

TREE REMOVAL REPORT

for

MPB Realty, LLC

Proposed Popeyes and IHOP Restaurants

470 Eagle Rock Avenue (CR 611)

Block 153, Lot 38

Township of West Orange

Essex County, New Jersey

Prepared by:



**DYNAMIC
ENGINEERING**

245 Main Street

Suite 110

Chester, NJ 07930

(908) 879-9229

A handwritten signature in black ink, appearing to read 'm. la mana', is positioned above a horizontal line.

Michael LaMana, LTE
NJ Licensed Tree Expert No. 476

February 2025

Last Revised April 2, 2026

DEC #1021-99-025

This report summarizes the field assessment of existing trees on the MPB Realty, LLC property based on a site visit conducted on March 29, 2026. The site is identified as Block 153, Lot 38, 470 Eagle Rock Avenue (CR 611), Township of West Orange, Essex County, New Jersey. The property contains an existing restaurant building fronting Eagle Rock Avenue, with parking on all sides. Proposed improvements include retrofitting the building for occupancy by Popeyes and IHOP, reconfiguration of parking, and associated site improvements, including a drive-through facility for Popeyes.

As a result of the proposed improvements, vegetation within a defined limit of disturbance will be removed. A tree survey prepared by Dynamic Engineering Consultants, PC identified trees with a DBH of 4 inches or greater, including species and general condition. Trees proposed for removal within the demolition area will be replaced as required. Under the municipal ordinance¹, a nonviable tree is defined as one that is dead, dying, diseased, or otherwise unlikely to survive (see §28-3, Definitions). Replacement requirements set forth in §28-8 apply to regulated (viable) trees; Nonviable trees are also included in Table A replacement calculations.

The demolition area contains primarily maple, locust, and arborvitae species, with varying diameters and conditions. Thirty-nine (39) existing trees are located within the demolition area and, of these, eight (8) are viable trees, five (5) are non-viable trees, and twenty-six (26) are non-native invasive species. The twenty-six (26) non-native invasive species are exempt from the replacement table. Eight (8) trees proposed for removal were determined to be viable: Five (5) trees measuring 4 to 6 inches DBH and three (3) trees measuring greater than 6 inches and less than 13 inches DBH. In addition, the five (5) non-viable trees are required to be replaced on a 1:1 basis. For greater detail on trees and species to be replaced, see the chart provided on the Demolition & Tree Removal Plan Exhibit (Sheet 1 of 2) last revised April 1, 2026. Excluding the twenty-six (26) invasive trees within the area of disturbance, a total of eight (8) viable trees, and five (5) non-viable trees are proposed to be removed and shall be replaced.

Of the thirty-nine (39) trees being removed, eight (8) viable trees require seventeen (17) replacement trees; and the five (5) non-viable trees require five (5) replacement trees for a total of twenty-two (22) replacement trees. Sixty-four (64) replacement trees have been proposed including shade trees, ornamental trees, and evergreen trees. The proposed shade trees are *Acer rubrum* 'Autumn Flame' (Autumn red maple), *Liquidambar styraciflua* 'Rotundiloba' (Seedless sweetgum), and *Nyssa sylvatica* 'David Odom' (Afterburner tupelo). The proposed ornamental and evergreen trees are *Juniperus virginiana* 'Corcorcor' (Emerald Sentinel red-cedar), *Pinus strobus* 'Fastigiata' (pyramidal white pine), *Thuja occidentalis* 'Nigra' (Dark American arborvitae) and *Cercis canadensis* 'Forest Pansy' (Forest Pansy redbud). Quantities and placement of each is indicated on the Landscape Plan Exhibit Sheet 2/2 last revised April 1, 2026.

Under the municipal code, approval of a tree removal permit connected with a development application requires that at least 50% of the trees on each lot shall be preserved (see §28-4 Approval of a Permit and Tree Replacement Requirement). To reach the necessary 50%, a minimum of four (4) trees shall be preserved (50% of the 8 total existing viable trees equals 4 trees required to be preserved). Two (2) trees are proposed to be preserved on site, and sixty-four (64) trees are proposed to replace the eight (8) viable trees and five (5) non-viable trees to be removed.

¹ Municipal Code, Chapter 28 *Environmental Protection*, accessed at; <https://ecode360.com/45851432>

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

28-4 Tree Removal and Replacement Permits

e. Development applications. Every development application filed with the Land Use Board that proposes tree removal and replacement shall:

1. Preserve fifty (50%) percent of the tree canopy on each developed Lot, and seventy (70%) percent on any undeveloped lot.

Dynamic Original Data					LaMana Forestry Field Check 29 Mar 2026				
TREE No.	Common Name	DBH	Condition	Type	Found ?	Common Name_LFC	DBH_LFC	Conditon_LFC	Condit_Notes_LFC
1	CHERRY	12"	FAIR	DECIDUOUS	Yes	Black cherry	10.9	Fair	
2	MAPLE	10"	FAIR	DECIDUOUS	Yes	White ash	10.8	Dead Hazard	
3	LOCUST'	10"	FAIR	DECIDUOUS	Yes	Black locust	12.6	Poor	Tree topped, heavily damaged, utility pruning; fungal conks
4	MAPLE	10"	FAIR	DECIDUOUS	Yes	Norway maple	8.8	Poor	Tree heavily damaged by utility pruning, topped
5	MAPLE	12"	FAIR	DECIDUOUS	Yes	Norway maple	9.9	Hazard	Trunk, profoundly hollow, rotted; high risk
6	MAPLE	10"	FAIR	DECIDUOUS	Yes	Norway maple	9.7	Fair	
7	MAPLE	12"	FAIR	DECIDUOUS	Yes	Norway maple	12.7	Poor	Tree has been topped, utility conflict; fungal, fruiting bodies; dying
8	MAPLE	12"	FAIR	DECIDUOUS	Yes	Norway maple	13.1	Fair	Declining, hazardous, dead branches, upper; fair condition overall
9	LOCUST'	12"	POOR	DECIDUOUS	Yes	Black locust	14.4	Poor	Topped due to utility conflict; crown off balance; poor condition overall
9A	LaMana New		New	DECIDUOUS	Yes	Black locust	7.8	Hazard	Mostly dead; severe wood decay; leans toward parking lot, hazard
10	SASSAFRASS	8"	FAIR	DECIDUOUS	Yes	Black locust	6.7	Fair	
11	SASSAFRASS	8"	FAIR	DECIDUOUS	Yes	Black locust	6.3	Fair	
12	CHERRY	6"	FAIR	DECIDUOUS	Yes	Black cherry	4.2	Fair	
13	LOCUST'	10"	POOR	DECIDUOUS	Yes	Black locust	10.4	Poor	Damaged by utility pruning, crown, one-sided, leaning; hazardous, dead branches
14	LOCUST'	12"	POOR	DECIDUOUS	Yes	Black locust	13.3	Poor	Damaged by utility pruning, crown, trunk decayed; one-sided, leaning; hazardous, dead branches
15	LOCUST*	10"	POOR	DECIDUOUS	Yes	Black locust	9.1	Fair	Some trunk decay
16	MAPLE	12"	FAIR	DECIDUOUS	Yes	Black locust	9.3	Fair	
17	CHERRY	6"	FAIR	DECIDUOUS	Yes	Black locust	11.5	Poor	Heavy utility prune Crown off balance
18	CHERRY	6"	FAIR	DECIDUOUS	Not found	??			
19	CHERRY	6"	FAIR	DECIDUOUS	Not found	??			
20	LOCUST'	15"	POOR	DECIDUOUS	Yes	Black locust	16.3	Poor	Codominant trunk, 1/2 dying; heavily infected with wood decay fungi; weak co-dominant branch union; high risk
21	CHERRY	6"	FAIR	DECIDUOUS	Not Found	??			
22	MAPLE	10"	FAIR	DECIDUOUS	Yes	Noway maple	6.8	Fair	
23	LOCUST'	15"	POOR	DECIDUOUS	Yes	Black locust	16.9	Fair	Canopy off-balance due to heavy utility pruning; overall fair
24	LOCUST*	15"	POOR	DECIDUOUS	Yes	Black locust	15.4	Hazard	Double other 13.4; heavily damaged by pruning; weak base attachment; fungal, infestation; hazardous
25	SERVICEBERRY	15"	POOR	DECIDUOUS	Yes	Mulberry	16.9	Poor	Dbl trunk; Deform trunk base; root system restricted on 1/2; damaging fence; weak, codominant trunks, high risk; hazardous, dead branches
26	ARBORVITAE	6"	POOR	EVERGREEN	Yes	Aborvitae	4.2	Poor	
27	ARBORVITAE	4"	POOR	EVERGREEN	Yes	Aborvitae	4.7	Poor	
28	ARBORVITAE	4"	POOR	EVERGREEN	Yes	Aborvitae	5.9	Poor	
29	ARBORVITAE	4"	POOR	EVERGREEN	Yes	Aborvitae	3.0	Poor	
30	CYPRESS	12"	POOR	EVERGREEN	Yes	Hinoki cypress	10.3	Fair	
31	JAPANESE MALE	6"	POOR	DECIDUOUS	Yes	Japanese maple	4.0	Poor	
32	WEeping SPRUCE	6"	POOR	EVERGREEN	Yes	Weeping Norway spruce	6.8	Poor	
33	CALLERY PEAR	15"	POOR	DECIDUOUS	Yes	Callery pear	16.6	Poor	Heavily pruned now has top decline; decaying branches; poor branch structure, codominant with included bark; poor or hazardous condition
34	ZELKOVA	18"	POOR	DECIDUOUS	Yes	Zelkova	25.1	Poor	Crown damage from utility pruning on street side; profound decay, off-balance crown; uprooting risk; many weak branch unions with included ba
35	ZELKOVA	24"	POOR	DECIDUOUS	Yes	Zelkova	28.8	Hazard	Crown damage from utility pruning on street side; profound decay, off-balance crown; uprooting risk; many weak branch unions with included ba
36	LOCUST*	12"	POOR	DECIDUOUS	Yes	Mulberry	15.4	Hazard	One tree with 4 divergent trunks; diameters: 10.4, 10.9, 15.4, 11.4; hazardous basal defect included bark, wood decay; endangers road
37	LOCUST*	10"	POOR	DECIDUOUS	Yes	Mulberry		Hazard	See above, call this "36/37" = one tree
38	TREE-OF-HEAVEN	18"	POOR	DECIDUOUS	Yes	Tree-of-Heaven	17.8	Hazard	Dead, half broken; profoundly hazardous
39	TREE-OF-HEAVEN	10"	POOR	DECIDUOUS	Yes	Tree-of-Heaven	10.9	Hazard	Half dead, top breaking
40	TREE-OF-HEAVEN	12"	POOR	DECIDUOUS	Yes	Tree-of-Heaven	13.0	Hazard	Dbl - 13+13; hazardous; severely deformed base; top dieback
41	TREE-OF-HEAVEN	12"	POOR	DECIDUOUS	Yes	Tree-of-Heaven	12.0	Hazard	Dying, breaking up, hazardous
42	LOCUST*	24"	POOR	DECIDUOUS	Yes	Tree-of-Heaven	25.4	Dead hazard	Dead, half broken; profoundly hazardous
43	LOCUST*	30"	POOR	DECIDUOUS	Yes	Black locust	28.3	Hazard	Profound basal & structural defects; root system highly compromised on one side; hazard to adjacent properties