation by the Mayor as part of the Tree City USA program. A tree planting ceremony and distribution of tree seedlings will continue as part of Arbor Day activities. (See Section 2B, Goal 5, p. 4; Section 7, p. 18; Section 9, pp. 20-24)

5. Tree Inventory
The tree inventory is viewed as an efficient and effective approach to manage, protect, and enhance the Town’s urban forest. Updating and enhancing the uses of the inventory is a priority. (See Section 2B, Goal 1, p. 3; Section 9, pp. 20-24)

6. Hazard Tree Assessment
Maintaining ongoing efforts to identify and address hazard trees on municipal lands and in the right-of-way is a plan priority. The Town is fortunate to have a Municipal Arborist who is a New Jersey Licensed Tree Expert to assess the risk and schedule the work. (See Section 2B, Goal 1, p. 3, and Goal 3, pp. 3-4; Section 9, pp. 20-24)

7. Storm Damage Assessment
The plan calls for development of a tree management plan to be incorporated into the Town’s emergency management plan. (See Section 2B, Goal 3, pp. 3-4; Section 9, pp. 20-24)

8. Tree Maintenance and Removals
The DPW performs a significant amount of tree pruning and removal in town, as determined by the Municipal Arborist. As needed, private vendors are contracted for removals. (See Section 2B, Goal 1, p. 3, Goal 3, pp. 3-4, and Goal 4, p. 4; Section 9, pp. 20-24)
9. Insect and Disease Management
Insects and diseases can best be managed by diversifying species. Addressing the tree loss from the EAB, as well as from BLS, is part of this five-year plan. Possible approaches include protective measures for prominent, high-value trees; removal of dying trees; and replanting with a diversity of less susceptible species. (See Section 2B, Goal 2, p. 3, Goal 3, pp. 3-4, and Goal 5, p. 4; Section 3, p. 7; Section 9, pp. 20-24; Appendix 2)

10. Wildfire Protection
Given the type of forest cover 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
The plan sets goals of planting at least 500 public trees during the period covered by the Subsequent CFMP, and of continuing to diversify the species of the urban forest. (See Section 2B, Goal 2, p. 3; Section 3, p. 8; Section 9, pp. 20-24)

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 Program
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 fewer than two inches in height. New tree species selection, as well as mitigation efforts like curving sidewalks around the buttress roots of trees and sidewalk grinding, are options used by the Town to address 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 storm water management program.

15. Other
All relevant CSIP standards have been included in the Subsequent CFMP with no practices identified that require unique consideration.
APPENDIX 1: Princeton’s Trees and Shrubs Ordinance (#2016-34)


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
- 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

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 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 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.

Linda S. McDermott, Clerk Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

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.
CHAPTER 22. TREES AND SHRUBS.

Article I. Findings, Intent and Purpose; Definitions.
   Sec. 22-1. Findings, intent and purpose.
   Sec. 22-2. Definitions.

Article II. Shade Tree Commission.
   Sec. 22-3. Commission created; membership; term of office of members.
   Sec. 22-4. Powers and duties of the shade tree commission.
   Sec. 22-5. Interference with work prohibited.

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.
   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.
   Sec. 22-8. Removal of substance, material or covering at base of trees and shrubs; duty to reimburse municipality for work performed.
   Sec. 22-9. Protection of trees and shrubs from utility wires.

Article IV. Removal of Trees on Private Property; Permit Requirements.
   Sec. 22-10. Purpose.
   Sec. 22-11. Trees requiring permit before removal.
   Sec. 22-12. Exceptions.
   Sec. 22-14. Review of application for tree removal; decision on application; time requirements; expiration.
   Sec. 22-15. Appeals.

Article V. General Provisions.
   Sec. 22-16. Violations and penalties; informal resolution and formal complaint procedures.
   Sec. 22-17. Annual report.
   Sec. 22-18. Severance.

Article VI. Contractor Registration.
   Sec. 22-19. Registration requirements.

Article VII. Tree Protection on Construction Sites.
   Sec. 22-20. Tree protection and tree protection zones on construction sites.
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) *Caliper* shall mean the diameter of the trunk of a tree measured at a point six inches above ground level.

(b) *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.

(c) *Crown* shall mean the upper mass or head of a tree created by its branches and leaves.

(d) *Deciduous tree* shall mean any woody plant with a main stem or multiple stems with branches protruding above the root flare and that seasonally loses its leaves.

(e) *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 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.

(f) *Diameter Breast Height* or *DBH* shall mean the diameter of the trunk of a tree measured at a point four and one-half feet above ground level on the downhill side of the tree.

(g) *Drip line* shall mean an imaginary line on the surface and subsurface of the ground delineated by the outer limits of the branches of a tree and measured plumb from the branches to the ground. When the outer limits of the branches are indistinct or otherwise unclear, the drip line shall be presumed to be located one and one-half feet from the center of the trunk of a tree for each inch of the trunk DBH.

In the case of trees with multiple trunks, the drip line of each trunk shall be measured separately.

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

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

(k) **Princeton Shade Tree Trust Reserve** shall mean a fund established and maintained by Princeton for purposes of planting and maintaining trees and shrubs on public property.

(l) **Replacement tree** shall mean, in the case of a deciduous tree, a tree which measures at least two and one-half inches in caliper, and in the case of an evergreen tree, a tree which measures at least six feet in height measured from grade. In all cases, the replacement tree shall be of a species and size appropriate for the premises on which it will be planted. Replacement nursery stock shall adhere to the American Standard for Nursery Stock (ANSI Z60.1).

(m) **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.

(n) **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.”

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

(p) **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.

(q) **Tree protection zone** shall mean the area within the “drip line” of a tree, as that term is defined in section 22-2(g) above.

**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;

(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. The use of said funds shall be subject to the prior review and recommendation of the shade tree commission;

(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 recommend informal resolution of 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 twenty business 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 twenty business days shall constitute an approval of the request.

(c) Excepted from the requirements of this section are the following:

1. The treatment of trees and shrubs by the appropriate public agency with the consent of the enforcement officer; and

2. The management, including integrated pest management, of Ash (Fraxinus
spp.) trees to protect against damage and/or loss of the trees due to infestation by the Emerald Ash Borer (*Agrilus planipennis*), 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 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 DBH 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.

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 by the next business day or as soon as practicable thereafter. 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 board of jurisdiction;

(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.


(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

   (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, DBH 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 DBH.

(d) Tree Replacement Plan. The application required by subsection (a) above shall be accompanied by a narrative and/or sketch or printed plan showing a tree replacement plan, to include and comply with the following:

(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, and in accordance with the following specific requirements. The tree replacement plan shall require that the applicant replace each removed or destroyed tree with one or more trees depending upon the DBH of the removed or destroyed tree, and in accordance with Schedule A immediately below, the “Tree Replacement Schedule.”

**SCHEDULE A – TREE REPLACEMENT SCHEDULE**

<table>
<thead>
<tr>
<th>Tree Removed/Destroyed</th>
<th>Required Replacement Tree</th>
<th>Tree Replacement Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree with DBH of 8” to 16.99”</td>
<td>One (1) Replacement Tree</td>
<td>$400.00</td>
</tr>
<tr>
<td>Tree with DBH of 17” to 30.99”</td>
<td>Two (2) Replacement Trees</td>
<td>$800.00</td>
</tr>
<tr>
<td>Tree with DBH of 31” to 38.99”</td>
<td>Three (3) Replacement Trees</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Tree with DBH of 39” or greater</td>
<td>Four (4) Replacement Trees</td>
<td>$1,600.00</td>
</tr>
</tbody>
</table>

(2) Based on industry standards and site conditions on the premises, and in consultation with the enforcement officer, the applicant may, in lieu of on-premises planting of the required replacement tree(s), be permitted to plant the replacement tree(s) on one or more appropriate off-premises locations, or pay a tree replacement fee into the Princeton Shade Tree Trust Reserve for each tree removed based on the foregoing Tree Replacement Schedule. The tree replacement fee shall represent the cost to replace the removed or destroyed tree(s), including administration and labor costs, and shall be maintained and utilized by Princeton for purposes of planting and maintaining trees and shrubs on public property. At least fifty percent of the required replacement trees shall be planted either on the premises or in an appropriate off-premises location(s). As used hereafter, the phrase “tree replacement plan” shall be deemed to include reference to the payment of a tree replacement fee.
(3) The tree replacement plan shall identify the applicant’s proposal for compliance with this subsection, including specifying the species, size and quantity of replacement trees, the proposed location(s) for planting of replacement trees on and off the premises and the applicant’s acknowledgment of the required tree replacement fees. In order to maintain the existing canopy, preference shall be for the replacement of deciduous trees with deciduous trees and evergreen trees with evergreen trees.

(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. Prior to filing the application, the applicant shall mail or hand deliver a copy of the application 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 forty dollars.

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

(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 twenty 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 writing and 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 under the jurisdiction of a New Jersey or Federal agency, including but not limited to the New Jersey Department of Environmental Protection.

   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 applicant’s tree replacement plan 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 twenty-business-day period shall constitute approval of said application and entitle the applicant to the permit requested unless an extension of the twenty-business-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.

(e) Permits shall not be transferrable.

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 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 resolution and formal complaint procedures.

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

(a) Informal resolution. Any person who removes or destroys a tree without a required permit or approval under this chapter shall have the opportunity to resolve the matter prior to the issuance of a summons and complaint. The following procedure shall apply:

(1) The enforcement officer shall offer a written recommendation (using a form approved by the public works department) that is, in his or her judgment, sufficient to resolve the matter, which shall include either replacement of the removed or destroyed tree(s) or the payment of a replacement fee to the municipality for removal or destruction of the tree(s), or both, in accordance with Schedule A above, the Tree Replacement Schedule. In addition to the planting of a replacement tree(s) and/or payment of a tree replacement fee(s) in accordance with Schedule A, there shall also be required the payment of an administrative service fee, which shall be charged per hour based on the anticipated staff time in investigating and resolving the matter, and which may include site visits and analysis, supervisory services and/or clerical services. The hourly rate shall be the hourly wage of the employee conducting the site visit(s) and analysis, supervisory services and/or clerical services as set by the council by resolution from year to year. The hourly wage of salaried personnel shall be calculated by dividing the employee’s annual salary as set by the council by resolution by twenty-six (weeks) and then dividing that biweekly pay by the number of hours worked in a biweekly period. The tree replacement and service fees shall be paid into the Princeton Shade Tree Trust Reserve.

(2) The person shall have ten days following receipt of the enforcement officer’s written recommendation to accept said recommendation in writing. If the person accepts the enforcement officer’s recommendation in writing within the ten-day period, then any agreed-upon tree replacement or payment of a tree replacement fee, and payment of the service fee, shall be completed within ten days of written acceptance of the enforcement officer’s recommendation. If not completed within this ten-day period, then the enforcement officer shall have the authority to cause the issuance of a summons and complaint returnable in the Princeton municipal court.

(3) If the person does not accept the enforcement officer’s recommendation, then during the initial ten-day period the person may request, in writing, that the shade tree commission review the enforcement officer’s recommendation. If such request is timely submitted to the enforcement officer, then the person shall have the opportunity to bring the matter before the shade tree commission during its next regularly scheduled meeting. The shade tree commission shall have thirty days after said meeting to issue its recommendation on the matter, or until and including its following regularly scheduled meeting, whichever occurs first. The person seeking such review shall have ten days after receipt of the shade tree commission’s recommendation to advise the shade tree commission and enforcement officer in writing as to whether he or she accepts the shade tree commission’s recommendation. Any agreed-upon tree replacement or payment of a tree replacement fee, and payment of the service fee, shall be completed within ten days of written acceptance of the shade tree commission recommendation. If not completed within this ten-day period, the enforcement officer shall have the authority to cause the issuance of a summons and complaint returnable in the Princeton municipal court.

(4) If the person does not accept the enforcement officer’s initial recommendation or the shade tree commission’s recommendation within the applicable periods set forth above, then the enforcement of-
ficer shall have the authority to cause the issuance of a summons and complaint returnable in the Princeton municipal court.

(b) Adjudication of complaints in municipal court. A person violating this chapter, who has not otherwise resolved the matter as set forth above in subsection (a) of this section, 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. 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. Said report shall also include data concerning the quantity of complaints resolved, fees and assessments collected and disbursements from the Princeton Shade Tree Trust Reserve. Such report shall be submitted by February 1 of each year as to the preceding year's activities.

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 and other applicable ordinances, laws and regulations.

(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 mayor and council may, upon recommendation of the director of infrastructure and operations, or his or her designee, after notice and an opportunity for a hearing, suspend or revoke any registration for
violation of law (including but not limited to wage theft laws) or related municipal ordinances, or for
good cause, which is shown to be prejudicial to the public health, safety or welfare. When the director of
infrastructure and operations, or his or her designee, has reasonable cause or belief that an emergency af-
fecting the public health, safety or welfare so requires, said director (or designee) may temporarily sus-
pend any registration for a period not to exceed one week, until the mayor and council can be convened to
consider said suspension.

(h) Applicants shall be advised at the time of registration that they are required to dispose of all 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.

(j) As used in this article, “wage theft” shall mean having been found guilty, liable or responsible in any
judicial or administrative proceeding of committing a violation of the Federal Fair Labor Standards Act of
1938, 29 U.S.C.A. § 201 et seq., the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a. et seq., the
New Jersey State Wage Payment Law, N.J.S.A. 34:11-4.1 et seq. or N.J.S.A. 2C:40A-2 (violation of con-
tract to pay employees).

Article VII. Tree Protection on Construction Sites.

Sec. 22-20. Tree protection and tree protection zones on construction sites.

(a) As used in this article, reference to “construction site” or “site” shall refer to any real property upon
which any person (referred to herein as a “contractor”) proposes to or does engage in the construction,
reconstruction or demolition of any building, structure or other improvement including landscaping locat-
ed upon said real property.

(b) Contractors shall comply with the provisions of this chapter on site during construction.

(c) Contractors shall safeguard areas referred to herein as “tree protection zones” on the site during con-
struction. The phrase “tree protection zone” is defined in section 22-2 above.

(1) No contractor shall be permitted to place or maintain, or cause to be placed or maintained, in or
upon a tree protection zone, any stone, cement, sidewalk, mortar, building material, impervious mate-
rial, dumpster or roll-off container, construction or storage trailer, portable toilet or other material,
item or substance that shall impede or prevent the free access of water, air or fertilizer to the roots of
any tree. No contractor shall disturb the soil within a tree protection zone.

(2) A contractor shall be required to use fencing to protect areas identified as tree protection zones
for every tree on site the removal or destruction of which is regulated under this chapter and for
which the contractor has not received a permit allowing its removal or destruction.

(3) The fence required by this section shall be a four-foot tall wooden-slat snow fence with five-
strand metal wire installed with metal posts at intervals of six feet.
APPENDIX 2: Ordinance Exempting Ash Trees from Some Requirements of Tree Removal Permits (#2016-40)


WHEREAS, consistent with its duties and power granted under Chapter 22 of the "Code of the Township of Princeton, New Jersey, 1968" ("Code"), the Princeton Shade Tree Commission ("STC") has been observing, studying and researching the current and anticipated impact of the Emerald Ash Borer ("EAB") on the Ash tree population in Princeton, which includes hundreds of trees on both public and private property; and

WHEREAS, available evidence supports that the EAB outbreak is lethal to Ash trees and is likely to kill ninety-nine (99%) percent of such trees, and that if left untreated, Ash trees will succumb within ten (10) years of the initial infestation cycle (of which Princeton is in year three (3)); and

WHEREAS, evidence further supports that EAB management on both public and private property that includes selective and staged removal, limited treatment and replanting of non-host species will help slow the spread of the infestation, and further, that the removal of all Ash trees may even increase the spread of EAB, as the insect will travel for a considerable distance to find a new food supply elsewhere; and

WHEREAS, the STC recognizes that homeowners with Ash trees on their property will be faced with significant and potentially costly decisions in connection with their Ash trees, such as whether to treat same, or even if and when to remove one or more Ash trees; and

WHEREAS, as a result of its research, the STC recommends that Princeton encourage private property owners, through Princeton’s existing permitting framework, to take a proactive decision-making approach regarding treatment and/or removal of Ash trees on their property, including the staged removal of Ash trees; and

WHEREAS, the anticipated benefits and goals of the STC’s recommended approach includes the following:

- Proactive decision-making allows owners to allocate the removal costs over a number of years while decreasing the immediate impact of such removal on the local environment and wildlife;
- Staged removal reduces the negative aesthetic and environmental impact to Princeton, and contributes to more harmonious neighbor relations;
• Treatment and removal of Ash trees prevents danger associated with dying and dead Ash trees, which become more brittle and thus more costly and hazardous to remove as they deteriorate;

• Requiring a permit application prior to the removal of Ash trees on private property will ensure that private owners are familiar with local, state and federal requirements for safe removal and disposal of Ash trees, and should private owners choose to hire contractors to complete removal, that their contractors are registered and familiar with local, state and federal requirements for safe removal and disposal of Ash trees; and

• Requiring a permit application prior to the removal of Ash trees on private property will encourage owners to plant replacement trees, which in turn will mitigate the negative impact of the infestation; and

WHEREAS, in light of the foregoing, the STC recommends that Chapter 22 of the Code be amended to provide for a new exception under section 22-12 to appropriately modify the permitting and replacement tree requirements for the removal of Ash trees on private property due to an actual or anticipated infestation by the Emerald Ash Borer; and

WHEREAS, the STC recommends that this proposed exception continue for a finite term of ten (10) years from its effective date, due to the anticipated initial infestation cycle of the EAB and in recognition of the ongoing research on management of the EAB; and

WHEREAS, the STC proposes this measure as an effective means of enabling private owners to manage Ash trees on their property in the existing permitting framework established under Chapter 22; 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. Section 22-12 of Chapter 22 of the “Code of the Township of Princeton, New Jersey, 1968,” which is entitled “Exceptions” and sets forth exceptions to the tree removal permit requirements, is hereby amended.

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 by the next business day or as soon as practicable thereafter. 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 board of jurisdiction;

(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.

(g) The removal of any Ash (*Fraxinus* spp.) tree due to actual or anticipated infestation by the Emerald Ash Borer (*Agrilus planipennis*), provided that the person desiring to remove the tree or trees complies with the following:

(1) The person shall file a permit application in accordance with section 22-13 below. The permit application shall specify the number of Ash trees to be removed and treated on the premises, and include all information and support required by section 22-13, except that the filing fee required by subsection 22-13(g) shall be waived; and

(2) There is no requirement for a permit application to include a tree replacement plan under section 22-13(d), except that there is a recommended tree replacement goal of ten percent of removed Ash trees, with a recommended goal of a minimum of one tree replanted per application. The replaced tree(s) (if any) shall, if site conditions permit, be planted in the same or contiguous location(s) on the premises.

The exception created by this subsection (g) shall continue for ten years from the date on which it goes into effect. Upon expiration of this ten-year term, this section (g) shall automatically be null and void and of no force and effect.

Section 2. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 3. 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 4. This Ordinance shall take effect upon its final adoption and publication as provided for
by law. The provisions of this Ordinance shall be applicable within Princeton upon taking effect and shall
become a part of the new Princeton Code once completed and adopted.

This ordinance updates the standards governing “Trees and Shrubs” in the municipality. It creates a new
exception to the permitting requirements that is applicable to the removal of Ash trees on private proper-
ty, and sets forth standards applicable to use of the exception.

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 October 24, 2016.

Kathleen K. Brzezynski, Deputy Clerk