

55-292. FORESTRY. [Amended 6-5-89 by Ord. No. 1989-14; 12-16-1996 by Ord. No. 1996-60 § 42]

A. *Permit Required* . No forestry in the Pinelands Area of the Township shall be carried out by any person unless a permit for such activity has been issued by the

LU-1908.3 Rev. Ord. Supp. 12/03

Township Zoning Officer. Notwithstanding this requirement, no such permits shall be required for the following forestry activities:

- (1) Normal and customary forestry practices on residentially improved parcels of land that are five (5) acres or less in size;
- (2) Tree harvesting, provided that no more than one (1) cord of wood per five (5) acres of land is harvested in any one (1) year that no more than five (5) cords of wood are harvested from the entire parcel in any one (1) year;
- (3) Tree planting, provided that the area to be planted does not exceed five (5) acres in any one (1) year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted;
- (4) Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five (5) acres in any one (1) year; and
- (5) Prescribed burning and the clearing and maintaining of fire breaks.

B. *Forestry Application Requirements.* The information in paragraphs (1), (2) or (3) below shall be submitted to the Township Zoning Officer prior to the issuance of any forestry permit:

- (1) For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Comprehensive Management Plan. No

certificate of filing from the Pinelands Commission shall be required.

- (2) For forestry activities on a parcel of land approved for woodland assessment that is not enrolled in the New Jersey Forest Stewardship Program:
- (a) A copy of the woodland management plan, the scaled map of the parcel and a completed woodland data form, prepared pursuant to the farmland assessment requirements of N.J.A.C. 18:15-2.7 through 2.15;
 - (b) If not already contained in the woodland management plan required in paragraph (2)(a) above, the following shall be submitted:
 - [1] The applicant's name, address and interest in the subject parcel;
 - [2] The owner's name and address, if different from the applicant's and the owner's signed consent to the filing of the application;
 - [3] The block and lot designation and street address, if any, of the subject parcel;
 - [4] A brief written statement generally describing the proposed forestry activities; and
 - [5] The relevant portion of the USGS Quadrangle map, or copy thereof, and a copy of the relevant portion of the municipal tax map sheet on which the boundaries of the subject parcel and the municipal zoning designation are shown.
 - (c) A scaled map or statement indicating how the standards set forth in paragraphs C(2), (3), (4), (6), (9) and (10) below will be met;

LU-1910

- (d) A letter from the Office of Natural Lands Management indicating whether any threatened or endangered plants or animals have been reported on or in the immediate vicinity of the parcel and a detailed description of the measures proposed by the applicant to meet the standards for the protection of such plants and animals set forth in §§ 55-295 and 55-299B(1);
- (e) Unless the Pinelands Commission determines that it is unnecessary, a cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with § 55-301;
- (f) A statement identifying the type, location and frequency of the proposed herbicide treatments and how such treatments will comply with the standards set forth in paragraph C(8) below;
- (g) A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;
- (h) A letter from the New Jersey State Forester indicating that the proposed forestry activities adhere to the silvicultural practices contained in the Society of American Foresters Forestry Handbook, Second Edition, pages 413 through 455;
- (i) A letter from the New Jersey State Forester commenting on extent to which the proposed

forestry activities are consistent with the guidelines contained in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the Department of Environmental Protection. If the letter indicates that the proposed activities are not consistent with the Best Management Practices Manual, the applicant must submit a written statement addressing the inconsistencies in terms of their potential impact on the standards set forth in paragraphs C(9) and (10) below;

- (j) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and
 - (k) When prior approval for the forestry activities has been granted by the Zoning Officer or other Township approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to Section 55-277E. [Amended 7-16-01 by Ord. No. 2001-29]
- (3) For forestry activities on a parcel of land that has not been approved for woodland assessment and is not enrolled in the New Jersey Forest Stewardship Program:
- (a) The information required in paragraphs B(2)(b) through (k) above; and
 - (b) A forestry activity plan which includes, as appropriate:
 - [1] A cover page for the forestry activity plan containing:
 - (a) The name, mailing address and telephone number of the owner of the subject parcel;

- [b] The municipality and county in which the subject parcel is located;
 - [c] The block and lot designation and street address, if any, of the subject parcel;
 - [d] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
 - [e] The date the plan was prepared and the period of time the plan is intended to cover.
- [2] A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, silvicultural prescriptions and management practices;
- [3] A description of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall be keyed to an activity map and shall include, as appropriate, the following information:
- [a] The number of acres;
 - [b] The species composition, including overstory and understory;
 - [c] The general condition and quality;
 - [d] The structure, including age classes, diameter breast height (DBH) classes and crown classes;
 - [e] The overall site quality;

LU-1913

- [f] The condition and species composition of advanced regeneration when applicable; and
 - [g] The stocking levels, growth rates and volume.
- [4] A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period. These may include, but are not necessarily limited to, a description of:
- [a] Stand improvement practices;
 - [b] Site preparation practices;
 - [c] Harvesting practices;
 - [d] Regeneration and reforestation practices;
 - [e] Improvements, including road construction, stream crossings, landings, loading areas and skid trails; and
 - [f] Herbicide treatment.
- [5] A description, if appropriate, of the forest products to be harvested, including the following:
- [a] Volume: cords, board feet;
 - [13] Diameter breast height (DBH) classes and average diameter;
 - [c] Age;
 - [d] Heights; and
 - [e] Number of trees per acre.

LU-1914

- [6] A property map of the entire parcel which includes the following:
- [a] The owner's name, address and the date the map was prepared;
 - [b] An arrow designating the north direction;
 - [c] A scale which is not smaller than one inch equals two thousand (2,000) feet or larger than one inch equals four hundred (400) feet;
 - [d] The location of all property lines;
 - [e] A delineation of the physical features such as roads, streams and structures;
 - [f] The identification of soil types (a separate map may be used for this purpose);
 - [g] A map inset showing the location of the parcel in relation to the local area;
 - [h] Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one (1) inch equals two thousand (2,000) feet or larger than one (1) inch equals four hundred (400) feet, and shall be appropriately keyed to the property map; and

LU-1915

[i] A legend defining the symbols appearing on the map.

C. *Forestry Standards*. Forestry operations shall be approved if the standards set forth below will be met:

- (1) All silvicultural practices shall be conducted in accordance with the standards set forth in the Society of American Foresters Forestry Handbook, Second Edition, pages 413 and 455. Submission of an approved New Jersey Forest Stewardship Plan or the letter required pursuant to paragraph B(2)(h) above shall serve as evidence that this standard is met;
- (2) Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;
- (3) All silvicultural and reforestation practices shall serve to maintain native forests, except in those areas where non-native species are proposed to be harvested;
- (4) The following actions shall be required to encourage the reforestation of atlantic white cedar and hardwood swamps:
 - (a) Clearcutting cedar and managing slash;
 - (b) Controlling competition by other plant species;
 - (c) Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;
 - (d) Utilizing existing streams as cutting boundaries, where practical;
 - (e) Harvesting during dry periods or when the ground is frozen; and

LU-1916

- (f) Utilizing the least intrusive harvesting techniques, including the use of winches and corduroy roads, where practical.
- (5) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of threatened and endangered plants and animals set forth in §§ 55-295E and 55-299B(1);
- (6) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50-6.69;
- (7) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in § 55-301;
- (8) Herbicide treatments shall be permitted, provided that:
- (a) The proposed treatment is identified in the forestry application submitted to the Zoning Officer pursuant to paragraph B(2)(f) above;
 - (b) Control of competitive plant species is clearly necessary;
 - (c) Control of competitive plant species by other, non-chemical means is not feasible; and
 - (d) All chemicals shall be expressly labeled for forestry use and shall be used in a manner that is consistent with relevant State and Federal requirements;
- (9) A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required

when atlantic white cedar is proposed to be harvested or re-established. The streamside management zone shall be at least twenty-five (25) feet in width. Where soils are severely erodible, slopes exceed ten percent (10%) or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of seventy (70) feet to buffer the water body from adjacent forestry activities. Submission of an approved New Jersey State Forester indication that the proposed forestry activities are consistent with the New Jersey Forestry and Wetlands Best Management Practices Manual shall serve as evidence that this standards is met;

- (10) Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to: minimum changes to surface and ground water hydrology; minimize changes to temperature and other existing surface water quality conditions; prevent unnecessary soil erosion, siltation and sedimentation; and minimize unnecessary disturbances to aquatic and forest habitats. Submission of an approved New Jersey Forest Stewardship Plan or a letter from the State Forester indicating that the proposed forestry activities are consistent with the New Jersey Forestry and Wetlands Best Management Practices Manual shall serve as evidence that this standard is met.
- (11) A copy of the forestry permit issued by the Township Zoning Officer shall be conspicuously posted on the parcel which is the sire of the forestry activity.

D. Forestry Permit Procedures.

- (1) Applications for forestry permits shall be submitted to the Zoning Officer and shall be accompanied by an application fee of twenty-five (\$25.00) dollars.
- (2) Within fourteen (14) days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant in writing of any additional information which is necessary to complete the application. Should the Zoning Officer fail to make such a determination within fourteen (14) days, the application shall be considered to be complete as of the fifteenth (15th) day following its submission.
- (3) Within forty-five (45) days of determining an application to be complete pursuant to paragraph D(2) above, or within such further time as may be consented to by the applicant, the Zoning Officer shall issue a forestry permit if the activities proposed in the application comply with the standards in paragraph C. above or disapprove any application which does not meet the requirements of paragraph C. above. Any such notice of disapproval shall specifically set forth the deficiencies of the application.
- (4) Upon receipt of a notice of disapproval pursuant to paragraph D(3) above, the applicant shall have thirty (30) days in which to correct the deficiencies and submit any necessary revisions to the application to the Zoning Officer for review. The Zoning Officer shall review the revised application to verify conformity with the standards in paragraph C. above and shall, within fourteen (14) days of receipt of the revised application, issue a forestry permit or disapprove the application pursuant to paragraph D(3) above.

- (5) Failure of the Zoning Officer to act within the time period prescribed in paragraphs D(3) and (4) above shall constitute approval of the forestry application as submitted. At the request of the applicant, a certificate as to the failure of the Zoning Officer to act shall be issued by the municipality and it shall be sufficient in lieu of the written endorsement or other evidence of municipal approval required herein.
 - (6) In reviewing and issuing permits for forestry applications, the Zoning Officer shall also comply with the Pinelands Area notice and review procedures set forth in § 55-277.
 - (7) Forestry permits shall be valid for a period of ten (10) years. Nothing in this section shall be construed to prohibit any person from securing additional permits, provided that the requirements of this section and the Pinelands Comprehensive Management Plan are met.
- E. Administrative Fees.* Upon the issuance of a forestry permit pursuant to paragraph D(3) above, the applicant shall be required to pay a sum of two hundred fifty (\$250.00) dollars which shall serve as a reimbursement for any administrative costs incurred by the municipality during the ten (10) year permit period. The applicant shall not be subject to any additional fees or escrow requirements for the duration of the forestry permit. [Amended 7-16-01 by Ord. No. 2001-29]
- F. Notification of Harvesting.* No harvesting shall be commenced until the applicant has provided the Zoning Officer within seventy-two (72) hours written notice of the intention to begin harvesting operations.