

TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE #10-27

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO AMEND AN ORDINANCE ENTITLED REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN, AND MORE SPECIFICALLY TO AMEND CHAPTER 16.18 LAND SUBDIVISION STANDARDS AND CHAPTER 16.20 SITE DEVELOPMENT STANDARDS

BE IT ORDAINED by the Mayor and Township Committee of the Township of Raritan as follows:

Section I

Section 16.18.090 – Plat Details shall be amended and supplemented as follows:

I. Add the following to the end of Sections 16.18.090.B2 and 16.18.090.C.2 as follows:

Structures, Wooded Areas and Topography. The location of existing houses, buildings and other structures within the portion to be subdivided and two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, wooded areas and isolated trees in compliance with Section 16.20.40.D.

II. Add new Section 16.18.090.B.14 as follows:

- a. No more than fifty-five (55) percent of the existing tree canopy within the property boundaries shall be removed. The location of the remaining forty-five (45) percent of the tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance and maximum hard surface requirements under Schedule I shall supersede this section when appropriate.
- b. No tree that qualifies as a Specimen and Historic Tree shall be removed unless the applicant replants trees in accordance with Section 16.20.040.T.

III. Add new Section 16.18.090.D.24 as follows:

- a. No more than fifty-five (55) percent of the existing tree canopy within the property boundaries shall be removed. The location of the remaining forty-five (45) percent of the tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance and maximum hard surface requirements under Schedule I shall supersede this section when appropriate.
- b. No tree that qualifies as a Specimen and Historic Tree shall be removed unless the applicant replants trees in accordance with Section 16.20.040.T.

IV. Add the following to the end of Section 16.18.090.D as follows:

Plans showing the location of proposed shade trees, detention basin landscaping and other landscaping, including preservation of existing vegetation and trees in compliance with Section 16.20.40.D.

V. Add new Section 16.18.100.C.6 as follows:

- a. Existing trees on any site shall be preserved with tree protection fencing erected with a minimum height of four (4) feet, and placed a minimum of fifteen (15) feet from the trunk of the tree or along the drip line, which ever is greater. Snow fencing may be used. However, chain link fence may be required if warranted by site conditions and rarity of the plant.

- b. Any clearing within the dripline or within fifteen (15) feet of a tree, whichever is greater, shall be done by hand operated equipment.
- c. Where a tree that has been noted for preservation is severely damaged and is unable to survive, tree replacement shall occur as required by the Township.
- d. The appropriate approving authority may require a qualified forester to report to the board, at the developer's sole expense, as to what measures are necessary to preserve existing trees.

VI. Repeal existing Section 16.18.100.D.9.

VII. Add new Section 16.18.110.J to include:

1. To the greatest extent practicable, trees eighteen (18) inch DBH and larger, tree rows and hedgerows should be preserved. Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements shall be removed. Where clusters of trees exist on the site or are contiguous with adjacent sites, fragmentation of the cluster shall be avoided where possible. Existing vegetation shall be preserved to the greatest extent feasible although invasive plants may be removed provided they are replaced with native plants.
2. A report from the Community Forest Committee and the Township's Landscape Architect shall be requested for recommended areas of tree preservation.
3. The appropriate approving authority shall have the option of requiring a conservation easement to protect any or all trees or tree canopy areas to remain on site.

Section II

Section 16.20.020 – Site Plan Submission Requirements shall be amended and supplemented as follows:

I. Add new Section 16.20.020.B.16.s as follows:

1. No more than fifty-five (55) percent of the existing tree canopy within the property boundaries shall be removed. The location of the remaining forty-five (45) percent of the tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance and maximum hard surface requirements under Schedule I shall supersede this section when appropriate.
2. No tree that qualifies as a Specimen and Historic Tree shall be removed unless the applicant replants trees in accordance with Section 16.20.040.T.

II. Add new Section 16.20.020.D.20.ss as follows:

1. No more than fifty-five (55) percent of the existing tree canopy within the property boundaries shall be removed. The location of the remaining forty-five (45) percent of the tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance and maximum hard surface requirements under Schedule I shall supersede this section when appropriate.
2. No tree that qualifies as a Specimen and Historic Tree shall be removed unless the applicant replants trees in accordance with Section 16.20.040.T.

III. Replace Section 16.20.020.C.14.s. as follows:

General location and indication of vegetation types of turf, brush, shrubs, hedgerows, wooded areas and isolated shade trees more than six (6) inches in diameter breast high, and two (2) inches in diameter breast high for flowering and small trees (less than eighteen (18) inch in diameter breast high).

IV. Replace Section 16.20.40D.3 as follows:

The landscaping plan shall include the following information regarding existing trees and vegetation:

- a. The location of the tree canopy within the property boundaries.
- b. Trees that qualify as Specimen and Historic Trees.
- c. Clear labeling of individual trees to be preserved within the area of development/limit of disturbance with their drip lines noted.
- d. Clear labeling of the trees intended for removal and the location of replacement trees in compliance with Section 16.20.040.S.
- f. The location of existing and proposed buildings/structures, driveways and parking areas.
- g. The plan shall provide a schedule of the size and species of individual trees with a DBH of ten (10) inches or greater excluding those within steep slopes (over 25%), wetlands, floodplains, and riparian or associated buffers.
- e. Proposed methods to protect the existing trees and growth during and after construction in compliance with Section 16.20.040 N.2.

V. Add new Section 16.20.40D.4.y as follows:

Where existing trees are to be preserved, the grade of the land located within the dripline shall not be raised or lowered by more than six (6) inches unless compensated by construction of tree wells or retaining walls; and in no event shall tree wells or retaining walls be less than six (6) feet from the trunk of a tree.

VI. Replace Section 16.20.40.N.2 as follows:

- e. Tree protection fencing erected with a minimum height of four (4) feet, and placed a minimum of fifteen (15) feet from the trunk of the tree or along the drip line, whichever is greater. Snow fencing may be used. However, chain link fence may be required if warranted by site conditions and rarity of the plant.

VII. Add new Section 16.20.40.N.2. as follows:

- l. Any clearing within the dripline or within fifteen (15) feet of a tree, whichever is greater, shall be done by hand operated equipment.
- m. Where a tree that has been noted for preservation is severely damaged and is unable to survive, tree replacement shall occur as provided in compliance with Section 16.20.040.T.

VIII. Add new Section 16.20.040.S Tree Removal to read as follows:

1. To the greatest extent practicable, trees eighteen (18) inch DBH and larger, tree rows and hedgerows should be preserved. Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements shall be removed. Where clusters of trees exist on the site or are contiguous with adjacent sites, fragmentation of the cluster shall be avoided where possible. Existing vegetation shall be preserved to the greatest extent feasible although invasive plants may be removed provided they are replaced with native plants.
2. No more than fifty-five (55) percent of the existing tree canopy within the property boundaries shall be removed. The location of the remaining forty-five (45) percent of the tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance and maximum hard surface requirements under Schedule I shall supersede this section when appropriate.
3. A report from the Community Forest Committee and the Township's Landscape Architect shall be requested for recommended areas of tree preservation.
4. The appropriate reviewing authority shall have the option of requiring a conservation easement to protect any or all trees or tree canopy areas to remain on site.

IX. Add new Section 16.20.040.T Tree Replacement and Reforestation as follows:

In the event that tree replacement is required, the following criteria shall be met:

1. Replacement tree(s) shall be of nursery grade quality, balled and burlapped and shall be planted on the site which is subject to the application.
2. The type of replacement tree(s) shall be the same as the species removed from the site or other species native to the area as listed in below. The planting of all replacement trees shall be done by or supervised by a person with horticultural training in tree care and planting methods.
3. Newly planted replacement trees shall be monitored for a period of one (1) year to ensure the health of the trees. If the replacement trees die within one year of planting, the developer/applicant shall replace the dead tree.
4. Where replacement trees are required but not suitable for the particular site because of site constraints, including but not limited to slopes, topography, grading, water runoff, wetlands, floodplains, riparian or associated buffers; stormwater detention or retention facilities; existing structures, existing easements, or and any other physical or environmental feature which physically impedes the option to plant the replacement trees, the Township shall impose a fee in lieu of planting, or the applicant has the ability to plant the replacement trees on public lands as designated by the Township's Master Plan or consistent with the designated projects by the Township's Community Forestry Management Plan. There are several sites that fall within the following broad categories: Municipal property may include property owned or maintained by the Township, including but not limited to parks, streets, schools, municipal facilities, and open space and recreation areas. Each of these sites can benefit from canopy cover and would be consistent with community character. In addition, replacement and/or reforestation allows for added opportunities to enhance stormwater management recharge and infiltration areas.

5. Tree Replace Schedule. The number of replacement trees shall be the equivalent of 3" caliper trees or greater needed to equal the DBH of the removed tree. The collection of fees shall occur as prescribed in the following table.

Caliper of Existing Tree Removed	Fee in Lieu of Planting
Less than 6 inches	\$50 per tree
Between 6 & 12 inches	\$100 per tree
Between 13 & 17 inches	\$200 per tree
Between 18 & 23 inches	\$300 per tree
Between 24 & 29 inches	\$500 per tree
Between 30 & 35 inches	\$750 per tree
36 inches or greater	\$1000 per tree

X. Add new Section 16.20.040.U Recommended Native Tree Species, as follows:

1. The recommended native tree species list is on file with the Clerk's Office.

Section III

Add the following definitions under Section 16.02.030.

Caliper - standard measure of tree size for trees to be newly planted. The measurement is taken six (6) inches above the ground for trees four (4) inches in diameter or less, and twelve (12) inches above the ground for trees over four (4) inches in diameter.

Clear Cutting - the removal of all standing trees on a lot or a portion of a lot.

Community Forest - forest resources owned and managed by a public entity. In the Township, this includes trees and forests on municipal properties such as the municipal buildings and facilities, parks and open space owned in part or in whole by the Township.

Diameter at Breast Height - diameter of a tree measured four and one-half (4 ½) feet (forestry method) above the ground level on the downhill side for existing trees. Diameter at Breast Height may appear as the abbreviation "DBH" (Diameter Breast Height).

Drip Line - a limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than six (6) feet from the trunk, whichever is greater; and within which no construction or disturbance shall occur.

Invasive Species – the specific species which are not native to New Jersey and have been recognized to overwhelm species native to the area.

Nursery – a commercial operation engaged in growing plants and/or trees under intensive management practices for use in another location.

Orchard – a commercial operation engaged in the cultivation of trees bearing fruit or nuts or providing other products such as, but not limited to, maple syrup.

Replacement Tree - a nursery-grown certified tree, properly balled, marked with a durable label indicating genus, species and variety, and satisfying the standards established for nursery stock and installation thereof, set forth by the American Association of Nurseryman.

Selective Cutting - the removal of larger trees on an individual basis while leaving trees of lesser size.

Silviculture - the management of any wooded tract of land to insure its continued survival and welfare, whether for commercial or noncommercial purposes, pursuant to a plan approved by the New Jersey Bureau of Forestry.

Specimen and Historic Trees – any tree with a DBH of twenty-four (24) inches or greater.

Thinning - the removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

Tree - any self supporting woody plant which reaches a typical mature height of twelve (12) feet or more at maturity and has a typical DBH of four (4) inches or greater.

Tree Canopy - the top layer or crown of mature trees.

Tree Farm – a commercial operation engaged in growing trees under intensive management practices for use in another location.

Section IV

If the provision of any article, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not effect or invalidate the remainder of any such article, section, subsection, paragraph or clause, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section V

All other provisions of Chapters 16.18 and 16.20 shall remain in full force and effect.

Section VI

This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing with the Hunterdon County Planning Board.

ATTEST

TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF RARITAN

Rose Sollena, RMC/CMC
Township Clerk

Thomas Antosiewicz
Mayor

NOTICE OF PENDING ORDINANCE

Please take notice that the foregoing Ordinance was introduced by the Township Committee of the Township of Raritan at a meeting held on November 4 2010, and the same was then ordered to be published according to law with a public hearing and final consideration scheduled for the meeting of December 21, 2010 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Raritan Township (Flemington), New Jersey at which time all interested persons will be heard.

Rose Sollena, RMC/MMC/CPM
Township Clerk