

BOROUGH OF WATCHUNG

ORDINANCE NO. OR:19/03

AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 24-6 ENTITLED "APPLICATION AND TREE REMOVAL/REPLACEMENT;" SECTION 24-8 ENTITLED "DESIGN CRITERIA;" AND SECTION 24-11 ENTITLED "FEES AND BONDS" OF CHAPTER XXIV ENTITLED "TREE PRESERVATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.

BE IT ORDAINED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows¹:

Section 1. Paragraph (4) of Subsection (b) "Tree Removal/Replacement Plan: General Regulations" of Section 24-6 "Application and Tree Removal/Replacement" is amended as follows:

4. In the event it is not possible to replace the required number of trees within the existing lot and the lot has at least fifty (50%) percent of original tree coverage, an off-site contribution to the Watchung Tree Bank of an equal number of trees or cash equivalent of three hundred and fifty [two hundred (\$200.00)] dollars (\$350.00) per tree should be placed in the Tree Bank Fund to be used for the purchase of future tree plantings on public property within the Borough as determined by the Traffic and Beautification Committee in consultation with the Department of Public Works. The future tree plantings will be located in areas such as steep slopes, stream areas, buffer areas and other areas to improve drainage and reduce soil erosion.

Section 2. Subsections (k) and (l) of Section 24-8 "Design Criteria" is amended as follows:

k. An applicant shall make a contribution to the Tree Bank Fund of three hundred and fifty [two hundred (\$200.00)] dollars (\$350.00) per tree if it can be shown that the current property cannot support the planting of additional trees, so that these trees would flourish and grow. The Borough Engineer may request that the applicant hire a landscape

architect to certify that the property cannot support the planting of the required trees and show that the critical areas on the property have been planted with new trees to reduce the effects of soil erosion on steep slopes, streams and drainage areas.

1. The cash equivalent of three hundred and fifty [two hundred (\$200.00)] dollars (\$350.00) per tree should be placed in the Tree Bank Fund to be used for the purchase of future tree plantings on public property within the Borough as determined by the Traffic and Beautification Committee in consultation with the Department of Public Works. The future tree plantings will be located in areas such as steep slopes, stream areas, buffer areas and other areas to improve drainage and reduce soil erosion.

Section 3. Subsection (a) of Section 24-11 "Fees and Bonds" is amended as follows:

a. [At the time of filing of] The filing fee for an application by a lot owner or the developer of the land, is hereby waived. [the applicant shall pay a fee of twenty-five (\$25.00) dollars for the permit, inspection and application review.]

b. Notwithstanding subsection (a) of this section, [W]where the application involves a subdivision or site plan application, the applicant shall pay a fee of one hundred (\$100.00) dollars for each lot for the permit, inspection and application review. Except as provided in Section 24-7a., upon receipt, the Borough Engineer shall immediately forward copies of the application to the Environmental Commission.

c. Notwithstanding subsection (a) of this section, [W]where the application involves a subdivision or site plan application, new construction or demolition, the applicant shall post a cash bond in the amount of two hundred (\$200.00) dollars for each tree to be replaced, with a minimum amount of one thousand (\$1,000.00) dollars for each lot in the form acceptable to the Borough of Watchung to guarantee compliance with the approved tree removal/replacement plan.

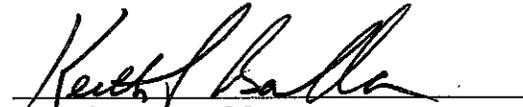
. . . .
Section 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 5. Effective Date. This Ordinance shall take effect upon final adoption and publication according to law.

ATTEST:

BOROUGH OF WATCHUNG


Michelle DeRocco, Clerk


Keith S. Balla, Mayor

¹Editor's Note: The portions to be deleted are shown [thus] and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

Introduced: Black
Approved: March 7, 2019
Published: March 14, 2019
Adopted: March 21, 2019