

TREE REMOVAL REPORT

for

MPB Realty, LLC

**Proposed Popeye's and Fast Food Restaurant
Block 153, Lot 38
470 Eagle Rock Avenue (CR 611)
Township of West Orange
Essex County, New Jersey**

Prepared by:



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A handwritten signature in dark ink, appearing to read 'Marla L. Roller', is positioned above a horizontal line.

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This report summarizes the field assessment of existing trees on the MPB Realty, LLC site on June 18, 2021. The site is located on Block 153, Lot 38, 470 Eagle Rock Avenue (CR 611) in the Township of West Orange, Essex County, New Jersey. There is an existing restaurant building on site facing Eagle Rock Avenue. Parking is located on all sides of the existing building. The proposed site improvements include the demolition of the existing building, construction of two new restaurants including a Popeye's and a fast food restaurant along with a new parking lot with drive through facilities and associated site improvements. As a result of these improvements, a defined area of vegetation will be removed. A tree survey was conducted by Dynamic Engineering Consultants, PC to locate trees with a DBH of 4" or greater, identify their species, and their general condition. The existing trees to be removed within the limit of disturbance will be replaced. The demolition area contains mostly maple, locust, and arborvitae species. The trees in this area vary in DBH and condition.

Thirty-three (33) existing trees are within the limit of disturbance area. To address the tree removal requirements of the ordinance, viable trees within the area of disturbance shall be replaced. Any viable tree with a DBH from 4-6" must be replaced with a minor or major tree. Any viable tree with a DBH greater than 6" must be replaced with a major tree (Ordinance 25-27.8 Approval of a Permit and Tree Replacement Requirement). A major tree is defined as a tree species with a mature height of at least fifty (50) feet, which shall be at least 2.5-inch caliper at the time of planting. A minor tree is defined as an evergreen tree, ornamental tree or other small tree at least six feet in height at the time of planting (Ordinance 25-73.3 Definitions). There are thirty-three (33) existing trees proposed to be removed within the limit of disturbance including 11 trees between 4" and 6" diameter and twenty-two (22) trees greater than 6" diameter. Twelve (12) of the trees in this area have been defined as poor or unviable for replacement, including six (6) trees at 4" to 6" diameter and six (6) trees at greater than 6" diameter. A nonviable tree is defined as a tree that the officer or a qualified tree expert certifies is dead, dying, diseased or too damaged to survive (25-27.3 Definitions) and does not require replacement.

For greater detail on tree species to be replaced, see chart included on the Demolition & Tree Removal Plan (Sheet 3 of 13 in the Site Plan Set). Excluding the twelve (12) nonviable trees within the area of disturbance, twenty-one (21) viable trees are proposed to be removed and shall be replaced. A total of twenty-eight (28) new trees are proposed.

For the twenty-eight (28) proposed replacement trees, a combination of eight (8) major and twenty (20) minor trees will be introduced. The species used to replace major trees are *Acer Rubrum* 'Franksred' (Red Maple), *Ginkgo Biloba* 'Princeton Sentry' (Ginkgo) and *Tilia Cordata* 'Greenspire' (Linden). The minor trees will be replaced by *Juniperus Virginiana* (Red Cedar), *Cornus Rutban* (Dogwood), *Pinus Strobus* (White Pine) and *Cercis canadensis* (Redbud). For quantities and placement of each species, see the Landscape Plan (Sheet 7 of 13 in the Site Plan Set).

To be approved for a tree removal permit connected with a development application, at least 30% of the trees on each lot shall be preserved (25-27.8 Approval of a Permit and Tree Replacement Requirement). To reach the necessary 30%, a minimum of ten (10) trees shall be preserved (30% of the 33 total existing viable trees equals 10 trees to be preserved). Ten (10) trees are proposed to be preserved on site and twenty-eight (28) trees are proposed to replace the thirty-three (33) trees to be removed.

Ordinances:

25-27.3 Definitions

MAJOR TREE

A tree species with a mature height of at least 50 feet, which shall be at least a 2.5-inch caliper at the time of planting.

MINOR TREE

An evergreen tree, ornamental tree or other small tree at least six feet in height at the time of planting.

NONVIABLE TREE

A tree that the officer or a qualified tree expert certifies is dead, dying, diseased or too damaged to survive.

25-27.4 Permit Required; Prohibitions and Exceptions

- c. Exemptions. The following are exempt from the permit requirement of Subsection a above:
 - 1. For purposes of administrative convenience, up to three living trees may be removed on an improved lot within any three-hundred-sixty-five-day period. This exemption shall only apply to trees with bases that are more than two feet from any property boundary. For enforcement and record-keeping purposes, every person or business removing one or more trees pursuant to this exemption shall file a tree removal report with the officer on a form to be provided by the officer, to document the tree(s) removed and date of removal. The tree removal report shall be filed no later than five days before removal of the tree(s).

25-27.5 Application Procedure

- c. Every development application shall include a tree removal plan which shall include a map drawn to scale showing the location of all trees to be removed and a qualified tree expert's report addressing factors and the standards set forth in Subsection 25-27.7.

25-27.8 Approval of a Permit and Tree Replacement Requirement

- a. To approve a tree removal permit connected with a development application or a proposed new development project, the Land Use Board also must find the following:
 - 1. At least 30% of the trees on each particular lot or development site shall be preserved;

25-27.8 Approval of a Permit and Tree Replacement Requirement

- g. Tree replacement, as approved by the officer, Land Use Board, or Township Engineer, shall be required on the removal site as follows:
 - 1. (a) To the greatest extent possible, for each tree removed pursuant to the standards of this section of a DBH of four inches to no more than six inches, the applicant shall plant a major or minor tree as defined in this chapter on the removal property; and
 - (b) To the greatest extent possible, for each tree removed pursuant to the standards of this section of a DBH of more than six inches, the applicant shall plant a major tree as defined in this section on the removal property.

25-27.9 Protection of Existing Trees

b. No person shall:

1. Cut down or remove any tree, except as permitted by this chapter, or allow or cause such cutting or removal;
2. Cause or allow any willful damage, injury or disfigurement of any tree growing within the Township. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as the result of but not limited to the following: cutting, gashing or slitting of any tree; the pouring of any liquid or other material on any tree; or on the nearby ground; the construction or placement of any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placement or removal of any soil from within the drip line, but in no event less than 10 feet from the trunk, of any tree; or
3. Store or pile building material or debris or place construction equipment within the drip line, but in no event less than 10 feet from the trunk of any tree.