MEETING MINUTES

Shade Tree Committee
City Hall – 280 Grove Street, Jersey City NJ 07302
Councilmember Mira Prinz-Arey, Chair

Meeting: Jersey City Shade Tree Committee Meeting

Date / Location: 21 September 2020 – 6:30 p.m.
Videoconference remote meeting via Zoom

Attendees: **Voting Committee Members**
Denise Bailey
Adam Cohen (designee for Chair Mira Prinz-Arey)
David Hurtle
Matthew Trump
Theodore G. Tasoulas, Vice-Chair
Marc Wesson

Non-Voting Committee Members/City Representatives
Cameron Black, Senior Planner, Jersey City Division of Planning
Kate Lawrence (Secretary), Director, Jersey City Office of Sustainability
John McKinney, Jersey City Department of Law
Edward O'Malley, Jersey City Forester

Prepared By: Kate Lawrence

Date Prepared: October 14, 2020
Date Approved: November 16, 2020

ROLL CALL

The Committee meeting commenced at 6:30 PM. Six of six voting committee members were present. Adam Cohen acted as Ms. Prinz-Arey' s designee.

PUBLIC NOTIFICATION

Meeting notice was sent to the City Clerk's Office, Jersey Journal, and Hudson Reporter on September 17, 2020.

APPROVAL OF PREVIOUS MINUTES

Acting Chair Theodore G. Tasoulas stated at the beginning of the meeting that approval of meeting minutes would be deferred to the next meeting when Chair Prinz-Arey would be present and a more thorough discussion could take place.

NEW BUSINESS

Chapter 321

John McKinney, Assistant Corporation Counsel with the City of Jersey City, provided a review of various edits to Chapter 321 of the Municipal Code that had been offered by Sustainable

Jersey City, the Jersey City Parks Coalition, and others. Some of the main topics of discussion included the following:

- Approval of Forestry Standards by Shade Tree Committee:
  - According to Mr. McKinney, Forestry Standards can be reviewed by the Shade Tree Committee, but the Committee cannot approve them, because it is not a governing body.
  - It was suggested to have final review and approval of Forestry Standards by the Shade Tree Committee before vote by City Council.
- Permitting:
  - Mr. McKinney suggested that specific permitting procedures, such as whether more than one tree can be permitted per application, should be left up to the Division of Parks & Forestry. He also noted that fees charged for permits are not a revenue generator and are only meant to cover administrative costs. If fees are increased to the point that they are seen as a revenue generator they then become a 'tax.'
- Technical language on planting and maintenance:
  - According to Mr. McKinney, any technical language such as that proposed by Sustainable Jersey City should go in the Forestry Standards.
- Role of Forestry Standards:
  - According to Mr. McKinney, keeping specific regulations and procedures to the Forestry Standards allows more flexibility for adapting these regulations and procedures in the future to meet the City's needs and capacity.
  - Relegating language to the Forestry Standards does not take the "teeth" out of it.
- Maintenance Plans:
  - One of the proposed amendments would require maintenance plans for trees in new or existing developments and for walkways, plazas, and parks managed by private entities.
  - It was discussed by Mr. McKinney and Mr. Black that it is possible to require tree maintenance plans as part of new development applications.
  - According to Mr. McKinney, the Shade Tree Committee does not have the authority to require, approve or deny maintenance plans.
- Shade Tree Committee vs. Shade Tree Commission:
  - According to Mr. McKinney, under a mayor/council form of government, independent commissions cannot operate as separate entities with authority to hire, spend funds, etc.
  - Also according to Mr. McKinney, other so-called "commissions" within the City such as the Environmental Commission are not actually commissions. The name is inaccurate and they do not have the powers of a commission.
- Permitting language:
  - According to Mr. McKinney, permitting language should go in the Forestry Standards.
  - There was discussion about having the Shade Tree Committee provide feedback on tree removal permits. Timing may be an issue.
  - The group discussed potentially including timelines and submission dates.

- o It was suggested that it was the Forester's role to approve tree removal requests.
- Requests for deviations from Forestry Standards:
    - o It was suggested that the Shade Tree Committee review requests for deviations from the Forestry Standards.
    - o This is essentially what took place at the July 20, 2020, Shade Tree Committee meeting when the Central Avenue Special Improvement District requested changes to the allowed tree pit treatments for the Central Avenue streetscape project. The Shade Tree Committee did not support the request.
- Referencing of documents to each other:
    - o Several members of the Committee expressed an interest in having the various tree-related chapters of the City Code and guiding documents such as the Forestry Standards reference each other.
    - o Mr. McKinney advised that references should be general and not specific to page numbers or sub-sections in case of future changes.
- Tree removals:
    - o Mr. McKinney advised against requiring a public hearing for tree removals. The requirement for a public hearing allows for the matter to become politicized. If desired, a public notice could be required instead.
    - o There was a discussion of whether or not public notice should be required and, if so, if different types of public notice should be required for different levels of tree removal.
- Review of Forestry budget:
    - o Mr. McKinney suggested that the Shade Tree Committee work with the Forester to review the budget annually and make recommendations. The Shade Tree Committee does not have the authority to approve the budget.
- Fines and violations:
    - o According to Mr. McKinney, fines for violations can easily be increased from $100 to the maximum fine of $1,000.
    - o There was a discussion of requiring violators to pay this fine plus what they would need to have paid for in permitting fees. Mr. McKinney advised against this approach but stated that the City can sue offenders for removing/destroying City property.
    - o Enforcement was discussed, including the City's capacity to enforce existing regulations and who was responsible for enforcement.

PUBLIC COMMENT

- Reni, a member of the public, expressed an interest in getting more people to plant trees in front of their houses.
- Debra Italiano, a member of the public, expressed an interest in referencing the Forestry Management Plan within Chapter 321 of the City Code and stated that this was a best practice.
- Caroline Katz-Mount, a member of the public, stated her preference for limiting tree removal to instances where it is a danger and there is no other remedy than the removal

of the tree and expressed concern about including tree removal guidance in the Forestry Standards rather than the ordinance itself.

OPEN DISCUSSION

- The Committee discussed the role of the Forestry Standards.
  - Provides standards for tree plantings by private developers and other entities.
  - Includes cost for replacing trees, as determined by tree DBH.
  - The Committee is tasked with reviewing the Forestry Standards annually.
- Cameron Black explained Planning's role in utilizing the Forestry Standards and getting trees planted.
  - Developers are required to plant trees along the sidewalk if none exist.
  - Planning reviews development plans and insures that required trees are planted.
  - Any requests by developers for tree removals or for waivers for tree plantings are sent with application to the Division of Parks & Forestry for review.
- The Committee discussed how trees are paid for in Jersey City.
  - The fall 2020 tree planting is being paid for by Office of Sustainability capital funding and a Community Development Block Grant (CDBG).
  - Funding for tree planting is something Council is looking at as part of budget.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Next Meeting

The next meeting of the Jersey City Shade Tree Committee is scheduled for Monday, October 19, at 6:30 p.m. This meeting will be held remotely as a videoconference. Virtual access information will be distributed before the meeting.