

A SIMULATION · MONTCLAIR WITHOUT ITS SHADE TREES

Tree Ordinances for a Climate Crisis Reality



Montclair's Extraordinary Trees

SIMULATION · SUSTAINABLE MONTCLAIR · ANNA GROSSMAN

WHY I AM STANDING HERE

I am not an arborist.

I am an advocate — and so are you.

IF I CAN SHARE ONLY TWO THINGS TODAY

1 Trees are climate infrastructure.

2 Environmental commissioners have to be advocates for climate-resilient towns.

Public health is environmental health. Montclair has prohibited gas leaf blowers year round, since 2023. Protecting and growing your tree canopy is the same kind of public health work.

The beginning of my tree advocacy work

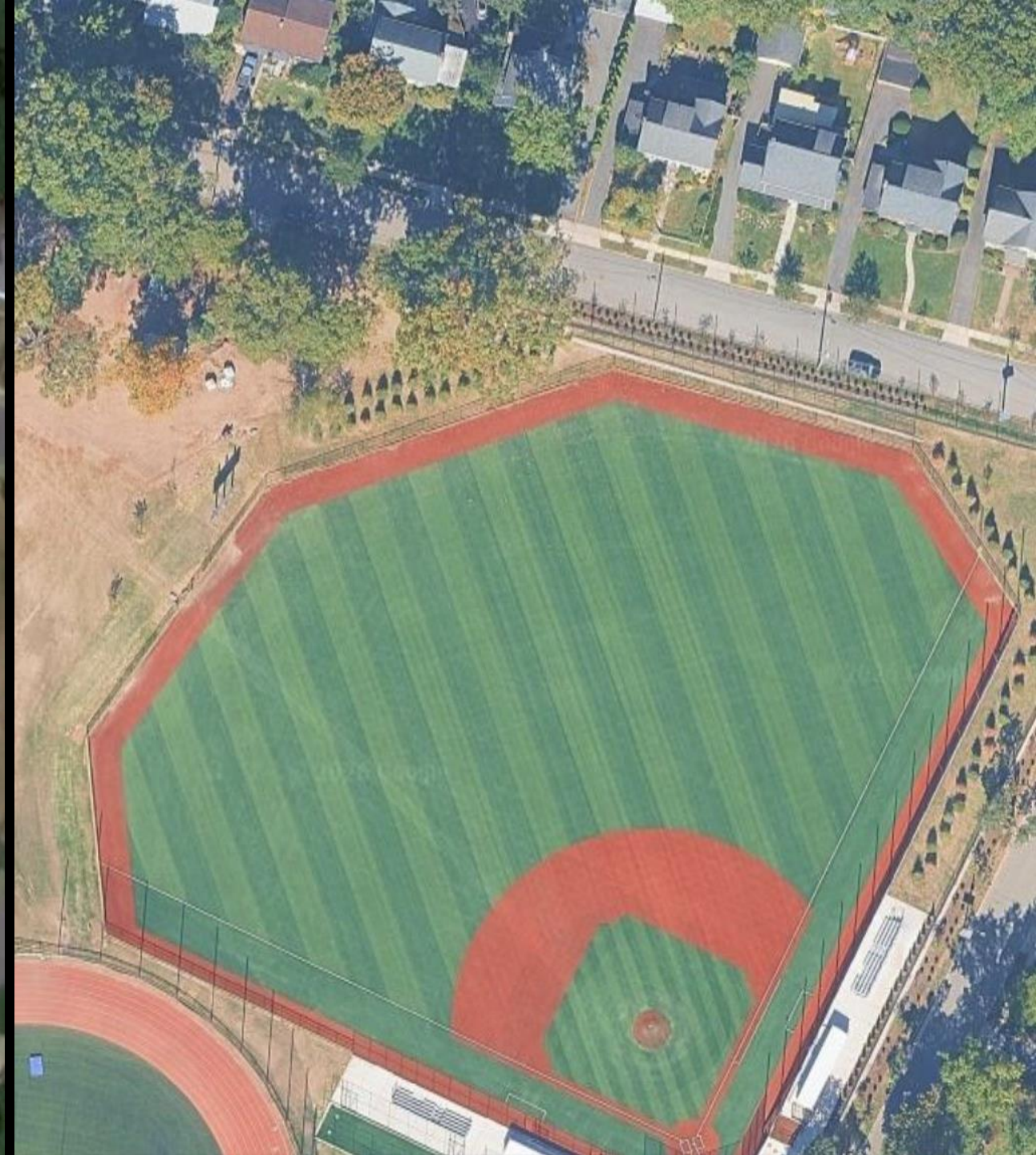
2018 I bought a house across the street from a grove of about 46 native oaks.

2023 Half of those oaks were cut down for a plastic grass baseball field.

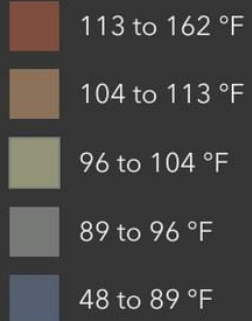
2026 Montclair still has no updated tree ordinance.

No way to stop it. No way to replace the shade.





Land Surface Temperature (Summer 2022)



PLEASE NOTE: The land surface temperatures in this image are from 2022, before the oaks were removed and the plastic baseball field added.

The area was already running hot from the artificial turf football field beside it. When these temperatures are next measured, we expect the whole area to sit in the 113–162°F band.

Essex
Park

Before I start — tell me where you are

- 1 Do you think your town has a strong tree ordinance?
- 2 Is your town growing its canopy, or losing trees? Or do you not know?
- 3 Should a town be allowed to say no? To refuse a permit to cut down a healthy tree that is doing real work — cooling a street, holding stormwater, cleaning the air?

PART ONE

Why it matters.

Trees cool our streets and soak up stormwater — and in New Jersey, every town is required to have a tree ordinance.

Our reality:

The world is about to pass

1.5°C

We must plan for this in our towns.

THE REPORT STATES:

*“increasing
urban tree
canopy”*

*“Many interventions can achieve simultaneous adaptation and mitigation goals — increasing **appropriate** urban tree canopy coverage, for example, reduces the urban heat island effect, lowering heat-related morbidity and mortality while also storing carbon.”*

“Urban” here means built-up land — any town, any size. New Jersey’s own program is the Urban & Community Forestry Program, which serves municipalities statewide.

UNEP (2026), Limiting Overshoot, p. 69, citing lungman et al. (2023).

Shade = Public Health

Heat kills more Americans than any other weather.

29 New Jersey heat deaths in one heat wave, July 2026.

It follows the redlines. The least canopy is where banks once refused to lend to Black and immigrant families.

40%

tree cover — where a neighborhood starts to cool down, by up to 7–9°F

“Once you tip over that threshold, you really see large increases.”

— Dr. Carly Ziter

New Jersey's tree canopy is shrinking

TOWNS AND SUBURBS

**–2,600 acres
annually**

tree cover ~ 2008–2013

FORESTS

–114,000 acres

upland forest, 1986–2012

–9,700 acres

upland forest, 2015–2020

— Mostly to development

PAVED AND BUILT

12%

*of NJ paved or built (c. 2005) —
the highest of any state*

— Projected majority urban
land by 2050

Sources: Nowak & Greenfield (2018, 2012); Nowak et al., USDA Forest Service (2010); Lathrop, Bognar & Hasse (2016); Lathrop & Douthat, Rutgers (2025). Town and forest figures use different measurements.

New Jersey already made this mandatory

Through the stormwater permit — not a tree ordinance.

2022

Requirement added to the stormwater permit

2023

NJDEP publishes a free model ordinance — adoptable as it stands

May 1, 2024

Deadline to have one in force

The minimum: Removal and replacement, everywhere in town — private property included.

The state sets the floor. Your town sets the ceiling.

“IT’S MY PROPERTY”

We cannot do whatever we like on our own land.

We cannot:

Pave the whole lot

Build to the property line

Add a third floor

Pipe a downspout into the sewer

Grade so runoff lands next door

Put in a pool without a fence

Let the grass grow to four feet

Build a deck without a permit

When what we do on our lot affects others, it stops being our private business.

The same applies to trees — and the NJ State Supreme Court agrees.

Yes. Our Supreme Court settled it in 2009.

Shore Builders Association v. Township of Jackson

You may require a permit

Including on private property.

You may require replacements

And decide how many.

You may take a fee instead

Paid into a tree fund.

The one limit: The fee can't exceed what the town spends to buy, plant, maintain until established, and administer one tree.

I am not a lawyer — discuss with your town attorney.

BUT CAN A TOWN SAY NO?

An interesting case to watch.



Maplewood twice refused a permit to remove a London plane 72 inches across, possibly 271 years old.

It was never designated historic.

To my knowledge, no New Jersey court has ruled on whether a town may refuse a permit for a healthy tree.

New Jersey towns are already doing it (Cedar Grove, Verona et al).

Set the standard in the ordinance before the application arrives.

The New York Times, 31 August 2026.

PART TWO

Find your data.

How to get the data for your town

- 1 OPRA the records** Permits, planting and removal logs, contractor bills.
- 2 Catalog and sort** Only shade trees count as canopy.
- 3 Find your canopy percentage** And its date. None? Use i-Tree Canopy — it's free.
- 4 Find out who checks** If no one verifies replacements, that's your headline.
- 5 Check your accreditation** Only 143 of 564 NJ towns were accredited in 2022.

PART THREE

What the data said.

What six years of Montclair's records showed.

What the town's own records showed

4,786

trees removed
— at least

2,133

shade trees not
replaced

21%

of replacements were
privacy screens

\$0

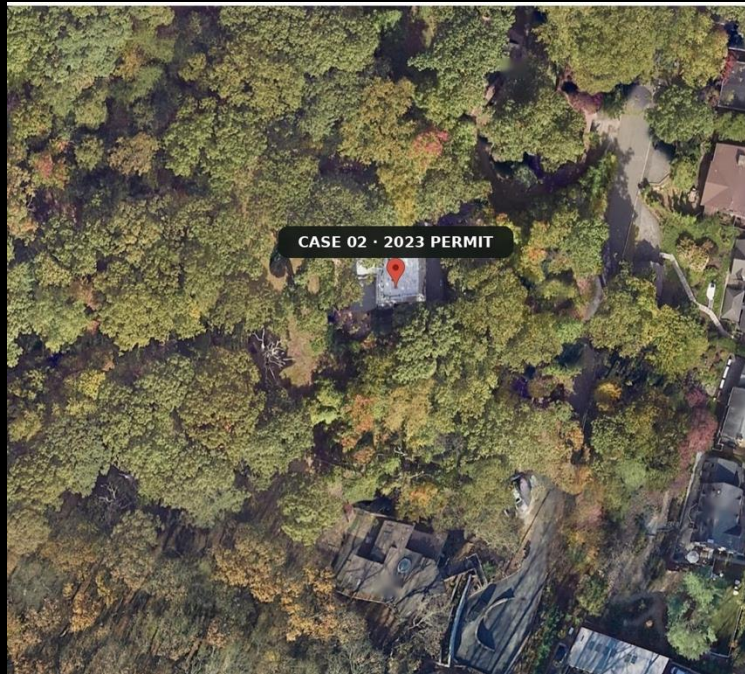
town budget spent
planting in 2025

Montclair is losing trees every day and no one is counting.

Source: 1,464 private tree removal permits plus the town's removal and planting records, 2020–2025, by open records request. sustainablemontclair.org

Replaced, only on paper.

June 2022 — before the permit



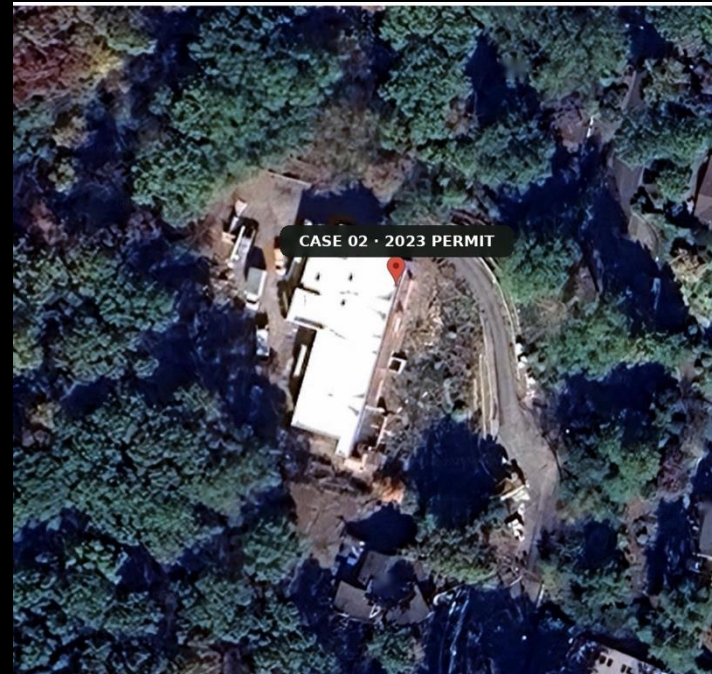
23

trees removed

23

to be replanted

October 2025 — after the deadline



Green Giant
arborvitae

species on the permit

\$0

paid in lieu

Arborvitae are not on the town's tree list. The permit was approved anyway.

Counts, species and payment as written on the permit application. Google Earth captures at the same zoom and angle, both leaf-on. Address withheld.

Sixteen to one

16 : 1

saplings to replace the shade
of one mature tree

One big tree

4,418 sq ft of shade

One sapling, by 2040

276 sq ft

The state's sample law asks for 4. Montclair's asks for 1.

Keeping a big tree standing does more than planting four to replace it.

Count first. Then ask: Which way is it going?

Count your trees and permits



↓ GOING DOWN

Stop the loss, and plant.

→ FLAT, OR DON'T KNOW

It's probably going down.
Preserve and plant.

↑ GOING UP

Protect it. Now go end the
use of gas leaf blowers.

PART FOUR

Write it.

What makes a good tree ordinance.

Ten parts that make a tree ordinance real

- | | |
|--------------------------------------|------------------------------------|
| 1 Bigger tree, more trees back | 2 Real shade trees only |
| 3 Hold the certificate of occupancy | 4 A higher bar for big trees |
| 5 Check it, then check it again | 6 Stop whole-lot clearing |
| 7 Establish a tree fund | 8 Send the money where it's needed |
| 9 No cutting before site plan review | 10 Price the fee at full cost |

THE ONE PART THAT DOES THE MOST

Hold the certificate of occupancy

429 homeowners with tree permits:

76%

planted — no construction

54%

planted — with construction

85% knew the rule. A third still didn't plant. What was missing? A compliance check.

The fix: No certificate of occupancy until the replacement trees are confirmed in the ground — or paid for.

Four jobs an environmental commission can do

The approved tree list

Native shade trees for the climate we'll have in 30 years.

Ordinance education

Teach your town about the importance of the ordinance.

Checking replacements

Follow up with applicants. Photograph, log and report. Never enforce.

The tree fund

Recommend where the money goes.

Set your canopy goal block by block, not town-wide

A 10% town-wide goal:

60% block → +6 points

10% block → barely +1

The hottest blocks gain the least.

Write it into the law:

Tree fund money goes first to the hottest blocks with the fewest trees.

PART FIVE

Get it passed.

Fight for the ordinance your town's future deserves.

Common Discourses of Climate Delay

“We don’t have the staff for this.”

“The draft isn’t perfect.”

“We need software.”

“It’s already expensive to get a tree removed...”

“What if someone doesn’t want more trees in their yard?”

“What if someone can’t fit more trees in their yard?”

How to answer: Guide your council, do the administrative analysis, and make it simple to run. Then advocate, advocate, advocate.

Check your budget: Planting should outspend removal.

PART SIX

Enforce it.

Your ordinance depends on this.

A recorded replacement is a promise, not a tree.

MONTCLAIR, 2020–2025

3,035

promised replacements on private permits

0

confirmed planted

- Incomplete forms were approved.
- Montclair's ordinance requires no inspection.
- Only 2,121 of the 3,035 were canopy species.

Everything on the checklist rests on someone looking.

No permit? No replacements?

Three ways to make a penalty mean something.

State law caps an individual town fine at \$2,000. So stack them:

1

Count each tree, and each day

Every tree and every day is a new violation.

2

Fine both sides

The owner and the tree company, separately.

3

Charge what the tree was worth

Westfield and Summit assess the appraised value.

A 30-INCH TREE, TAKEN WITHOUT A PERMIT

Montclair: \$1,000 Millburn: \$5,200

(Millburn: \$2,000 in fines plus \$3,200 in replacements — each tree and each day separate)

Six things to get started

1

OPRA your records

Permits, logs, bills

2

Find your canopy number

And the year it was measured

3

Score your ordinance

Use the checklist

4

Determine your tree budget

Pruning, planting, removals

5

Check accreditation

And annual reports

6

Watch the webinar

NJ Shade Tree Federation + NJAPZA

Learn more at sustainablemontclair.org

THE BOTTOM LINE

Trees are infrastructure for public health and climate resilience.

A tree ordinance protects your town's future.

Anna Grossman · Sustainable Montclair

sustainablemontclair.org/anjec · all the data, citations, and resources