

Local Ordinances Workshop

ANJEC Congress

September 27, 2024



Our mission is to promote the appreciation, protection, and study of New Jersey's Native Flora.

Background - Native Plant Society of NJ

The Native Plant Society of New Jersey is a statewide non-profit organization dedicated to the appreciation, protection, and study of the native flora of New Jersey. Founded in 1985, we have hundreds of members across the state, and are organized into county and regional chapters. Our members include gardeners, horticulturists, naturalists, landscape designers, students, and native plant enthusiasts from all walks of life.



MS4 Permits & Tree Removal/Replacement Ordinance

- NJDEP issued MS4 Permits to municipalities in the state to implement a federal stormwater requirement
- The permit in part requires that municipalities use “Best Management Practices” (BMP’s) to achieve reduction and water quality goals
- In November 2022, NJDEP issued a new BMP in the form of a Tree Removal/Replacement ordinance, the ordinances were required to be approved locally by May 2024
 - To facilitate this a draft ordinance was provided to municipalities and training sessions were offered in partnership with the New Jersey Association of Planning & Zoning Administrators (NJAPZA)

Tree Removal/Replacement Ordinance - Rational

- Trees play a critical, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, and infiltration.
- Stakeholders and the DEP agreed that there is an ongoing need for enhanced stormwater management strategies, specifically ones that will aid in reducing flooding throughout the State.
- The ordinance must address both the removal of trees and the replacement of those trees that are removed in order to reduce stormwater runoff and pollutants and to promote infiltration of rainwater into the soil.



Tree Removal/Replacement Ordinance – NPSNJ Issues

- Lacking sufficient knowledge about ecology, many municipalities are developing extremely short lists of acceptable trees—often as few as a dozen—**that do not allow for broad biodiversity and may even include trees that are not suitable for the ecoregion.** In some cases the lists include exotic and invasive species.
- Historical concerns about the survivability of trees in urban/roadway (street tree) environments led to a focus on non-native species that are often considered better at surviving those conditions

Tree Removal/Replacement Ordinance – NPSNJ Advocacy

- **Check** your municipalities' tree removal and replacement ordinances, looking for the following concerns:
- **Narrow lists of approved replacement trees.** Is the list of approved replacement trees broad and inclusive enough? Does it represent the diversity of tree species that are native to your area? Does it include species for different conditions **within** the municipality, such as upland areas, flood zones, swampland, or dunes? Does it include exotic or invasive species that should not be allowed?
- **Considerations to allow removal of invasive species.** The model ordinance regulates the removal of all trees. Does your town's ordinance have any special consideration for removing invasive species of trees? One simple solution is for the ordinance to allow for invasive species to be removed, without restriction.
- **Size considerations for planting tap-rooted replacement trees.** The ordinances will require that removed trees be replaced with trees of a similar caliper or by multiple trees of smaller caliper. However, many oaks, and other trees that grow a tap root, will be healthier and grow faster if they are planted when very small. Exceptions should be made to allow for the size of replacement trees to be small when planting tap-rooted trees. Consideration could also be given to providing credit for trees planted during a period of time prior to removal in anticipation of future tree loss.

Resource Links

- [News Flash • NJDEP Releases Model Tree Removal/Replacement O \(njlm.org\)](#)
- [Tree Replacement Performance Standard & Municipal Tree Ordinances \(nj.gov\)](#)
- [Tree Removal Permits | Summit, NJ \(cityofsummit.org\)](#)
- [O1934 Tree Ordinance revised.pdf \(veronanj.org\)](#)
- https://www.westcaldwell.com/_Content/pdf/ordinances/1882-Tree-Protection-and-Removal-Ordinance-2024.pdf
- Trees native to your area can be found on the Native Plant Society of New Jersey website here: <https://npsnj.org/native-plants/plant-lists/>



Contact Information

Website - [Home - The Native Plant Society of New Jersey \(npsnj.org\)](http://www.npsnj.org)

[Advocacy Archives - The Native Plant Society of New Jersey \(npsnj.org\)](http://www.npsnj.org)

Russ Furnari – russell.furnari@gmail.com

