

AN ORDINANCE AMENDING THE COUNTY OF BERGEN
SITE PLAN REVIEW RESOLUTION
TO REQUIRE TREE PLANTING

Ordinance No. 99-10

Date April 21, 1999

WHEREAS, the Site Plan Review Resolution was adopted May, 1971, pursuant to N.J.S.A. 40:27-1, et seq.; and

WHEREAS, Article III, of the Site Plan Review Resolution provides that certain enumerated design details must be shown on every site plan submitted to the Bergen County Planning Board for review and/or approval; and

WHEREAS, Article IV of the Site Plan Review Resolution sets forth the design criteria that must be met for every development of land under Bergen County Planning Board jurisdiction; and

WHEREAS, currently the Site Plan Review Resolution makes no provision for the replacement of shade trees along County roads lost to development; and

WHEREAS, in order to preserve Bergen County's suburban character, the need exists to incorporate tree planting criteria into all site plan approvals granted by the Bergen County Planning Board requiring road improvement; and

WHEREAS, the Bergen County Planning Board adopted Resolution #99-1 dated November 9, 1998 recommending amendment of the Site Plan Review Resolution to provide for shade tree replacement.

NOW THEREFORE BE IT ORDAINED, as follows:

1. Article III, Section B, Paragraph 10 of the Site Plan Review Resolution is hereby amended to read:

"10. The location of all existing and proposed curbs, sidewalks, driveways, parking areas and loading areas on the site in question and within 100 feet of said site when they relate directly to the proposed development. The total number of parking spaces, as well as existing and proposed shade trees within the right-of-way (including diameter), shall be noted.

2. Article IV, Section N. of the Site Plan Review Resolution is hereby amended to read:

N. Miscellaneous

1. ~~If any section, subsection, paragraph, clause, phrase or provision of this resolution shall be adjudged invalid or held unconstitutional, such adjudication shall not affect the validity of this resolution as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional.~~

- ~~2. The County Planning Board may, in special cases, where due to size, shape or other peculiar or unusual circumstances concerning the proposed site which makes adherence to the standard(s) contained in this resolution impossible or creates an extreme hardship, waive strict adherence to said standard.~~
- ~~3. In cases where a County road is scheduled for improvement under the Capital Improvement Budget and the improvement will result in a change in alignment or profile of the road which would destroy the improvements undertaken in connection with a site development, the developer may contribute monies in lieu of all or part of the improvements required under this resolution. The payments shall be calculated by the County Engineer.~~
- ~~4. Repeal of Conflicting Resolutions
All resolutions or parts of resolutions which are inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.~~

Trees

1. Every site plan along a County roadway requiring the developer to make road improvements and/or drainage improvements within the right-of-way shall also require the developer to replace any tree removed with a new tree at a ratio of one new tree for every 6" diameter of tree removed.
2. The spacing of trees shall be every 30'-35' at a point at least 10' behind the curblin.
3. All trees shall be supplied by reputable nurserymen and planted in accordance with the specifications for tree planting along County roadways, promulgated by the County Engineer.
4. All trees shall be guaranteed for a period of one year from the date that all improvements are accepted as complete. Both the planting of and the one-year guarantee for trees shall be covered under the developer's performance security for the road and/or drainage improvements.
5. Maintenance of new trees shall be the responsibility of the adjoining property owner unless provided by the municipality.
6. All trees shall be 2 1/2"-3" caliper and of uniform specimen and quality.
7. The selection of tree species shall be limited to the following list and shall be determined by the Site Plan Review Team in consideration of site conditions and in consultation with the local shade tree commission and/or the Bergen County Department of Parks:

ACCEPTABLE LIST OF TREES

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
<u>October Glory Red Maple</u>	<u>Acer Rubrum "October Glory"</u>
<u>Red Sunset Red Maple</u>	<u>Acer Rubrum "Red Sunset"</u>
<u>Katsura-tree</u>	<u>Cercidiphyllum Japonicum</u>
<u>Patmore Green Ash</u>	<u>Frazinus Pennsylvanica "Patmore"</u>
<u>Magyar Upright Maidenhair Tree</u>	<u>Ginko Biloba "Magyar"</u>
<u>Bloodgood London Planetree</u>	<u>Plantanus X Acerifolia "Bloodgood"</u>
<u>Redspire Callery Pear</u>	<u>Pyrus Calleryana "Redspire"</u>
<u>Japanese Pagoda Tree</u>	<u>Sophorc Japonica</u>
<u>Greenspire Littleleaf Linden</u>	<u>Tilia Cordata "Greenspire"</u>
<u>Princeton American Elm</u>	<u>Ulmus Americana "Princeton"</u>
<u>Green Vase Zelkova</u>	<u>Zelkova Serrata "Green Vase"</u>

3. Article IV of the Site Plan Resolution is hereby amended to add Section O., as follows:

Section O. Miscellaneous

1. If any section, subsection, paragraph phrase or provision of this resolution shall be adjudged invalid or held unconstitutional, such adjudication shall not affect the validity of this resolution as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional.

2. The County Planning Board may, in special cases, where due to size, shape or other peculiar or unusual circumstances concerning the proposed site which makes adherence to the standards contained in this resolution impossible or creates an exteme hardship, waive strict adherence to said standard.

3. In cases where a County road is scheduled for improvement under the Capital Improvement Budget and the improvement will result in a change in alignment or profile of the road which would destroy the improvements undertaken in connection with a site development, the developer may contribute monies in lieu of all or part of the improvements required under this resolution. The payments shall be calculated by the County Engineer.

4. Repeal of Conflicting Resolutions

All resolutions or parts of resolutions which are inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

4. The Clerk of the Board of Chosen Freeholders is directed to publish and distribute the within Ordinance in accordance with the provisions of N.J.S.A. 40:41A-101.

5. This Ordinance shall take effect 20 days after approval by the County Executive.

William P. Schuber

Dated: 4/22/1999

County Executive

Approved

Rejected

Additions in text indicated by underline; deletions by ~~strikeouts~~.