

**BOROUGH OF PEAPACK AND GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 1153-2025

AN ORDINANCE FOR THE PROTECTION OF TREES IN THE BOROUGH OF PEAPACK AND GLADSTONE

WHEREAS, the Borough Council has determined to amend and supplement the Revised General Ordinances of the Borough of Peapack and Gladstone, 1996 (hereinafter “Code”), Chapter 19, titled “Protection of Trees[.]”

WHEREAS, the Borough Council takes this action in accordance with and pursuant to the Rules and Regulations promulgated by the New Jersey Department of Environmental Protection requiring that all municipalities with a Tier A MS4 Stormwater Permit adopt and enforce an ordinance to control tree removal and replacement to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil.

WHEREAS, while the Borough Council recognizes and acknowledges that a chapter providing for the protection of trees already exists within the Code, at Chapter 19, the Borough Council takes this action to enhance those protections in manner that is most practical and effective for the needs of the Borough, its trees, and its residents.

BE IT HEREBY ORDAINED by the Borough Council of the Borough of Peapack & Gladstone, Somerset County, State of New Jersey, as follows:

SECTION 1. Chapter 19, titled “Protection of Trees[.]” of the Code is hereby replaced in its entirety, as follows:

§ 19-1 Purpose

The Borough of Peapack and Gladstone finds that the preservation, protection and planting of trees and shrubs aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects property values; conserves and enhances the Borough's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare.

§ 19-2 Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

“Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.

“Borough” means and refer to the Borough of Peapack and Gladstone, in the County of Somerset and State of New Jersey.

“Borough Shrub” means a shrub located on land owned by the Borough.

“Borough Tree” means a tree located on land owned by the Borough.

“Contiguous” means sharing a common border or touching. Any land, lots, or parcels separated by a public road, public right of way, or body of water shall be considered contiguous for purposes of this Chapter.

“Critical Root Radius (CRR)” means the zone around the base of a tree where the majority of the root system is found. This zone measured in feet and is determined to be 1.5 feet for every inch of diameter at breast height (DBH) of the tree.

“Department of Public Works” means the Department of Public Works in the Borough of Peapack and Gladstone established pursuant to § 2-30.

“Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

“Emergency” means an event or events, disease or condition which has damaged or destroyed a tree or trees, such that the continued presence of such damaged or destroyed tree or trees imminently threatens life or property in proximity thereto.

“Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

“Lot” means a single plot of land identified on the Tax Maps for the Borough of Peapack & Gladstone by a distinct block and lot number.

“Parcel” shall have the same meaning as “Lot” as defined hereinabove.

“Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

“Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

“Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

“Replacement Tree” means a tree that is planted in the same, similar, or alternative location as another tree that has been removed.

“Shrub” means a woody plant that does not have a center trunk and does not grow over ten (10') feet high.

“Silviculture” means the practice of controlling the growth, composition/structure, as well as quality of forests to meet values and needs, specifically timber production.

“Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

“Superintendent of Public Works” means the individual or office appointed by the Borough Council pursuant to § 2-30.2.

“Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

“Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

“Tree Removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

“Tree Removal Permit” means a certificate issued by the Zoning Officer of the Borough of Peapack and Gladstone to remove a tree or shrub.

“Zoning Officer” means the individual appointed or temporarily serving to fulfill the duties of the Zoning Officer in the Borough of Peapack and Gladstone, as established pursuant to § 23-30.

§ 19-3 Regulations

§ 19-3.1 Conditions for Removal

The Department of Public Works may direct the removal of a Borough tree or shrub if the Department determines the following:

- a. Such tree or shrub is so diseased or so infested as to be a danger to other trees in the Borough or surrounding communities.
- b. Such tree or shrub is dead and its presence would cause hardship or endanger the public or an adjoining property owner.

- c. Such removal is necessary for the construction of any Borough or public improvement.
- d. Such removal is necessary where the tree or shrub is causing damage to the Borough property, or adjacent private property.
- e. Such removal is necessary to permit the construction of a driveway and will be done at the expense of the private property owner so benefited.

§ 19-3.2 Trimming Of Borough Trees

Any tree standing in or along a public street or other public place of the Borough, the branches of which extend or shall extend over the sidewalk or roadway, shall be trimmed to a height of not less than ten (10') feet above the crown of the road, so as to prevent injury to the public health, impediment to travel and obstruction to street uses; and the Superintendent of Public Works, having charge of the Borough streets, shall have power to trim all such trees to that height, or a greater height, or otherwise, as in his/her judgment shall be expedient.

§ 19-3.3 Required Permits – Borough Trees or Shrubs

No person shall do any of the following acts to any Borough tree or shrub until an application fee of twenty-five (\$25.00) dollars per tree is paid by the applicant to the Borough, and a written permit from the Zoning Officer is issued:

- a. Cut, prune, climb with spikes, break, damage, remove or kill.
- b. Cut, disturb or interfere in any way with roots within the critical root zone of any tree or shrub.
- c. Spray with any chemicals.
- d. Nail, tack, paste or in any other manner affix any item of any kind or description on any Borough tree or shrub (nothing herein shall prevent any governmental agency from affixing in a manner approved by the Department of Public Works a public notice upon a Borough tree or shrub in connection with administering governmental affairs).
- e. Remove or damage any guard or device placed to protect any Borough tree or shrub.
- f. Place or distribute chemicals, including, but not limited to, salt deleterious to tree or shrub health, within the critical root zone of a Borough tree or shrub.
- g. Remove soil, either for trenching or otherwise, from the critical root zone of a Borough tree or shrub.
- h. Construct new sidewalks and/or driveways with any material whatsoever within the critical root zone of a tree or a shrub.
- i. Operate, place or maintain within the critical root zone of any Borough tree or shrub any machinery, equipment, heavy object, stone, rocks, cement, earth, soil or other substance which may harmfully affect such Borough tree or shrub by unduly compressing the earth or otherwise impeding or preventing the access of water or air to the roots of such tree or shrub.
- j. Plant a tree or shrub within any area under the control of the Borough.
- k. Tie or fasten in any manner any bicycle, scooter or any type of equipment or device to any Borough tree or shrub.

Any person who removes one or more street trees with a DBH of four inches (4") or more, unless exempted elsewhere in Chapter 19, shall be subject to the requirements of the Tree Replacement Table set forth in § 19-3.6 below.

§ 19-3.4 Required Permits – Trees; Non-Borough

No person shall, without a written permit from the Zoning Officer, remove any tree as defined herein with a DBH of four inches (4") or greater. An application fee of Twenty-Five and 00/100 Dollars (\$25.00) shall be paid by the applicant to the Borough of Peapack and Gladstone for each tree removal permit.

Any person who removes one or more trees with a DBH of four inches (4") or more, unless exempted elsewhere in Chapter 19, shall be subject to the requirements of § 19-3.5 and the Tree Replacement Table set forth in § 19-3.6 below.

§ 19-3.5 Tree Replacement Requirements

Replacement trees shall meet the following requirements:

- a. The species type and diversity of replacement trees shall be consistent with the type and species of trees removed.
 - 1. Any person who desires to plant a replacement tree of a different type or species than the tree removed shall provide proper justification, in writing, to the Zoning Officer. Such justification shall be supported by a report or statement from a NJ licensed tree expert or arborist.
 - 2. Any person who removes a tree of a species or type listed as an invasive species in Appendix A, shall still be required to adhere to the requirements of this Chapter, except that the replacement tree must be of a different species type than the tree removed and must not be listed as an invasive species in Appendix A.
- b. The replacement tree shall be replaced in kind with a tree that has a DBH equal to or greater than the tree removed or which meets the Tree Replacement Criteria in the table below.
- c. The replacement tree shall be planted within twelve (12) months of the date of removal of the original tree or at an alternative date specified by the Borough.
- d. The replacement tree shall be monitored by the applicant for a period of two (2) years to ensure its survival and shall be replaced as needed within twelve (12) months.
- e. The replacement tree shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

§ 19-3.6 Tree Replacement Alternatives

If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- a. Plant replacement trees in other locations approved by the Borough; or
- b. Pay a fee of Three-Hundred and 00/100 Dollars (\$300.00) per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

Tree Replacement Table

Category	Size of Removed Tree	Tree Replacement Criteria
1	DBH of 4" to 17.99"	Replant 1 tree with a minimum caliper of 1.5" for each tree removed
2	DBH of 18" to 30.99"	Replant 2 trees with minimum caliper of 1.5" for each tree removed
3	DBH of 31" to 38.99"	Replant 3 trees with minimum caliper of 1.5" for each tree remove
4	DBH of 39" or greater	Replant 4 trees with minimum caliper of 1.5" for each tree removed

§ 19-3.7 Tree Work – Public Utilities

Any public entity or its agents may, upon receiving written permission from the Zoning Officer or Department of Public Works at least seventy-two (72) hours prior to the start of work, prune or remove Borough trees or shrubs for line clearance of utility wires in non-emergency situations pursuant to line clearing. Public utility companies may, during periods of emergency, without specific prior permit install temporary attachments to Borough trees and make emergency repairs. Each public utility company shall

exercise reasonable diligence in the maintenance of its operations so as to avoid damage to Borough trees and shrubs.

§ 19-4 Exemptions

All persons shall comply with the Tree Replacement Requirements, as set forth in 19-3.5 above, or the Tree Replacement Alternatives, as set forth above in 19-3.6, except in the cases detailed below. In such a case, such a person shall be exempt from any replacement requirement or fees, as set forth in 19-3.5 and 19-3.6 above. To obtain an exemption a person must submit an application to the Zoning Officer by providing proper justification, in writing, along with an exemption review fee in the amount of Ten and 00/100 Dollars (\$10.00). Such justification shall be supported by a report or statement from a NJ licensed tree expert or arborist, or in the case of an exemption pursuant to §§ 19-4.2, 4.3, 4.4, 4.5, or 4.6 below, the applicable farmland assessment or other applicable municipal, county, state, or federal plan compliance documentation. In the event an exemption is granted, such a person shall not be subject to the permit requirement and application fee, as set forth in 19-3.4, unless otherwise stated. The exemption review fee described hereinabove shall be assessed per person on an annual basis. A person may include any number of contiguous lots in an application for an exemption. Any exemption under this section shall be valid for one calendar year from the date it is granted. A person who fails to remove any tree(s) pursuant to an exemption granted under this section within one calendar year must submit a new application to the Zoning Officer.

§ 19-4.1 In any one calendar year, the removal of three (3) trees with a DBH of between four inches (4") and eighteen inches (18") from a one-family or two-family residential lot of three acres or less; or five (5) such trees from a one-family or two-family residential lot of greater than three acres. No tree with a DBH of greater than eighteen inches (18") may be removed without first obtaining a tree removal permit in accordance with this chapter. Invasive species, named in Appendix A, shall not count in these removal limits on the numbers of trees removed. For purposes of this section, an owner of multiple contiguous lots shall be assessed an exemption review fee as though all contiguous property under common ownership were a single parcel. However, each parcel within such contiguous lots shall be reviewed individually for purposes of determining whether and to what extent any exemption under this section may be granted.

§ 19-4.2 Tree or certified commercial farms in active operation, nurseries, fruit orchards, and garden centers. This shall include trees within a designated orchard or farm area, as delineated in an annual farmland assessment that are removed for the purposes of harvest, to reestablish a farm or orchard area, or to expand a farm or orchard area. An annual farmland assessment form provided to the Borough shall satisfy the requirement for written justification, provided it contains the same or similar detail as would be contained in a report or statement from a NJ licensed tree expert or arborist.

§ 19-4.3 Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.

§ 19-4.4 Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.

§ 19-4.5 Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.

§ 19-4.6 Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.

§ 19-4.7 Hazard trees may be removed without application fee or replacement requirement.

§ 19-5 Violations and Fines

Any person found guilty of violating any of the provisions of this section shall, upon conviction thereof, be subject to the penalties established in Chapter 1, §§ 1-5 of the Code of the Borough of Peapack and Gladstone. Each day any violation of this section shall continue shall constitute a separate offense.

In addition to any penalty imposed, the Municipal Court Judge may impose an additional penalty of an assessment paid to the Borough based upon the value of the tree or shrub as determined by a certified tree expert, certified arborist, or trained forester in accordance with current methods stipulated in the Guide for Plant Appraisals and unit costs established periodically and revised by the New Jersey Arborists, Chapter International Society of Arboriculture.

§ 19-6 Appeals.

Any person aggrieved by the provisions of the section shall have the right, within ten (10) days from the written decision of the Zoning Officer, to appeal to the Peapack and Gladstone Borough Council, who shall review the decision of the Zoning Officer. Unless the decision is revoked or modified, it shall remain in full force and effect.

§ 19-7 Enforcement

This ordinance shall be enforced by the Superintendent of Public Works during the course of ordinary enforcement duties.

§ 19-8 Severability

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

§ 19-9 Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Chapter 19 - Appendix A

List of Invasive Species

Species - Common Name	Scientific Name
Norway maple	<i>Acer platanoides</i>
Amur maple	<i>Acer ginnala</i>
Amur corktree	<i>Phellodendron amurense</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Mimosa	<i>Albizia julibrissin</i>
Paper mulberry	<i>Broussonetia papyrifera</i>
White mulberry	<i>Morus alba</i>
Camphor tree	<i>Cinnamomum camphora</i>
Princess tree	<i>Paulownia tomentosa</i>
Winged spindle tree	<i>Euonymus alata</i>
Sweet Cherry	<i>Prunus avium</i>
Black locust*	<i>Robinia pseudoacacia</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Amur honeysuckle	<i>Lonicera maackii</i>
Autumn olive	<i>Elaeagnus umbellata</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Japanese barberry**	<i>Berberis thunbergii</i>
Multiflora rose**	<i>Rosa multiflora</i>
Chinese privet**	<i>Ligustrum sinense</i>

* Native to North America but not New Jersey and on the NJDEP List of non-native problem species.

**Non-native serious threat invasive shrubs.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION 3. All ordinances of the Borough of Peapack & Gladstone which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect upon final passage and publication thereof as provided by law.

Introduced: March 4, 2025

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
X		Jamie Murphy	X			
		Eric L. Quartello	X			
	X	Sergio Silva	X			
		Julie Sueta	X			
		John Sweeney				X
		Jill Weible	X			

Reintroduced: April 14, 2025

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Jamie Murphy				
		Eric L. Quartello				
		Sergio Silva				
		Julie Sueta				
		John Sweeney				
		Jill Weible				

Adopted:

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Jamie Murphy				
		Eric L. Quartello				
		Sergio Silva				
		Julie Sueta				
		John Sweeney				
		Jill Weible				

Attest:

NANCY A. BRETZGER
CLERK

MARK A. CORIGLIANO
MAYOR

