

Township of Mansfield, NJ

Wednesday, April 24, 2013

Chapter 60B. TREE REMOVAL

[HISTORY: Adopted by the Township Committee of the Township of Mansfield 10-6-1988 by Ord. No. 1988-24. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Commission — See Ch. 17A.

Site plan review — See Ch. 44A.

Soil removal — See Ch. 47.

Subdivision of land — See Ch. 50.

Trees, shrubbery and landscaping — See Ch. 60A.

Zoning — See Ch. 65.

§ 60B-1. Legislative intent.

The governing body finds that the indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within this Township has resulted in creating increased soil erosion and dust, has deteriorated property values and further rendered land unfit and unsuitable for its most appropriate use, with the result that there has been deterioration of conditions affecting the health, safety and general welfare of all of the inhabitants of the Township of Mansfield and has led the governing body to enact this chapter to regulate and control the indiscriminate and excessive cutting of trees in this Township.

§ 60B-2. Purpose.

Trees are declared to be an important cultural, ecological, scenic and economic resource. Proper management of this resource will ensure its maintenance and result in greater economic returns. A proper forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for continuing uses of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring proper management of forests and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this chapter, except in accordance with the provisions of this chapter.

§ 60B-3. Definitions.

For the purpose of this chapter, certain terms are defined as follows:

AGRICULTURAL USE

A land use to derive income from growing plants or trees on land, including but not limited to land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.

COMMERCIAL NURSERY OR TREE FARM

A plant or tree nursery or farm having trees which are planted and growing for sale or intended sale to the general public in the ordinary course of business.

DIAMETER BREAST HEIGHT (DBH)

The diameter, in inches, of a tree measured at 4 1/2 feet above the existing grade.

DRIP LINE

An imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

FOREST MANAGEMENT PLAN

A plan which details the management practices proposed to be employed on a site, including but not limited to harvesting practices and reforestation, and setting forth the following:

- A. The location and size of the tract.

- B. The type of ownership.

- C. A map of the property showing what lands, types of vegetation cover, receiving waters, location of stream crossings and alternatives, locations of skid trails, location of access roads and landings, cutting boundaries and size of filter or buffer strips.

- D. Property description, including land use and acreage of open, crop and wood land; general soil types and erasability; range of percent of slope; timber quality and age (forest type, species, age, DBH, height, volume and reproduction); and understory.

- E. A description of the timber to be harvested.

- F. A description of the regeneration plans. (Where natural regeneration is to take place, selective thinning of growth should be accomplished to ensure that the dominant flora of the original forest is restored.)

- G. A description of intermediate management practices to be applied, including pest and disease control, where appropriate.

HISTORIC TREE

A tree which has been found by a professional forester, horticulturist or other professional plantsman to be of notable historic interest to the Township because of its age, type, size or historic association and has been so designated and that designation has been officially made and promulgated as part of the official records of the Township, county or state.

LAND CLEARING STAGE

Those operations where trees and vegetation are removed and which occur previous to the construction of buildings, e.g., road right-of-way excavation and paving, lake and

drainage system excavation, utility excavation, grubbing and any other necessary clearing operations.

NO-TREE VERIFICATION

A signed, notarized statement by the owner or his agent stating that no trees exist upon the site.

PERSON

Any individual, partnership, corporation, association or other legal entity, including the plural as well as the singular, and including all tree removal companies and persons removing trees on behalf of others.

PROFESSIONAL FORESTER

A graduate of a university or college accredited or affiliated by the Society of American Foresters with a degree in forestry or forest management who is formally educated to practice forestry.

PROTECTIVE BARRIER

A physical structure limiting access to a protected area, composed of wood or other suitable materials, which assures compliance with the intent of this chapter. Variations of these methods may be permitted, upon written request, if they satisfy the intent of this chapter.

REMOVE or REMOVAL

The actual removal of a tree by digging up, cutting down or the effective removal through damage.

SITE PLAN

A plan or drawing of a location or site prepared in order to illustrate information required by the terms of this chapter. The requirements of any other chapter of the Township shall not be applicable to a site plan prepared under the provisions of this chapter.

SPECIMEN TREE

A tree which has been determined by the judgment of a professional forester, horticulturalist or other qualified plantsman to be of high ecological or educational resource value because of its species, size, age, historic significance, occurrence outside of or at the limits of its normal range or other professional criteria. A specimen tree shall be an individual tree which has a circumference at breast height equal to or exceeding 40% of the circumference of the equivalent species listed in the latest edition of New Jersey's Biggest Trees, published periodically by the NJDEPE Bureau of Forestry.

[Amended 3-10-1993 by Ord. No. 1993-2]

TRANSPLANT

The digging up by a property owner of a tree from one place on his property and the planting of the same tree in another place on the same property.

TREE

Any self-supporting, woody plant of a species which normally, in the area, grows at maturity to an overall height of a minimum of 15 feet.

TREE SURVEY

An aerial photograph at a minimum scale of one inch equals 200 feet or a drawing to scale, which provides the following information: location of all forest types protected

under the provisions of this chapter, plotted by accurate techniques; the common name of all trees; and the average diameter breast height.

§ 60B-4. Applicability; regulations; specimen and historic trees.

The terms and provisions of this chapter shall apply to real property as follows:

A. On any platted, unplatted or undeveloped land, it shall be unlawful for any person to remove or cause to be removed any tree with a trunk diameter of three inches or more DBH without first having obtained a permit to do so as provided herein.

B. Specimen and historic trees. On all real property upon which specimen or historic trees are located, trees having been designated as such under the provisions of this chapter shall be maintained in a living condition, and it shall be unlawful for any person to remove such tree.

§ 60B-5. Permit; site plan information.

A. Any person wishing to obtain a permit to remove one or more trees or clear land as required under the provisions of this chapter shall make application to the Township Forester by filing a written application and paying such fee as established herein. Where an application as required by this chapter has been submitted, no permit shall be issued until a site plan for the lot or parcel has been reviewed and approved by the Township Forester, after consulting with the Environmental Commission, where appropriate, and until the filing of a written report of an on-site inspection by the Township Forester.

B. The site plan shall show the following information at a scale sufficient to enable the determination of matters required under these regulations:

(1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.

(2) Locations of all forest types which are subject to this chapter, identified by common or botanical name. (Trees proposed to remain, to be transplanted or to be removed shall be identified.)

(3) A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a protective barrier as defined herein.

(4) Locations and dimensions of all setbacks and easements required by the Zoning Ordinance *Editor's Note: See Ch. 65, Zoning.* of the Township.

(5) Statements as to grade changes proposed for the lot or parcel and how such changes will affect these regulations.

(6) Any proposed tree replacement program.

(7) All trees to be retained shall also be identified by some method, such as painting, flagging, etc., prior to field inspection. (Where protective barriers are necessary to prevent damage to a tree that is not to be removed, such barriers shall be erected before work starts.)

C. In addition to the information required in connection with applications set forth above, an aerial photograph of suitable quality (minimum one inch equals 660 feet) (available through the Burlington County Planning Board at a nominal charge) to facilitate site plan review or a tree survey as defined herein shall be required for tracts of land of 50 acres or more. A tree survey will be required on all tracts of 50 acres or more for which tree removal authorization is being requested.

D. Alternate site plan information. In the event that there are not trees greater than three inches DBH located on the site which are required to be protected under the provisions of this chapter, the applicant shall so state in his application for a no-tree verification. If such statement is substantiated by an inspection of the site by the Township Forester, the applicant shall be relieved of the necessity of supplying unnecessary or unimportant information, such as a tree survey, aerial photographs, etc.

E. Time of permit. Any and all permits issued by the Township as required by this chapter shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed six months. In no case will the permit be valid for more than 12 months. Permits not used within this period will become null and void, and future work will require a new application. For purposes of this section, a permit shall no longer be valid when the work authorized by the permit is completed.

§ 60B-6. Field check; consultation with Environmental Commission.

In all cases, the tree removal application shall be field-checked with an on-site inspection by the Township Forester prior to issuance of a permit. The Township Forester shall consult with the Environmental Commission concerning the application in the case of an application for a permit on a tract of more than three acres.

§ 60B-7. Preapplication inspection.

In connection with applications under the alternate site plan procedure and in connection with applications involving large tracts of property and land clearing, the Township Forester shall make himself or his designee available for preapplication inspection of the site involved.

§ 60B-8. Conditions for issuance of permits; basis for denial.

A. Criteria for removal. Upon receiving the field inspection report and any requested recommendations concerning the application, the Township Forester shall issue a permit after application is filed with the Township office for the removal or relocation of trees or clearing if one or more of the following criteria is met, and provided that none of the conditions set forth under Subsection B exist:

(1) The tree is located in an area where a structure or improvements will be placed according to an approved plan, it unreasonably restricts the economic enjoyment of the property and the tree cannot be relocated on the site because of age, type or size of the tree;

(2) The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations; or

(3) The tree is to be removed for harvesting as a product useful to man or for the purpose of making land available for farming or other useful or productive activity, is to be removed in furtherance of a forest management plan or soil conservation plan or to serve some useful or beneficial purpose.

B. Professional evaluation.

(1) The Township Forester may consider significant adverse impact in the following areas on the natural environment in granting a permit and may deny the permit if one or more of the following conditions exist:

(a) Adverse alteration of ground- and surface water characteristics.

(b) Substantial negative alteration of water quality or aquifer recharge.

(c) Substantial adverse ecological impact.

(d) Significant increase in noise pollution.

(e) Significant increase in air and dust movement.

(f) Substantial adverse impact on air quality.

(g) Significant reduction in available wildlife habitat.

(h) Adverse effect on the property values caused by aesthetic degradation.

(2) The Township Forester may consult and consider the recommendations of the Environmental Commission while conducting the evaluation.

C. Basis for denial. The Township Forester, upon a determination that an application is to be denied, shall state the basis for such denial specifically and shall notify the applicant of the grounds upon which said denial is predicated.

§ 60B-9. Fees.

A. The applicant, at the time of filing the application with the Township Forester, shall pay to the Forester an application fee of \$10 and an additional amount in accordance with the following schedule, depending on the number of trees to be removed:

- (1) One to five trees: \$10.
- (2) Eleven to 50 trees: \$1 per tree.
- (3) Fifty-one to 100 trees: \$100.
- (4) One hundred to 250 trees: \$200.
- (5) Two hundred fifty-one to 500 trees: \$300.
- (6) More than 500 trees: \$500.

B. If the determination by the Township Forester and Environmental Commission on the application is unfavorable and no permit is issued, the Forester shall promptly notify the applicant, in writing, with respect thereto and shall not issue said permit. In that event, the application fee of \$10 shall be retained for the purpose of defraying expenses for reviewing the application.

§ 60B-10. Protection during construction; barriers.

A. It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery or temporary soil deposits within six feet or $\frac{2}{3}$ of the drip line, as defined herein, whichever is greater, of any tree trunk having a three-inch or greater DBH above ground.

B. Before development, land clearing, filling or any land alteration, a permit will be required, and the developer shall be required to erect suitable protective barriers, and this protection, where required, shall remain until such time as the protection is authorized to be removed by the Township Forester or after issuance of a final certificate of occupancy. Also, during construction, no attachments or wires shall be attached to any of said trees so protected. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers will be required for all trees being protected, except in the following cases:

- (1) Street right-of-way and utility easements may be ribboned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.
- (2) Large property areas separate from the construction or land clearing area into which no equipment will venture may also be ribboned off as above.

§ 60B-11. Emergencies.

In case of emergencies, such as a hurricane, wind storm, flood, freeze or other disaster, or in the case of dead or diseased trees which are a hazard to persons and property, the requirement of these regulations may be waived by the Township Forester upon a finding that such waiver is necessary so that public or private work to restore order or property in the Township will not be impeded.

§ 60B-12. Exemptions.

A. The provisions of this chapter shall not apply to the following:

- (1) The transplant of a tree or trees.
- (2) Any tree of less than three inches DBH.
- (3) Pitch pine or Virginia pine, commonly known as "scrub pine," if less than three inches DBH or less than 15 feet in height.
- (4) Any tract of land of three acres or less in area upon which a single-family dwelling has been constructed.
- (5) Any tree or trees removed or cut on property upon which the owner has received farmland assessment qualification under the Farmland Assessment Act (N.J.S.A. 54:4-23.1 et seq.), provided that the area or land from which the tree or trees are cut or removed is to be used for agricultural use and the provisions of § 60B-17.2 are complied with.

[Amended 11-8-1990 by Ord. No. 1990-29]

- (6) Any tree or trees removed or cut in accordance with a forest management plan developed by the Bureau of Forestry, or developed by other professional foresters and approved by the Bureau of Forestry, provided that such plan is filed with the Township Forester, Environmental Commission and Tax Assessor.
- (7) Any tree or trees removed or cut in accordance with an approved conservation plan prepared by the District Conservation Officer of the Soil Conservation Service, provided that such plan has been filed with the Township Forester, Environmental Commission and Tax Assessor.
- (8) Any tree or trees planted and grown for commercial purposes on property used as a commercial nursery or tree farm, including garden centers, Christmas tree plantations or tree orchards.
- (9) Any tree growing in a public right-of-way or fire trail subject to the approval of the Township's Shade Tree Commission.
- (10) Any tree removed by an owner of property for the owner's own consumption as firewood in said owner's residence located on such property.

(11) Any tree cut or remove by an owner of property solely for his own consumption if said cutting or removal is in accordance with an approved conservation plan or is accomplished in accordance with proper forestry management techniques.

(12) Any trees cut or removed on a tract of more than three acres by the owner thereof where the owner resides on the property, provided that such tree or trees shall not be removed or cut from more than five acres of any such tract.

(13) Any tree which is specifically exempt from the terms and provisions of this chapter as designated by the Township Committee.

(14) Any trees cut or removed for the purpose of constructing a residence, appurtenant driveway and accessory buildings by the owner thereof.

(15) Any tree cut or removed for the purpose of establishing a survey line, provided that the width of said line shall not exceed:

(a) The boundary survey, which shall not exceed six feet in width; or

(b) The topographical survey, which shall not exceed eight feet in width.

B. In addition to the above exemptions, there shall be exempt from the provisions of this chapter any tree removal required in connection with an approved subdivision map or an approved site plan, on the condition that the Planning Board has received the favorable recommendation of the Township Forester and Environmental Commission with regard to tree removal for any such approved subdivision or site plan and has required the developer to comply with the specific requirements of this chapter and the specific conditions, recommendations and requirements of the Environmental Commission and Township Forester.

C. Before anyone may benefit from any of the exemptions herein provided, he or she must submit to the Township Forester a detailed plan covering the work contemplated and establishing justification for application of the exemption claimed. The plan required by this subsection need not be as detailed as the site plan referred to in § 60B-5, but, at a minimum, must contain the following information:

[Added 11-8-1990 by Ord. No. 1990-29]

(1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.

(2) A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a protective barrier as defined herein.

(3) Statements as to grade changes proposed for the lot or parcel and how such changes will affect these regulations.

(4) Evidence acceptable to the Township Forester supporting the basis or bases for the exemption claimed.

(5) Both existing and proposed tree line must be shown.

(6) If exemption is claimed under Subsection A(5) of this section, an agricultural plan designating the actual crops planted or to be planted must be provided, together with a planting schedule, including the number of acres, and so on, and a diagram of the area to be utilized as farmland must be made part of the submission and the provisions of § 60B-17.2 must be complied with.

§ 60B-13. Removal from public utility rights-of-way.

No trees shall be removed from a public utility right-of-way or a survey line which is not exempted under this chapter except under the direction of the Township Forester and Environmental Commission.

§ 60B-14. Stop-work orders; withholding of approval.

The Township Forester is hereby authorized to issue stop-work orders in the event that there is a failure to comply with the submitted forest management plan or soil conservation plan or if there is nonadherence to the approval granted pursuant to this chapter or nonadherence to the standards as established by this chapter. The stop-work order shall remain in effect until the Township Forester has determined that the resumption of work will not violate the conditions of the plan or approval or the terms of this chapter. The Township Forester may consult with the Environmental Commission in determining whether a stop-work order will issue and/or be lifted. Failure to comply as aforesaid shall authorize the forfeiture of any permit issued under this chapter. The construction code officials may withhold the issuance of any required certificate of occupancy, or permits and inspections, on any development as required until the provisions of this chapter, including conditions of any permits issued under this chapter, have been fully met.

§ 60B-15. Applicability to tree removal and construction companies.

All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal and construction companies or persons in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a permit is required pursuant to this chapter unless a valid permit therefor is in effect and is displayed in accordance with the provisions of § 60B-16 herein. Such removal or work shall constitute a violation of this chapter and shall subject the person or company violating this chapter to all penalties provided herein.

§ 60B-16. Display of permit; possession of authorization; right of entry.

The applicant shall prominently display on the site the permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for 10 days thereafter. In addition, the person or persons cutting or removing

trees, if other than the applicant, shall carry with him authorization from the owner or applicant authorizing such person to cut or remove trees. In the event that the trees are being cut or removed in accordance with a forest management plan or a soil conservation plan, a copy of the plan shall be in the possession of the person cutting or removing such trees. As a condition for the issuance of the permit, the applicant shall agree, in writing, to the entry onto his premises by representatives of the Township and all law enforcement officers to inspect the permit at any time, and such entry shall be lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this chapter and shall constitute failure to display the permit as required under this section.

§ 60B-17. Powers of Environmental Commission.

The Township Environmental Commission is hereby authorized to exercise those general powers as enumerated in N.J.S.A. 40:56A-1 et seq. in conjunction with this chapter.

§ 60B-17.1. Duties of Township Forester.

The Township Forester shall perform the duties set forth in this chapter and such additional duties as may be assigned by the Township Committee and shall be responsible for the enforcement of the provisions of this chapter. In this regard, the Township Forester is authorized and shall perform any necessary inspections and is further authorized and shall issue violation notices and shall sign complaints in the Municipal Court for violations of this chapter.

§ 60B-17.2. Farming activities.

[Added 11-8-1990 by Ord. No. 1990-29]

Tree removal in furtherance of farming shall be controlled by this chapter. If an applicant intends to harvest woodland or intends to clear trees to establish or expand a farm, this section shall apply, so long as the activity itself qualifies under the Farmland Assessment Act (N.J.S.A. 54:4-23.1 et seq.).

A. Tree harvesting. If an applicant intends to harvest trees and have such activity result in the subject property's qualifying for farmland assessment under the Farmland Assessment Act, the following procedures shall apply:

- (1) The applicant shall file a copy of his or her forest management plan prepared for the state and a copy of his or her financial assessment application.
- (2) The Township Forester shall inspect the property and compare it with the forest management plan. If the Township Forester notes any substantial inconsistencies, he or she shall immediately contact the State Forester assigned to the matter and request the State Forester to review the property and the plan as soon as possible.
- (3) Adherence to plan.

(a) The Township Forester shall periodically thereafter inspect the property to determine that the forest management plan is being adhered to. If the plan is not being adhered to, the Township Forester shall:

[1] Immediately notify the State Forester and request such action to be taken as he or she deems needed.

[2] Notify the Township Tax Assessor that the plan is not being followed and request that action be taken to disqualify the property under the Farmland Assessment Act.

[3] Serve notice on the applicant and the property owner, if different from the applicant, that all farming activity must immediately cease because it is no longer qualified under this chapter as an exemption to the tree removal permit procedure herein provided for, and before any further tree removal takes place, the provisions of § 60B-5 must be complied with.

(b) The Township Forester may issue a summons under the authority vested by this chapter and the penalties herein provided shall apply.

B. Establishment of farm. If an applicant intends to remove trees in order to establish or expand a farm and have the subject property qualify for farmland assessment under the Farmland Assessment Act (N.J.S.A. 54:4-23.1 et seq.), the following procedure shall apply:

(1) Notice of intent; fee.

(a) The owner shall notify the Township Forester and Environmental Commission of such intention and shall supply the information required by § 60B-12 and the following additional information:

[1] A survey or map of the total property with the area of tree removal depicted with reasonable accuracy.

[2] A statement under oath that the applicant is not pursuing the tree removal hereunder to avoid the other sections of this chapter and that if the application is granted, the property would not be the subject of a subdivision or site plan application for 10 years after the farming activity is commenced.

(b) Notwithstanding any other provision herein, an application fee in the amount of \$100 shall be paid.

(2) The Township Forester shall inspect the site and may require the applicant, owner and/or farmer to accompany him.

(3) The Township Forester shall issue a tree removal permit under this subsection if:

(a) The Township Forester is satisfied that the application is made in good faith and with the intention to establish a farm which will qualify for farmland assessment under the Farmland Assessment Act; and

(b) The record owner of the property executes a restriction in recordable form that the property shall not be the subject of a subdivision or site plan application for a period of 10 years after the farming activity is commenced.

(4) If the Township Forester concludes that the application is not made in good faith and with the intention to establish a farm which would qualify the property for farmland assessment under the Farmland Assessment Act, the Township Forester shall deny the permit and notify the applicant and owner in writing, with a copy to the Environmental Commission and the governing body, of the specific findings upon which the determination is made and of the fact that the applicant may appeal such determination within 10 days pursuant to § 60B-19 of this chapter.

§ 60B-18. Violations and penalties.

A. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 or to imprisonment in the county jail for a period not exceeding 90 days or to a period of community service not exceeding 90 days, or to such combination of punishments as the Municipal Judge may, in his or her discretion, deem appropriate and just.

B. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed to be a separate and distinct offense.

§ 60B-19. Appeal procedure.

[Added 11-8-1990 by Ord. No. 1990-29]

A. Who may take appeal. The applicant may appeal the Township Forester's denial of the application for a tree removal permit. Any resident of the Township may appeal the Township Forester's issuance of a tree removal permit.

B. Time and manner of appeal. A written appeal of the Township Forester's decision must be filed with the Township Clerk within 10 business days from the date of the Forester's decision. In the event that the appeal is taken by one other than the applicant, the appellant must submit an affidavit certifying that notice of the appeal has been served upon the applicant, either personally or by certified mail, return receipt requested.

C. Appellate tribunal. The governing body shall hold a hearing and decide the appeal based upon the written decision of the Township Forester, additional evidence which the Forester, appellant and/or applicant (if not the appellant) may present. The governing body shall have the right, if it deems it necessary, to employ an outside expert to review the matter and present evidence and opinions relevant to the issues on appeal. The governing body shall also have the

right to visit the site and vicinity to assist it in deciding the appeal. The rules of evidence shall not apply to the appeal hearing, but due process and a reasonable opportunity to be heard shall be accorded to all interested parties.

D. Fee on appeal. The appellant shall, at the time of filing the appeal, submit an appeal fee of \$100 plus an escrow amount of \$500 to the Township Clerk. The escrow amount shall be used by the Township to offset direct expenses of the appeal, including cost of stenographer, attorney and any outside experts employed by the Township for the appeal. In the event that the initial escrow amount shall be depleted, the escrow shall be replenished within five business days after notification to the appellant from the governing body or Township Clerk. Any balance left on deposit in the escrow at the conclusion of the appeal shall be refunded to the appellant.

E. Time and form of decision. The governing body shall determine the appeal, orally or in writing, within 45 days following conclusion of the appeal hearing and may affirm, reverse or modify the decision of the Township Forester. The governing body's decision may be rendered orally or by written resolution setting forth findings and reasons. If the governing body's decision is initially rendered orally, the written resolution of memorialization setting forth findings and reasons shall be adopted within 45 days from the date of the oral decision. Only those members of the governing body voting in favor of the oral decision may vote on the resolution of memorialization.

F. For purposes of this section, "business days" shall mean Monday through Friday, except holidays.