

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 2037**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300 "LAND
USE AND DEVELOPMENT" AND CHAPTER 404 "SOIL REMOVAL"
OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES TO AMEND
PROVISIONS RELATING TO TREE REMOVAL AND REPLACEMENT**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, in the County of Bergen and State of New Jersey as follows:

Section 1. Paragraph F of Section 300-150 "Tree removal permits issued by Construction Official or Tree Specialist; additional tree removal" of Article XX "Tree Removal and Replacement" of Chapter 300 "Land Use and Development" of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

- F. An applicant may apply to the Tree Specialist to remove trees in addition to those permitted under Subsection C hereunder. The applicant must demonstrate that application of the constraints on tree removal in this section causes an undue hardship. The Tree Specialist may, in his or her discretion, require that the applicant provide written notice to adjoining property owners of the application under this subsection. For purposes of this section, adjoining property owners shall not include property owners across a street. An application to the Tree Specialist under this subsection shall include the information required under Subsection H of this section and the Tree Specialist may require a site plan which complies with the site plan requirements set forth in Subsection B of § 300-151 of this chapter for a tree removal application submitted to the Planning Board or Zoning Board. In reviewing the application for tree removal, the Tree Specialist shall consider the criteria set forth in Subsection D of § 300-151 of this chapter for a tree removal application submitted to the Planning Board or Zoning Board. In considering such applications, the Tree Specialist, in his or her sole discretion, may, in situations where the application warrants fact-finding or qualitative analysis, refer the application to the Shade Tree Commission for its review and recommendation. If granted approval under this paragraph, the applicant shall comply with the tree replacement requirements of this article.

Section 2. Subparagraph D(7) of Section 300-151 "Tree removal applications to the Planning Board or Zoning Board" of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

- (7) Any new construction shall be required to install shade trees every 15 to 20 feet, depending on species, along the property frontage within the street right-of-way.

Section 3. Paragraph C of Section 300-152 "Tree replacement" of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

- C. Replacement trees need to be planted at least ~~25~~ 15 to 20 feet, depending on species, from

existing trees and replacement trees, and they may not be planted under the canopy of existing trees, except for shade-tolerant trees.

Section 4. Paragraph F of Section 300-152 "Tree replacement" of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

F. Shade trees and understory trees from list below that are 2.5 inches caliper, one foot above the trunk flare or evergreens eight feet and over in height such as:

- (1) Oaks - Quercus (white oak, swamp white oak, shingle oak, pin oak, chinkapin oak, chestnut oak, black oak).
- (2) Maples - Acer (Red maple & Sugar maple) (No Japanese or Norway maples, Acer palmatum or Platanoides).
- (3) Birch - Betula (Gray, Black, River, Yellow).
- (4) Hickories - Carya spp. (bitternut hickory, pignut hickory, shell bark hickory, shag bark hickory, mockernut).
- (5) Sweet Gum - Liquidambar styraciflua.
- (6) Black Gum - Nyssa sylvatica.
- (7) American Sycamore - Platanus occidentalis.
- (8) Hackberry - Celtis occidentalis.
- (9) Tulip Tree - Liriodendron tulipifera.
- (10) Linden Tree - Tilia (tilia americana).
- (11) American Hornbeam - Carpinus caroliniana.
- (12) Hop Hornbeam - Ostrya virginiana.
- (13) Service Berry - Amelanchier spp.
- (14) Sweet Bay Magnolia – Magnolia virginiana.
- (15) Eastern Red Bud – Cercis Canadensis.

Evergreen trees shall not be permitted as replacement trees.

Section 5. Paragraph G of Section 300-152 "Tree replacement" of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

G. The trees must be planted at a depth where the trunk flare is visible and level with the final grade. No mulch may be touching the trunk. The wire baskets and burlap must be removed. The trees must be planted at least 15 to 20 feet, depending on species, away from each other and every other tree. Trees must be planted at least 10 feet from the pavement or curb and, for certain species, they may be planted under the canopy of existing trees.

Section 6. Paragraph C of Section 300-153 "Issuance of permits; fees; bonds" of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

C. Fees.

- (1) The fee for an application for removal of trees, either dead or alive, under § 300-150 of this chapter shall be \$100 for the first five trees and \$25 for each additional tree.
- (2) The fee for an application for removal of a tree in connection with a soil moving permit application shall be as set forth in § 404-12 of the Borough Code. Such fees shall be payable upon a determination by the Zoning Officer that the application does not require approval by the Planning Board or Zoning Board of Adjustment. If the Zoning Officer determines that the application requires approval by the Planning Board or Zoning Board of Adjustment, no fee shall be required as Tree Specialist fees in connection with a Planning Board or Zoning Board of Adjustment application will be paid from the applicant's developer's escrow.
- (3) The fee for tree protection in connection with an application for a demolition permit shall be \$200.
- (4) For all applications requiring the posting of a bond to ensure compliance with tree replacement requirements in accordance with paragraph D of this section, in addition to the posting of a bond, the applicant shall pay a fee of \$25 for each tree to be planted.

Section 7. Section 300-154 "Waiver of tree replacement requirements" of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

§ 300-154. Waiver of tree replacement requirements.

Where, in the discretion of the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council, new plantings are required by the ordinances of the Borough but are not necessary due to the existence of a sufficient number of trees presently on the property, the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council may waive any or all requirements for new plantings. If the requirement for new plantings is waived, for each replacement tree that would have been required in accordance with § 300-152 hereof, the applicant shall pay a fee which shall be deposited in the Tree Escrow Fund, in the amount of \$850 per replacement tree. Said fee shall be due and payable prior to issuance of a tree removal permit.

Section 8. Paragraph A of Section 300-157 "Violations and penalties; costs charged against lands; enforcement" of Article XX of Chapter 300 of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

- A. Violations and penalties. Any person violating any of the provisions of this article shall be subject to a fine of not less than \$500 nor more than \$2,000 per tree and/or imprisonment in the county jail for a period not to exceed 90 days and/or 90 days of community service. Each tree damaged, removed or destroyed in violation of this article shall be considered a separate offense, and a separate fine shall be levied for each tree. In addition, the court shall require the guilty party to replace trees that have been removed or damaged in violation of this article, in

accordance with the tree replacement schedule in § 300-152 of this chapter.

Section 9. Paragraph A of Section 404-12 "Fees and escrow requirements" of Chapter 404 "Soil removal" is hereby amended to read as follows:

- A. Fees. Upon a determination by the Zoning Officer that the application does not require Planning Board or Zoning Board of Adjustment approval, the applicant shall pay a fee to the Borough, which shall include tree preservation and removal review and inspection, as follows:
- (1) New residence: \$400.
 - (2) All other applications, including addition, accessory structure, pool, tennis court, patio, regrading, wall: \$300.
 - (3) Fee for Tree Specialist, additional fee for all applications: \$400 for new residence and \$300 for all other applications.
 - (4) Extension of soil removal permit: \$50.

Section 10. Repealer

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

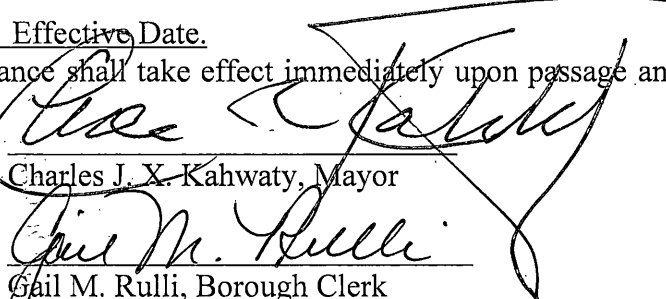
Section 11. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

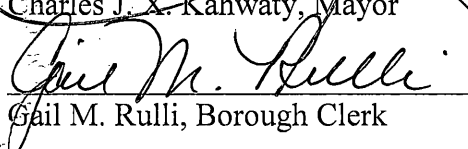
Section 12. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED:


Charles J. X. Kahwaty, Mayor

ATTEST:


Gail M. Rulli, Borough Clerk

Introduced: 06-16-2026

Adopted: 07-21-2026