

**BOROUGH OF MOUNTAIN LAKES  
SETBACK TREE MANAGEMENT PLAN  
RULES REGARDING TREE PROTECTION**

The Setback Tree Ordinance requires the protection of trees six inches or greater in diameter (measured 4.5 feet above the ground) within the setback areas of all property within the Borough. The purpose of this ordinance is to protect the tree canopy, which is identified as one of the major characteristics of the Borough.

**What is the setback area?**

The **setback area** requiring protection is measured in from the property line and for the majority of residential properties is 40 feet on any street side and 25 feet on any non-street side of the property. These dimensions may vary, depending on what Zone your property is in. (See the Borough Zoning Map and Bulk Requirements, which provide the setbacks of all Zones in the Borough.)

**Tree protection is required during construction.** A Setback Tree Management Plan is required prior to the issuance of a construction permit in order to protect the health of all trees to be retained. The Plan creates a protection zone, keeping all trees and their root systems within the area undisturbed during construction. It must be approved prior to construction permitting or application approval by the Planning Board or Zoning Board of Adjustment, and must be signed off prior to receiving final construction approvals.

**Protection Fencing**

The Setback Tree Management Plan requires survey or drawing identifying the location of all trees 6" or greater in diameter to be protected by approved fencing material.

- Fencing must be a minimum height of 4 feet around the tree at a distance no closer than one foot per inch of tree diameter, measured 4.5 feet about the ground. For example, the fencing for a 10-inch diameter tree will be installed in a circle around the tree 10 feet from the trunk.
- Fencing may be installed encompassing more than one tree as long as the proper distance from each tree is maintained.
- The fence must remain intact for the duration of the construction project.
- No equipment may be operated and no construction materials may be placed within the protected zone.
- A weather-resistant sign must be affixed to the fence clearly identifying it as a Tree Protection Zone.
- Underground utility lines will be routed to make as little disturbance to the tree protection zone as possible.
- Specific corridor(s) for site access, and driveway or parking areas must be designated.

**Permit Procedure:** A Setback Tree Management Plan must be submitted to the Construction Official or Planning/Zoning secretary. It should include a survey or drawing to scale indicating setback lines and the location of all trees 6" or more in diameter, with the corresponding protection fencing. Locations of any trenching, and material or equipment storage must be marked. Location of any replacement trees proposed to be planted in accordance with Ordinance 102-37. Upon submittal of an application, a Shade Tree Commission representative may schedule a meeting with you to review your drawing and affected trees, and answer any questions you may have. Information regarding the application will be submitted to the Borough Manager for approval. The Borough Manager may request clarification prior to signing off. **No work may begin prior to plan approval by the Borough Manager. No Certificate of Occupancy will be issued prior to final inspection.**

Please refer to **Ordinance 102-35 through 102-37** for more detailed information about the requirements of the Setback Tree Management Plan. If you have questions, please contact the Borough Manager.

**BOROUGH OF MOUNTAIN LAKES  
SETBACK TREE MANAGEMENT PLAN**

**PLEASE PRINT:**

Block Number \_\_\_\_\_ Lot Number \_\_\_\_\_ Date \_\_\_\_\_

Owner \_\_\_\_\_ Phone # \_\_\_\_\_

Property Address \_\_\_\_\_

Acting Agent (if different than owner) \_\_\_\_\_ Phone# \_\_\_\_\_

Number of trees in the setback areas (all sides of lot) 6 or more inches in diameter \_\_\_\_\_

Number of trees 6 or more inches in diameter in the setback areas requested to be removed \_\_\_\_\_

If you are requesting to remove more than 50% of your protected setback trees or more than 2 total,  
please describe the reasons for the request \_\_\_\_\_

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Indicate the number and species of trees that will be planted to replace the trees removed \_\_\_\_\_

\_\_ Attach a survey or drawing indicating setback lines and location of trees to be removed and  
replacement trees to be planted

**Signature of applicant** \_\_\_\_\_ **Date** \_\_\_\_\_

**PERMIT ACTION**

\_\_\_\_\_ **Automatic Approval granted (no fee incurred)**  
(No more than 50% of trees in setback area up to a maximum of 2 will be removed)

\_\_\_\_\_ **Ineligible for automatic approval.**

**For consideration of above request the following requirements apply.**

\_\_ Attach a completed Setback Tree Management Plan Form

\_\_ Schedule a site visit with the Borough Manager

\_\_ Pay fee \_\_\_\_

\_\_ Attach proof of planting of replacement trees

**FINAL DISPOSITION**

\_\_\_\_\_ **Approved (based on review of completed documentation)**

\_\_\_\_\_ **Denied Reason** \_\_\_\_\_

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Signature of Borough Manager \_\_\_\_\_

**Setback Tree Management Plan to be implemented:**

1) \_\_\_\_\_ **No Plan Necessary because:** \_\_\_\_\_.

2) \_\_\_\_\_ **Standard:** Construction of a fence of a minimum height of 4 feet around the Tree Protection Zone perimeter of \_\_\_\_\_ feet. (The Tree Protection zone is one foot of distance from the tree trunk in all directions for every inch of tree trunk diameter, as described on page 1.)

**If options (1) or (2) is checked, no further information on this page is required.**

3) \_\_\_\_\_ **Non-Standard:** (May be proposed if standard plan cannot be achieved.) Check all that will be used, and draw a plan on the back of this page.

\_\_\_\_\_ Construction of a fence of a minimum height of 4 feet around the Tree Protection Zone perimeter at a distance of \_\_\_\_\_ in all directions from the trunk of the tree but is reduced due to driveway, walkway, patio, or deck conditions and:

\_\_\_\_\_ Placement of geotextile fabric under a 6 –12 inch depth of wood chips \_\_\_\_\_ feet beyond the fenced area in all directions to minimize soil compaction from operation of equipment.

\_\_\_\_\_ Deep root fertilize tree before and after construction.

Describe location of utility trenches and equipment storage areas: \_\_\_\_\_

**Additional comments by the Borough Manager** \_\_\_\_\_

4) \_\_\_\_\_ **Request Removal** of setback tree(s) with replacement program as described on page 1. List trees and their location to be removed by homeowner \_\_\_\_\_  
\_\_\_\_\_. Proposed number and species of replacement trees \_\_\_\_\_.

Action taken by the Borough Manager: **Plan approved /denied as proposed.** (Circle one)

\_\_\_\_\_  
Signature of Owner                      Date \_\_\_\_\_                      Signature of Borough Manager                      Date \_\_\_\_\_

\_\_\_\_\_ Final Approval for issuing Certificate of Occupancy:

\_\_\_\_\_  
Signature of Borough Manager                      Date \_\_\_\_\_