

ORDINANCE NO. 2021-22
AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF
SOUTH RIVER, SO AS TO AMEND CHAPTER 350 ENTITLED "ZONING"

WHEREAS, The Borough Council of the Borough of South River passed Ordinance No. 2021- 17 on first reading at the Borough Council meeting on October 4, 2021; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, the ordinance was presented to the Planning Board for review and recommendation; and

WHEREAS, on October 19, 2021 the Planning Board considered the ordinance and issued its recommendation dated October 20, 2021; and

WHEREAS, on October 25, 2021, the Borough Council reviewed the Board's recommendation and determined it should implement the Boards recommendation; and

WHEREAS, Ordinance No. 2021-##, accepts and implements the Planning Board's recommendation dated October 20, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, County of Middlesex, and State of New Jersey, as follows:

SECTION 1. Chapter 350 of the Borough Code of the Borough of South River, entitled "Zoning," is hereby amended and supplemented so as to amend § 350-28 entitled, "Landscaping and buffering," so as to amend 350-28(G)(5) so as to read entirely as follows:

350-28 (G) Tree Removal and woodlands management

§ 350-28 Tree Removal and Woodlands Management

G.

- (5) a. If there are 10 trees or less removed, the applicant may
- i. provide replacement trees on site or on public property with the Borough's prior consent; or
 - ii. make a contribution to the Borough of South River Tree Replacement Fund at a rate of \$250 per tree.
- b. If there are more than 10 trees but less than 20 trees removed, then the applicant may
- i. provide replacement trees on site or on public property with the Borough's prior consent; or
 - ii. make a contribution to the Borough of South River Tree Replacement Fund at a rate of \$150 per tree, or



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- iii. voluntarily perform a recreational improvement project in an amount equal to the contribution in subsection (G)(5)(b)(ii).
 - 1. A recreational improvement project is a project in which the applicant performs an agreed upon service or project, including but not limited to the planting of trees, to one of the Borough's public parks or open space areas.
 - 2. To utilize subsection G(5)(b)(iii), the applicant must enter into a project agreement with the Borough of South River.
- c. If there are more than 20 trees removed, then the applicant may
 - i. provide replacement trees on site or on public property with the Borough's prior consent; or
 - ii. make a contribution to the Borough of South River Tree Replacement Fund at a rate of \$50 per tree, or
 - iii. voluntarily perform a recreational improvement project in an amount equal to the contribution in subsection (G)(5)(c)(ii).
 - 1. A recreational improvement project is a project in which the applicant performs an agreed upon service or project, including but not limited to the planting of trees, to one of the Borough's public parks or open space areas.
 - 2. To utilize subsection G(5)(c)(iii), the applicant must enter into a project agreement with the Borough of South River.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Introduced 11-15-2021

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>			X			
<i>Councilman Guindi</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilwoman Meira</i>			X			
<i>Councilman Oliveira</i>			X			
<i>Council President Ciulla</i>	X		X			

**SUSAN A. MINOCK, RMC
 BOROUGH CLERK**

Adopted 12-6-2021

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>						
<i>Councilman Guindi</i>						



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<i>Councilman Gurchensky</i>						
<i>Councilwoman Meira</i>						
<i>Councilman Oliveira</i>						
<i>Council President Ciulla</i>						

SUSAN A. MINOCK, RMC
BOROUGH CLERK

ATTESTED BY:

SIGNED:

SUSAN A. MINOCK, RMC
BOROUGH CLERK

JOHN M. KRENZEL
MAYOR

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on November 15, **2021**, and was considered for second reading and final passage at the regular meeting of said Governing Body held on the 6th day of December, **2021**, at 7:00 p.m., or as soon thereafter as this matter could be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, at which time all persons interested were given an opportunity to be heard concerning this ordinance.



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