

Holland Township Environmental Commission Minutes

April 3, 2024 7 PM Meeting

Chairman Keady called the meeting to order, "I call to order the April 3, 2024 Regular Meeting of the Holland Township Environmental Commission. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Environmental Commission Secretary by:

1. Posting such notice on the bulletin board at the Municipal Building
2. Publishing the notice in the December 21, 2023 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only. "

All recited the pledge of allegiance.

All were reminded to turn off their cell phones or put them in silent mode.

Members Present: Regina Barna, David Harrison, Mike Keady, Dwight Pederson, Tony Rizzello, Township Committee Liaison Duane Young, Township Committee Alternate Liaison Bush (arrived at 7:04 pm), Darlene Green, Planner (Guest professional) and Land Use Administrator (LUA) Maria Elena Jennette Kozak.

Excused Absent: Davina Lapczynski

Guest: Wes Aber, Melissa and Typer with Pops Bees and Trees and Michael Witman.

Let the record show we have a quorum.

Minutes: A motion was made by David Harrison and seconded by Tony Rizzello to approve the minutes of February 7, 2024 and March 6, 2024 as presented. All present were in favor of the motion. Motion carried.

Old Business:

Seedling give-away is April 13, 2024 with Davina Lapczynski picking up the trees on April 11, 2024. All to arrive by 8:30am for setup.

Arbor Day celebration is Saturday April 27, 2024 at 11 am at the Municipal Building. There will be a tree planted at the building with one of our tree identification plaques to be purchased later as we normally do. A Crab Apple is being planted.

New Business:

- Briefing on the Holland version of the Tree Removal and Replacement Ordinance. Our Township Engineer and Township Attorney have been working on this. Planner Green is in attendance to help everyone with understanding the proposed ordinance and answering questions. The DEP rules changed which triggered this ordinance as being a requirement under the new stormwater identification of Tier A. We are reacting to what is being required. There is also a model ordinance for the towns to follow. This was to be adopted by May 1, 2024 or at least introduced by May 1, 2024. This will appear in our code book under stormwater. Zoning will be involved with this process. Trees cannot be removed until zoning agrees. The following was prepared for consideration.

WHEREAS, the Township of Holland has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and

WHEREAS, the Township of Holland is subject to the Community-wide Ordinance requirements of the Tier A Municipal Stormwater Permit; and

WHEREAS, the Community-Wide Ordinance requirements in the Township of Holland's Tier A Municipal Stormwater Permit necessitate the adoption of the ordinance by the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOLLAND, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF HOLLAND, ENTITLED “STORMWATER QUALITY”, IS EMENDED AS FOLLOWS:

Part One – Chapter 145 of the Code of the Township of Holland entitled “Stormwater Quality” shall be emended as follows:

Chapter 145 – Stormwater Quality

Article X – Tree Removal and Replacement

§145-50. Scope and Purpose.

An ordinance to establish requirements for tree removal and replacement in the Township of Holland to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§145-51. 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 discretionary.

APPLICANT

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

CRITICAL ROOT RADIUS (CRR)

Means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.

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.

HIGH RISK 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 high risk trees.

- A. Has an infectious disease or insect infestation;
- B. Is dead or dying;
- C. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- D. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or

- E. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

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.

STREET TREE

Means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) 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.

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.

§145-52. Regulated Activities.

A. Application Process:

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to the Holland Township Zoning Officer or other designated Municipal Official. No tree shall be removed until municipal officials have reviewed and approved the removal.
2. Applicants will be subject to an application fee per tree to be removed in accordance with the Tree Replacement Requirements Table below.
3. Applicants may be required to post an escrow deposit in the event that the Tree Removal Application and subsequent review requires the Township to engage a Licensed Tree Expert to review the requested trees to be removed. The escrow amount shall be determined at the time of the Application. Applicants shall be notified in writing at the time of application filing.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section 145-53, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more non-street tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section 145-53, shall be subject to the requirements of the Tree Replacement Requirements Table.
3. The species type and diversity of replacement trees shall be in accordance with the list of native tree species published by the Native Plant Society of New Jersey (<http://www.npsnj.org/>).
4. Replacement tree(s) shall:
 - a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
 - c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
 - d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed	<i>\$10.00/ Tree</i>
2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$20.00/ Tree</i>
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$40.00/ Tree</i>
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$50.00/ Tree</i>

C. Replacement Alternatives:

1. 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 a separate area(s) approved by the municipality.
- b. Pay a fee of \$100.00 per tree replacement planting not completed in accordance with the Tree Replacement Requirements Table above. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§145-53. Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Exemptions shall be granted at the discretion of the Holland Township Zoning Officer upon review of applications for tree removal.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. 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;
- D. 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.
- E. 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;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. High risk trees may be removed with no fee or replacement requirement.
- H. Removal of invasive species such as Tree-of-Heaven (*Ailanthus altissima*), Callery Pear (*Pyrus calleryana*), and others (full list of invasive New Jersey trees can be found, as per NPDEP recommendation, on the New Jersey Invasive Species Strike Team website https://www.fohvos.info/wp-content/uploads/2022/05/2022Scientific_DoNotPlant.pdf)

§145-54. Enforcement.

This ordinance shall be enforced by the Holland Township Zoning Officer during the course of ordinary enforcement duties.

§145-55. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to be less than the amount required under Section 145-52C.1.b. above.

Part Two – Chapter 83 of the Code of the Township of Holland entitled “Fees” shall be emended as follows:

Chapter 145, Stormwater Quality

Article X – Tree Removal and Replacement

Application Fees

Category	Tree Removed (DBH)	Application Fee
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	<i>\$10.00/ Tree</i>
2	DBH of 13” to 22.99”	<i>\$20.00/ Tree</i>
3	DBH of 23” to 32.99”	<i>\$40.00/ Tree</i>
4	DBH of 33” or greater	<i>\$50.00/ Tree</i>

Non-Replacement Fees

\$100 per Tree not replaced in accordance with the Tree Replacement Requirements Table in Chapter 145 – Article X – Tree Removal and Replacement

Part Three – Severability

If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Part Four - This ordinance was introduced on first reading May 7th, 2024 and shall take effect upon the publication of notice of final adoption on June 13, 2024 as provided by law.

I, Melissa S. Tigar, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on first reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on the 7th day of May.

In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 7th day of May 2024.

Melissa S. Tigar, RMC
Municipal Clerk, Holland Township

Some areas that can be discussed could be the fee scheduled. Some no fee trees are applicable. Enforcement will be the zoning officer. Suggestions were discussed on higher amounts for violations and penalties. The native tree list is what the Highlands Council has been using so we are also under their umbrella. Property owners will have some flexibility with tree plantings.

This is an opportunity for the Environmental Commission to weigh in with suggestions that Planner Green can go back to Engineer Wisniewski to see if tweaks in the ordinance can take place before introduction. Again, this is mandated by the state and not something we have created. We are working with the model ordinance and can possibly make some additions to it but cannot subtract from it. There is a baseline that has to be followed.

Member conversations....a subcommittee of three did review the document. Mr. Pederson, Ms. Barna and Mr. Keady. The one belief is that government should not be involved with trees on private property. This is a complicated conversation. Replacing trees should be more of a focus. This is an unfunded mandate that is going to cause grief. If we have to accept this concept then we should try to embrace tree replacement. Planner Green did mention that the template is not something that is award based and does not fully embrace the concepts of Hunterdon County and our agricultural environments. Mayor Bush supports independence and has not embraced this type of restriction discussed for years. We have limited sidewalks. Again, we are only doing this because of the mandate. People have the right to remove trees. More conversations took place about our Community Forestry Plan. We are a forested community. Tyler Boyd did mention that he sees some conflicts with what is required in the ordinance and what Holland needs. This prompted the conversation on what are the needs in Holland Township with tree replacement being paramount however that is just not realistic. Tyler Boyd, owner of Pops Bees and Trees also sees this has challenging from a working standpoint to have to obtain a township permit for removal of trees. This could hold up his work. This sparked the conversation that this is going to be complaint driven as the zoning officer is NOT driving around looking for offenders. Other members expressed the opinions that the township should hire an expert for this. As it stands now, the zoning officer and DPW supervisor will be handling the ordinance. The appeal process will follow standard zoning ordinance process. If someone does not like the zoning determination then they can appeal to the Land Use Board. It's standard procedure. Another opinion shared is that this ordinance is a good ordinance and protects the future. We are in the Highlands so our forest is also protected along with Green Acres. Holland Township has preserved over 2000 acres and we do not have a lot of land left to develop. More conversations took place about iTree software, caliper of trees replacement, stormwater, tree species, absorption, costs, availability, erosion, native species, invasive species, implementation etc. This ordinance requirement does place a lot of burden on the township. Mayor Bush stated that the ordinance will not be introduced until May 7, 2024 and that Planner Green will take some of the suggestions back to Engineer Wisniewski for ordinance tweaking. Invasive trees can be removed without a fee. Some trees are a nuisance but we do not need to spell this out as other permits may be required. An example would be septic and board of health would be involved. Some items in the ordinance are vague so that others can step in if the situation warrants. More conversation about how this ordinance will affect local business owners with Mayor Bush stating he does not see this affecting them. Planner Green does not see a lot of permits being issued based on experience in other towns. I can have a backup of working with everyone with pictures if I cannot immediately get out to the job site. It will be working together. The Mayor expressed that he is NOT really worried about this ordinance and the procedure. We had no choice and we will work this out. It is about teamwork and working together. While suggestions were made for consideration, there was additional conversation about word issues and word structure. Another suggestion was that there should be a list for invasives, an updated approved list and also providing a link so that as updates are made the list is active and not a paper document that needs to be updated by ordinance. More hybrid conversations took place and the real hope is that homeowners will contact professionals for help. Words to be changed....directory to discretionary, non-street added in the ordinance, appendix to be links, also fees to be determined at TC level as this is not an EC conversation. More conversations shared with the frustrations of this ordinance and how this has little to do with tree replacement which should be the priority. The application process is still something everyone expressed concern with and Mayor Bush stated that a government employee will handle. Mayor Bush thanked

everyone for their comments. He totally understands that no one really supports this in Holland Township but wants everyone to fully understand that we had no choice in the matter. In order to seek grant opportunities we need to follow rules even when they are not something we endorse.

Planner Green took notes and will work with Engineer Wisnewski but left the meeting at 8:40pm after thanking everyone for their help and support.

Mayor Bush thanked everyone again for all their dedication and input regarding this ordinance. It was not an ordinance that was received with open arms. He had this brought to the EC for review and input and Engineer Wisniewski will make some tweaks which will result in an ordinance being introduced at the Township Committee meeting of May 7, 2024. Then it will go the Land Use Board for consistency with the Master Plan Review and then back to the TC for adoption in June. Just a reminder, we had no choice in moving forward with this ordinance but the input of the EC members and the public is greatly appreciated. Let's make this as good as we can and move forward.

Subcommittee:

Trails – Regina Barns and Tony Rizzello – nothing to report at this time.

Community Forestry Management Plan – Tony Rizzello, David Harrison, and Secretary Kozak
CFP 2024 Goals (as outlined by Member Harrison)

1. Arbor Day Tree Planting
2. Submit 2 tree or forest related articles to local and regional newspapers and Township website
3. If feasible, apply for Tree City USA re-certification
4. Track hours and expenditures for CFMP
5. Complete annual training requirements - 8 CEUs
6. Identify and Label individual trees on Township properties
7. Continue and improve outreach efforts at community events
8. Reevaluate hazard trees and update the list
9. If funding available, apply for and execute a township seedling giveaway
10. Begin Strategic planning and goal development for third CFMP and evaluate the successes and failures of the second CFMP
11. Apply for Green Communities funding for the creation of the third five-year CFMP
12. Map and complete baseline surveys on properties with conservation easements
13. Implement removal of invasive species on township owned land if CSIP (Community Stewardship Incentive Program) funding is received to implement the program.

LUA Kozak requests everyone to keep track of their hours pertaining to trees for the whole year. LUA Kozak will resend everyone the tracking sheets which are also available upon request. This is important for our annual report. Please keep track. Also, LUA Kozak reminded everyone that if they participate in a CEU program to please send her any confirmation of attendance so she can work with the state to make sure we receive the proper credits.

Tree Labels – Dwight Pederson will continue to work with LUA Kozak to see if revisions are needed for the website.

Stormwater Education – Mike Keady, Davina Lapczynski and Maria Elena Jennette Kozak – Tier B reassignment to Tier A is the focus of the Township. There is nothing new to report as progress is being made with seeking funding. The retention/detention basin list will fall into the stormwater project. This project is engineer driven at this time. LUA Kozak to work with the engineer in submitting the yearly educational review. More details to follow.

Highlands Conformance – Mike Keady and Dwight Pederson. –More information will follow as updates are available.

Community Education and Outreach – Dwight Pederson, and Regina Barna –

The EC webpage is: <http://www.hollandtownshipnj.gov/bds-committees/environmental-commission>.

Everything will first go to someone on Community Education and Outreach for review and then to Secretary Kozak for distribution to the website or Facebook.

Guest Lecture Series is under Community Education and Outreach

As a reminder please share with the public that an area to sign up for the lecture series email list is on our website. To be informed about upcoming talks or with speaker ideas, sign-up here

[Speaker Series Email List](https://cities.formstack.com/forms/holland_ec_cont) (https://cities.formstack.com/forms/holland_ec_cont)

The 2024 series is:

January 10 2024 – Know the Bear Facts.

April 24, 2023 – Trees how to plant and care for them

July 17, 2024 – Birds of Holland Township

Inventory of Fauna and Flora (Bio-Diversity) subcommittee - David Harrison, Dwight Pederson, – Nothing new to report. Discussion took place with the EC subcommittee and guest Aber.

Waterway Subcommittee –

Musconetcong River Management Council – Dwight Pederson – Nothing new to report as it was mentioned in the above with regards to the Mill.

Lower Delaware Wild and Scenic – Tony Rizzello – Nothing new to report.

Holland Township Sustainable Jersey Green Team – Davina, Mr Keady, Liaison Young – Nothing new to report.

Public Comment: There were no comments during public comment.

Board Comment:

There were no comments during board comment.

At 8:50 pm David Harrison made a motion to adjourn.

Respectfully Submitted

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak

Environmental Commission Secretary