

TREE REMOVAL REPORT

for

MPB Realty, LLC

Proposed Popeyes and IHOP Restaurant

470 Eagle Rock Avenue (CR 611)

Block 153, Lot 38

Township of West Orange

Essex County, New Jersey

Prepared by:



245 Main Street

Suite 110

Chester, NJ 07930

(908) 879-9229

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

Marla L. Roller, LLA, PP
NJ Professional License #21AS0005370

February 2025
DEC #1021-99-025

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 retrofitting the existing building for the occupancy of a Popeyes and IHOP restaurant, along with a new parking lot with drive-through facility 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.

Forty-three (43) 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. There are forty-three (43) existing trees proposed to be removed within the limit of disturbance including five (5) trees between 4" and 6" diameter and twelve (12) trees greater than 6" diameter. Twenty-six (26) of the trees in this area have been defined as poor or unviable for replacement, consisting of six (6) trees at 4" to 6" diameter and twenty (20) 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 (28-3 Definitions) and does not require replacement.

For greater detail on tree species to be replaced, see the chart provided on the Demolition & Tree Removal Plan (Sheet 4 of 23 in the Site Plan Set). Excluding the Twenty-six (26) nonviable trees within the area of disturbance, seventeen (17) viable trees are proposed to be removed and shall be replaced. A total of fifty-three (53) new trees are proposed.

Of the fifty-three (53) replacement trees have been proposed. The proposed shade trees are *Acer Rubrum* 'Autumn Flame' (Red Maple), *Liquidambar Styraciflua* 'Rotundiloba' (Seedless Sweetgum), and *Quercus X Warei* 'Long' (Regal Prince Oak). The proposed ornamental and evergreen trees are *Juniperus Virginiana* 'Corcorcor' (Emerald Sentinel Red Cedar), *Pinus Strobus* 'Fastigiata' (White Pine), and *Cercis Canadensis* 'Forest Pansy' (Forest Pansy Redbud). For quantities and placement of each species, see the Landscape Plan (Sheet 9 of 24 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 (28-4 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). Seven (7) trees are proposed to be preserved on site and fifty-three (53) trees are proposed to replace the forty-three (43) trees to be removed.

Ordinances:

28-8 Tree Replacement

Every tree removed shall be replaced pursuant to this article. In no instance is tree replacement to be considered a penalty, but rather the minimum requirement(s) to implement the purposes of this section. Tree replacement shall not be a substitute for, but shall be in addition to, any penalty imposed for violation of the provisions of this article. Tree replacement required by this article shall be completed within six months of tree removal unless the Township Forester or Land Use Board grants an extension until the next appropriate planting season. If any replacement tree planted pursuant to this article is removed, fails to thrive, or dies within two years, it shall be replaced by the property owner within six months and the same shall be viable for an additional two (2) years.

- a.** Tree replacement, as approved by the Township Forester, Land Use Board, and/or Township Engineer, shall be required to comply with Table "A," except that hazardous or non-viable trees removed pursuant to Emergency Conditions shall be replaced on a one-to-one basis at the approval of the Township Forester. Tree Replacement shall occur in the following priority to amplify the goals of this article to maintain the existing tree canopy within specific areas of the Township:

 - 1.** The owner/applicant shall replant tree(s) on the lot that which they were removed.
 - 2.** If the tree cannot be replaced on the lot or an adjacent lot, the applicant shall have the burden of demonstrating how such replacement on their lot is not feasible. If the owner/applicant cannot replace tree(s) on the site that which they were removed, the owner/applicant may replant the tree(s) on the immediate adjacent properties or at another location as determined by the Township Forester.
 - 3.** If the owner/applicant is unable to replace tree(s) on the site that which they were removed or on the adjacent lot(s), and the owner/applicant has less than three-fourths (3/4) of an acre of land, the owner/applicant shall pay into the Tree Removal and Replacement Fund in accordance with this article.
 - 4.** If the owner/applicant has greater than three-fourths (3/4) of an acre of land, the owner/applicant must replace the removed trees on their lot or an adjacent lot in accordance with Section 28-8a1-a2.
- b.** The Forester shall prioritize the Tree Removal and Replacement Fund to locations closest to the site of removal to amplify the goals of this article. In furtherance of said goals, the Township Forester shall seek to prioritize replanting within 1,000 feet of the property line, and, if not feasible, anywhere within the municipality in accordance with Table "A."
- c.** Tree Replacement Fund. Pursuant to this section, unless the Township Forester has approved replacement of the removed tree(s) on the permit holder's property in accordance with Table "A," the Township Forester shall condition tree removal upon payment to the Tree Replacement Fund, established hereunder. The Township Forester shall require payment to the Tree Replacement Fund if a person removes a viable tree as determined by the Township Forester which is not replaced on the same lot, provided, however, that the applicant's lot is less than three-fourths (3/4) of an acre.

 - 1.** Tree Preservation and Replacement Fund: A Tree Replacement Trust Fund dedicated to receive and disburse replacement tree fees when the permit applicant has conclusively demonstrated that it is not feasible to replace a tree(s) removed from the applicant's lot with other qualifying tree(s) planted on that site in accordance with Table "A." The Tree

Replacement Fund may also accept contributions for its purposes from private or public sources. The amount to be paid in the Tree Replacement Fund shall be in accordance with Table "A" and shall be greater than the cost of on-site replacement both to encourage on-site tree replacement, the preferred approach under this article, and to assure that the Township is fully reimbursed for all fees and costs associated with off-site tree replacements. These fees shall be fixed by resolution and must be spent for tree replacements within one (1) year of the deposit into the account. All details of this fund shall be available to the public upon request. The Tree Replacement Fund in no way relieves the Township from a yearly budgetary allocation dedicated to planting new trees in the Township.

2. The amount to be paid to the Tree Replacement Fund shall be in accordance with Table "A" upon the approval of the Township Forester.

TABLE A		
DBH of Tree	Required Action	Amount to Tree Replacement Fund
4"-6"	Replace with one 2.5" inch native non-pesticide/herbicide treated tree with a minimum of 6-feet tall	To be prescribed by Resolution
6"-13"	Replace with either two 4" inch native non-pesticide/herbicide treated trees; or four 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
13"-22"	Replace with either three 4" inch native non-pesticide/herbicide treated tree; or six 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
23"-32"	Replace with either four 4" inch native non-pesticide/herbicide treated tree; or eight 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
Over 33"	Replace with either five 4" inch native non-pesticide/herbicide treated tree; or ten 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution