

TREE POLICY

There have repeatedly been questions about the removal of trees from the 10' strip and other LSHA properties. This ten (10) foot strip is burdened by an easement to you as a property owner. According to our attorney, the ten (10) foot strip which is subject to the easement is referred to as the servient tenement and your property, which is benefitted by the easement, is known as the dominant tenement. Under New Jersey law, it is the responsibility of the dominant easement owner (the member) for the maintenance and repair of the easement. *Island Improvement Assoc., v. Ford*, 155 N.J. Super 571 (AD 1978); *Braun v. Township of Mantua*, 270 N.J. Super 404 (1993).

Accordingly, the individual property owners are responsible for the removal of any fallen trees into the easement area.

Further, at the December 10, 2009, LSHA General Membership meeting, there was a discussion about when a Town permit was needed to remove trees on individual properties. The Town Forester provided the following information.

A homeowner may remove (or have removed by a company) one living specimen tree a year without a permit. A specimen tree is defined as any living, woody, perennial plant having a diameter of four inches or greater when measured at a height of 4 1/2 feet above the ground. Further, trees that are dead, diseased, dying, damaged, or dangerous, may also be removed without permit. You should have the Town Forester visit your home to determine the condition of the tree or trees prior to removal to avoid any problems. The Town code book can be reviewed online if there are any further questions.