

ORDINANCE 2004-02

AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS) ARTICLE IX (TREE PRESERVATION) SECTION 164 D (MITIGATION REQUIRED – OFF-SITE CONTRIBUTIONS) AND SECTION 164 E OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY

BE IT ORDINATED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

Section 1: Chapter 188, section 164 D of the Municipal Code of the Township of Hillsborough shall be amended as follows:

D. Off-site contributions. If all required replacement trees cannot be provided on the subject lot(s), an off-site contribution to the Township of Hillsborough Parks Department of a like number of trees or cash equivalent to be placed in **a dedicated** fund to be used for the purchase of replacement trees by the Township of Hillsborough **or for the purchase of equipment for the Township of Hillsborough to plant and/or maintain trees which are purchased by the Township of Hillsborough with these dedicated funds** for use on public property, **and or public right of way** shall be considered by the Planning Board or Board of Adjustment, as the case may be.

Section 2: Chapter 188, Section 164 E of the Municipal Code of the Township of Hillsborough shall be amended as follows:

E. Economic Hardship Waiver. In the case of commercial development, the Planning Board or the Board of Adjustment, as the case may be, will reduce the replanting requirement if the commercial developer can prove mitigation costs more than 1.5% of total site improvements for a commercial development. This reduction will limit the mitigation cost to 1.5% of the site improvements. In the case of residential development, the Planning Board or the Board of Adjustment, as the case may be, will reduce the replanting requirement if the residential developer can prove mitigation costs more than 1.5% of the total site improvements for a Residential Development. This reduction will limit the mitigation cost to 1.5% of the site improvements. The reduction in replanting will be approved at the site plan application stage. **For the purpose of this section, the total site improvement costs shall include the estimated cost of construction for any proposed dwelling(s), commercial buildings(s) and any other structure(s) associated with the proposed development in addition to those costs normally associated with site preparation, soil erosion control, paving, utility work, landscaping and related site improvements.**

Section 3: This ordinance shall take effect upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Ann Marie Fuccello, Deputy Township Clerk

Steven N. Sireci, Mayor