

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2354-06

**AN ORDINANCE
TO AMEND CHAPTER 271
OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD
Entitled
"ZONING AND DEVELOPMENT REGULATIONS"**

"Interpretive Statement"

This ordinance revise the design and performance standards dealing with shade trees.

BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, that Chapter 271 of the Code of the Township of Maplewood entitled "Zoning and Development Regulations" be amended as follows:

FIRST: Section 271-53 Shade Trees

Shall be amended to read as follows:

A. All planted trees shall have a minimum diameter of two point five (2.5") inches measured three (3') feet above the ground and be of a species approved by the approving authority. Trees shall be planted no more than fifty (50') feet apart along all new streets and be located within the right-of-way. They shall be balled and burlapped, nursery grown, free from insects and disease and true to species and variety. Stripping trees or filling around trees in the yard portion of a lot shall not be permitted unless it can be shown that grading requirements or thinning necessitate removal of trees, in which case those lots shall be replanted to reestablish the tone of the area and to conform with adjacent lots. Planted trees that do not live shall be replaced by the developer during the next planting season.

B. No live trees having a diameter greater than four (4") inches measured at four (4') feet above the ground shall be cut down and destroyed except under the following circumstances:

- (1) Unless their presence would cause hardship or endanger the public or an adjoining property owner.

- (2) Unless in areas to be occupied by buildings, driveways, sidewalks, parking or recreational area and within a distance of fifteen (15') feet around the perimeter of such building, depending upon the species of the tree and conditions to be determined by the Supervisor of the Parks and Shade Trees and certified to the Construction Official
- (3) Unless the area shall have a cut or fill of land which the Supervisor of the Parks and Shade Trees Department shall determine is injurious to trees. The determination of the Supervisor shall depend upon the species of tree and degree of injury and shall be indicated on the plan referred to.

C. In seeking approval under the exceptions listed in Sections 271-53 (B), the applicant shall prepare an inventory map of the forested area depicting the existing live trees by size, type and area of proposed disturbance. No more than twenty (20%) percent of the forested areas shall be disturbed.

SECOND: SEVERABILITY

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: REPEAL OF PRIOR ORDINANCES

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication according to law, the filing of a copy with the County Planning Board and service of a copy on all contiguous municipalities.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on May 16, 2006 and that Committee met again on June 20, 2006, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk