

TOWNSHIP OF BORDENTOWN

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE
LAND DEVELOPMENT ORDINANCE WITH RESPECT TO
TREE PRESERVATION**

ORDINANCE NO. 2002 - 08

WHEREAS, the Township Committee of the township of Bordentown believes that the current ordinance is inadequate to protect the valuable resource of existing trees.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, as follows:

Section 25:506C is amended as follows:

3. **Protection of existing plantings.** Maximum effort should be made to save fine specimens (because of size or relative rarity). No material or temporary soil deposits shall be placed within four feet (4') of shrubs or ten feet (10') of trees designated to be retained on the preliminary and/or final [plat] plan. Protective barriers of tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but they shall be self-supporting. They shall be a minimum of four feet (4') high and constructed of a durable material that will last until construction is completed. Snow fences and slit fences are examples of acceptable barriers.

4.-7. Unchanged

8. **Tree Protection.** The purpose of this section is to establish protective regulations for trees within the Township of Bordentown in order to control problems of flooding, soil erosion, air and noise pollution; to protect the public health, safety, and welfare of the citizenry of the Township; and to promote quality development in the Township. The intent of this section is to encourage the protection of the greatest number of trees and of large specimen trees throughout the Township. The following standards should be utilized:

a. **Definitions**

DISTURBANCE ZONE - That portion of a lot covered by existing or proposed buildings, structures, or improvements and within a certain distance around them as noted below:

- 1). House or building – Fifteen (15) feet (around all sides)
- 2). Detached garage – Eight (8) feet
- 3). Pool – Twelve (12) feet
- 4). Driveway/Sidewalk – Five (5) feet
- 5). Septic fields – Ten (10) feet
- 6). Underground utility – Five (5) feet
- 7). Paved parking/drive aisle – Five (5) feet
- 8). Shed – Five (5) feet
- 9). Patio/Dock – Eight (8) feet
- 10). Improvement (other) – Five (5) feet

SPECIMEN TREE – Any tree with a diameter of eighteen (18) inches and greater, regardless of genus and species.

TREE-PROTECTION ZONE – That portion of a lot outside of the Disturbance Zone.

TREE REMOVAL – The cutting down of a tree, the transplanting of a tree to a site other than that under development, or the infliction of damage to a tree that is of such severity as to show evidence within a period of two (2) years of irreparable harm leading to the ultimate death of a tree. Examples of serious damage include, but are not limited to: damage inflicted to the root system by machinery, storage of materials, and soil compaction; changing the natural grade above or below the root system and around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt, or other impervious material within proximity as to be harmful to the tree.

- b. **Tree-Protection-Management Plan.** A Tree-Protection-Management Plan must be submitted at the time of site plan or subdivision application, pursuant to this Chapter, if there are one (1) or more live trees proposed to be cut or removed from the property. A Tree-Protection-Management Plan shall contain the following information on a plot plan:
 - (1) Location of all existing or proposed buildings, driveways, grading, septic fields, easements, underground utility lines, rights-of-way, and other improvements.
 - (2) Location of existing natural features, including wooded areas, water courses, wetlands, and floodplains.
 - (3) The limits of the tree-protection zone.
 - (4) Location of all existing live trees, with trunk diameters eight (8)

inches or greater, measured four and one-half (4 ½) feet above ground level. Each tree shall be noted by its species, size, and general health condition.

Whenever possible, the actual canopy spread shall be shown. If it must be estimated, the canopy shall equal one and one-half (1 ½) feet of diameter per one (1) inch of trunk diameter. If the trees to be preserved are part of the wooded area, only the outermost canopy line need be shown, unless disturbance is proposed, then individual trees located within fifty (50) feet of the proposed edge of the woodland shall be shown.

- (5) Each tree, or mass of trees, to be removed or transplanted shall be clearly marked.
- (6) A chart tabulating the diameter inches being removed, the required compensatory trees.
- (7) Specifications for the removal of existing trees and for the protection of existing trees to be preserved, including details(s) of the tree-protection fencing, as required.

c. Compensatory Planting.

- (1) In the event that preservation of existing trees within the tree-protection zone is impossible and /or relocation of improvements impractical, then compensatory planting shall be required for each live tree within the protection zone, and each specimen tree anywhere on the site.
- (2) Trunk diameters shall be measured according to the following guidelines:
 - a. For single trunked shade trees, at a point four-and-one-half (4 ½) feet above ground level.
 - b. For single trunked ornamental trees, at a point twelve (12) inches above ground level.
 - c. For evergreen trees, at a point twelve (12) inches above ground level.
 - d. For multi-trunked trees that branch between one (1) and four and one-half (4 ½) feet above ground level, at a point just below the split.

- c. For multi-trunked trees that branch below one (1) foot above grade, the diameter shall be sixty (60) percent of the sum total of all trunks measured at a point four and one-half (4 ½) feet above ground level.
- (3) Compensatory trees shall be provided in the following ratios. These standards are applicable to both deciduous and evergreen trees. Compensation is not required for shrubs, unless otherwise required by the Planning Board.
- a. For trees eight (8) to seventeen (17) inches in diameter, one (1) new tree shall be provided for every one (1) existing tree cut or removed.
 - b. For trees eighteen (18) to thirty (30) inches in diameter, two (2) new trees shall be provided for every one (1) existing tree cut or removed.
 - c. For trees thirty-one (31) inches in diameter or greater, three (3) new trees shall be provided for every one (1) existing tree cut or removed.
 - d. For existing street, one (1) tree shall be replanted in the street tree planting strip.
- (4) Compensatory trees shall be three to three and one half (3 - 3 ½) inches in caliper. Evergreen and ornamental trees may be substituted at a ratio of two (2) to one (1) shade trees, for up to fifty (50) percent of the requirement. Alternative types of compensatory plantings may be permitted, when approved by the Board.
- (5) Locations of compensatory trees must be clearly labeled on the Landscape Plan. They may be placed anywhere on the site, but they are in addition to other required trees.
- (6) In the event that the Applicant establishes to the satisfaction of the Planning Board that constraints incident to the land itself (including, without limitation, extreme topography, unsuitable soils, rock outcrops and existing dense canopy) render it impractical to provide the required number of compensatory trees, then, at the election of the Planning Board, the Applicant shall:
- a. Install a portion of the required compensatory trees on other

- public lands within the Township; and/or
- b. Contribute to the Township the estimated cost of those trees which cannot practically be installed on the property for later installation of trees on public lands; and/or
 - c. Install fewer, however, larger or more valuable compensatory trees on the lot with an aggregate cost as installed and guaranteed not less than the estimated aggregate cost of the required number of compensatory trees.

Mark Roselli, Mayor

Colleen Cochran, Township Clerk