

ORDINANCE NO. 2018-39

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER 490: "PLANNING AND DEVELOPMENT REGULATIONS" TO MODIFY STANDARD OF MEASUREMENT FOR NEW TREES AND TO CLARIFY STANDARD OF MEASUREMENT FOR EXISTING TREES**

Councilman Yngstrom offered the following ordinance and moved for its adoption:

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that Chapter 490: "Planning and Development Regulations" and Chapter 665: "Trees" of the Borough's Revised General Ordinances are amended and supplemented as follows (stricken text indicates deletions, underlined text indicates additions):

**§ 490-62(B)(8)** The boundary, nature and extent of wooded areas, swamps, bogs and ponds within the site and within 200 feet thereof; any specimen trees 12 inches ~~DBH~~in diameter (measured 4.5 feet above ground level) or larger on the site.

**§ 490-64(B)(26)** If the Borough Engineer, Planning Board or Board of Adjustment, or Environmental Commission determines that existing trees located on the site may have an effect on the proper layout of the subdivision, it may be required that the location, caliper and type be shown on the plat for the following:

- (a) Living deciduous trees having a trunk of six inches diameter or more ~~at breast height (measured 4.5 feet above ground level)~~.
- (b) All living coniferous trees having a trunk of six inches diameter or more diameter at breast height (measured 4.5 feet above ground level).
- (c) All living dogwood (*Cornus florida*) or American holly (*Ilex opaca*) trees having a trunk of one inch or greater diameter at breast height (measured 4.5 feet above ground level).
- (d) All native laurel (*Kalmia latifolia*) shrubs having a root crown of three inches or greater measured at the soil or surface level.

**§ 490-65(B)(31)** If the Borough Engineer, Planning Board or Environmental Commission determines that existing trees located on the site may have an effect on the proper layout of the site, it may be required that the location, caliper and type be shown on the plat for the following:

- (a) Living deciduous trees having a trunk of six inches diameter or more ~~at breast height (measured 4.5 feet above ground level)~~.
- (b) All living coniferous trees having a trunk of six inches diameter or more diameter at breast height (measured 4.5 feet above ground level).
- (c) All living dogwood (*Cornus florida*) or American holly (*opaca*) trees having a trunk of one inch or greater diameter at breast height (measured 4.5 feet above ground level).
- (d) All native laurel (*Kalmia latifolia*) shrubs having a root crown of three inches or greater measured at the soil or surface level.

**§ 490-66(B)(13)** Where required by the Planning Board or Board of Adjustment or Environmental Commission, the location, caliper and type of all:

- (a) Living deciduous trees having a trunk of six inches diameter or more ~~at breast height (measured 4.5 feet above ground level)~~.
- (b) All living coniferous trees having a trunk of six of six inches diameter or more diameter at breast height (measured 4.5 feet above ground level).
- (c) All living dogwood (*Cornus florida*) or American holly (*Ilex opaca*)

trees having a trunk of one inch or greater diameter at breast height (measured 4.5 feet above ground level).

(d) All native laurel (*Kalmia latifolia*) shrubs having a root crown of three inches or greater measured at the soil or surface level.

**§ 490-81(C)(8)** Trees shall be planted with a minimum diameter of two inches at breast height caliper of three inches (measured 6 inches above ground level).

**§ 490-98(I)(2)(d)** Notwithstanding the use of maintenance-free materials, there shall be provided at least one deciduous tree two inches in diameter at breast height at least three inches in caliper (measured 6 inches above ground level) every 40 feet, or part thereof, on all for plantings if necessary for traffic safety. The area between trees shall be planted with a minimum of three evergreen-type shrubs. The portions of the safety island within 25 feet of any access drive or street intersection shall be planted with evergreen shrubs less than 30 inches in height. Alternate or additional plantings may be permitted by the municipal agency in accordance with an approved site plan.

**§ 490-98(L)(3)** Unless otherwise approved by the municipal agency, they shall be planted with deciduous trees of two-inch diameter at breast height at least three inches in caliper (measured 6 inches above ground level) with a maximum distance between trees at ground level of 40 feet. All trees shall be planted in accordance with the appropriate requirements of § 490-81 of this chapter. The area between trees shall be planted with a minimum of three evergreen-type shrubs.

**BE IT FURTHER ORDAINED** that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies for their review and comment.

**BE IT FURTHER ORDAINED** 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** 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** that this Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	( X )	( )	( )	( )
Councilman Whelan	( X )	( )	( )	( )
Councilman Yngstrom	( X )	( )	( )	( )
Councilman Ballard	( X )	( )	( )	( )
Councilman Ziprich	( X )	( )	( )	( )
Councilwoman Horgan	( X )	( )	( )	( )

Dated: December 12, 2018

First Reading/Introduction: November 28, 2018  
 Public Hearing/Adoption: December 12, 2018

I hereby certify the above to be a true copy.

Pamela Borghi

Pamela Borghi, Municipal Clerk