

ORDINANCE #1476

An Ordinance Amending Chapter 21, Revised Land Use Ordinances of the Township of Bernards, County of Somerset, State of New Jersey, Section 45 “Tree Removal and Protection”, by Adding Three New Subsections Providing for a Tree Bank Program

BE IT ORDAINED by the Township Committee of the Township of Bernards, in the County of Somerset and the State of New Jersey, that Chapter 21 of the Revised Land Use Ordinances of The Township of Bernards, Section 45 “Tree Removal and Protection”, be amended and supplemented as follows:

§ 21-45.4 Tree Replacement Alternatives.

- a. All required replacement trees shall be planted on the site from which the trees were removed. Relief from any portion or all of the on-site tree replacement requirement may be granted by the Board. Any relief shall be based upon practical physical difficulties and undue hardship related to conditions of the site from which the trees are to be removed. The Board shall solicit the comments and recommendations of the Township Engineer in determining whether the relief requested by the applicant should be granted.
- b. In lieu of planting replacement trees, the Board may permit the applicant to make a contribution to be deposited in the Township Tree Fund as established by this chapter. The contribution, in lieu of planting trees, shall be three hundred dollars (\$300) for each tree and shall be deposited in the Township Tree Fund prior to the Township issuing any building permits for the development.

§ 21-45.5 Tree Fund.

- a. There shall be established by this chapter a Township Tree Fund for the purposes set forth in this chapter.
- b. All funds collected from an applicant as a contribution in lieu of replanting trees shall be deposited in a dedicated account clearly designated as the Bernards Township Tree Fund. All funds so deposited shall be used exclusively for the planting of trees. This fund may be used to plant trees on public property and rights-of-way, including but not limited to public parks, public schools and public buildings.
- c. The Tree Fund shall be administered by the Shade Tree Commission, whom shall report to the Township Committee on a quarterly basis detailing the use of the fund.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by

N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.

Publication by Summary Pursuant to N.J.S.A.40:49-2

ORDINANCE #1476

An Ordinance of the Township of Bernards

Amending Chapter XXI, "Revised Land Use Ordinance," Section 45 "Tree Removal and Protection," by Adding New Subsections Providing for a Tree Bank Program

This ordinance provides an alternative to a developer for tree replacement. When a situation arises due to practical physical difficulties and undue hardship related to conditions of the site from which trees are to be removed, the developer could either request permission to plant any portion or all of the replacement trees at an off-site location; or to make a contribution to a tree fund.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #1476 having been re-introduced on 7/24/01, and then ordered to be published according to law, will be further considered for final passage and adoption at a public hearing held at a meeting of said Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 8/14/01, at 8:00 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

Note: On 8/14/01, the public hearing and vote on Ordinance #1476 was tabled to 8/28/01.