

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

ORDINANCE NO. NP2023-12

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING CHAPTER 490, "PLANNING AND
DEVELOPMENT REGULATIONS" AND CHAPTER 665: "TREES" TO INCREASE
DEVELOPER SHADE TREE FEES AND TO PERMIT THE USE OF SHADE TREE
TRUST FUNDS TO MAINTAIN EXISTING SHADE TREES WITHIN THE BOROUGH**

WHEREAS, pursuant to New Jersey law, the Borough of Red Bank (the "Borough") has empowered and maintains a Shade Tree Commission to protect existing trees and promote the planting of new trees within the Borough; and

WHEREAS, the Borough has found that numerous benefits are associated with maintaining a healthy suburban forest and tree canopy, including reduction of stormwater runoff and sedimentation, increasing groundwater recharge, and reducing the potential for flooding and for water and wind erosion; and

WHEREAS, trees provide shade and decrease energy consumption, and can lower the temperature of pavement ten degrees or more, as well as sequestering carbon and reducing the buildup of atmospheric carbon dioxide, and trees increase oxygen, filter air pollution, and reduce dust; and

WHEREAS, the Borough recognizes that trees and shrubs are a natural resource that provide aesthetic, economic, ecological, environmental and health benefits to the Borough's residents and visitors; and

WHEREAS, the Borough recognizes the need to provide adequate and consistent maintenance of trees on public property, including planting strips and those shading Borough rights-of-way, as well as the need to prevent the removal of same without replacement; and

WHEREAS, based on the foregoing benefits, the Mayor and Council find it to be in the best interests of the Borough's residents to amend the Borough's Revised General Ordinances to increase the fees charged developers that fail to provide adequate replacement trees in connection with development, which fees are deposited into the Red Bank Shade Tree Trust, and to permit such trust funds to be used for both the planting of new shade trees and the maintenance of existing shade trees within the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 490: "Planning and Development Regulations" of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

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CHAPTER 490: "PLANNING AND DEVELOPMENT REGULATIONS"

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§ 490-81 Buffer areas, screening, landscaping, shade trees.

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D. Shade Trees.

- (1) In each nonexempt development application, the developer shall plant between the sidewalk and right-of-way line proper shade and/or decorative trees of a type, size and in a location approved by municipal agency at a maximum distance of 50 feet between trees. The minimum distance between such trees planted shall be 40 feet. Planting sites shall be indicated on the development plan. The total number of shade trees required for each nonexempt development application shall be one tree per each 50 feet of lot frontage on a public right-of-way with any fractional requirements rounded up. For example, a development application with 51 feet of lot frontage requires two shade trees. This requirement can be met through any combination of existing shade trees, new shade trees, or through the posting of a fee of ~~\$500 per tree~~ \$1,000 per tree into the Red Bank Shade Tree Trust Fund, as approved by the municipal agency. Any required postings into the Shade Tree Trust Fund shall be made prior to the issuance of a development permit. All nonexempt development applications shall be forwarded to the Borough Shade Tree Committee for its review and recommendation to the municipal agency.
- (2) All trees planted in accordance with the provisions of this section shall be placed in a proper manner and in a good grade of topsoil and within the area of the tree well at the point where the tree is planted. In the event that any individual person or group of individual persons desire to plant a tree or trees in a tree well or within the jurisdiction of the Borough Department of Public Utilities, such person or persons may do so, provided that they conform to the provisions of this chapter, and further provided that permission of the Shade Tree Committee or the Director of the Department of Public Utilities or his/her designee is obtained.
- (3) All shade trees to be hereafter planted in accordance with this chapter shall be nursery grown, or of substantially uniform size and shape, and shall have straight trunks. Ornamental trees need not have straight trunks, but must conform in all other respects with the provisions for trees and tree plantings outlined in this chapter.

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- (4) All trees planted pursuant to this chapter shall be planted in a dormant state or at other times only subject to the approval of the Shade Tree Committee or the Director of the Department of Public Utilities or his/her designee.
- (5) Subsequent or replacement plants shall conform to the type of existing trees in a given area, provided that if any deviation is anticipated, it must be done only with the permission of the Shade Tree Committee or the Director of the Department of Public Utilities or his/her designee.
- (6) A hole in which a tree is to be planted shall be in each case 1/3 larger in width and in depth than the existing root ball of the particular tree to be planted. The hole for a tree to be planted shall contain proper amounts of topsoil and peat moss, but no chemical fertilizer shall be added until the tree has been planted for one year.
- (7) All shade trees shall be planted in accordance with the landscaping requirements of the Standard Specifications.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 665: "Trees" of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 665: "TREES"

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§ 665-4 Shade Tree Trust Fund.

There is hereby established a Shade Tree Trust Fund which shall receive contributions in accordance with § 490-81CD of the Borough Code. The Shade Tree Trust Fund shall be administered in accordance with applicable local government finance laws and be used solely for the purposes of planting new shade trees and maintaining existing shade trees on public property within the Borough of Red Bank. The Red Bank Shade Tree Committee shall administer the Shade Tree Trust Fund and determine the location, of shade trees to be planted and the type, size and methods of shades trees to be planted utilizing the trust fund, subject to the review and approval of the Borough Council.

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BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that this Ordinance shall take effect immediately upon its passage and adoption according to law.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION				
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.
		X				KRISTINA BONATAKIS		X	X		
		X				DAVID CASSIDY			X		
		X				NANCY FACEY-BLACKWOOD	X		X		
		X				BEN FOREST			X		
	X	X				LAURA JANNONE			X		
X		X				KATE TRIGGIANO			X		
		X				MAYOR WILLIAM PORTMAN			X		
Introduced: August 24, 2023			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.								
Final Adoption: October 12, 2023			 Laura Reinertsen, Borough Clerk								