

Ch. 247
4-28-2008

**BOROUGH OF NEW PROVIDENCE
ORDINANCE 2008-02**

"AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING CHAPTER 247, 'TREES AND SHRUBS' OF THE BOROUGH CODE"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of New Providence, County of Union, State of New Jersey that Chapter 247 of the Borough Code is amended as follows:

1. Section 247.6 Conditions For Approval of Permit Involving Removal Of More Than Three Trees.

Amended to add the following subsections:

§247.6B(5). Notwithstanding anything to the contrary in this chapter, a developer or property owner who intends to grade or re-grade any portion of his or her property, or to demolish an existing dwelling in order to build a replacement dwelling, or to build an addition which equals or exceeds 25% of the existing home's footprint, and in doing so, intends to remove designated trees located within twelve (12) feet of the property line which is shared by an adjoining property owner, shall not be issued a permit by the Borough Engineer unless there is compliance with the Borough's Steep Slope Ordinance (§310.36.1), the Stormwater Control Ordinance (Chapter 301) and Lot Grading Ordinance (Chapter 298), as may be applicable, and it is shown to the reasonable satisfaction of the Borough Engineer that:

- (i) no adverse, underground or surface drainage condition will occur on the applicant's property and/or the property of an adjoining property owner; and
- (ii) neither the root system of any of the remaining trees on the applicant's property, if any, nor the root system of any of the trees located on an adjoining property will be substantially damaged as a direct result of such tree removal. "Substantially damaged", for purposes of this section, shall mean that the root system of a tree shall be so diminished, infringed or reduced that the long-term survival of the tree is threatened, or the tree may constitute a hazard from falling. The Borough Engineer may request the applicant, at the applicant's own cost and expense, provide the Borough Engineer with a report issued by the Borough's New Jersey licensed Arborist, that describes the effect(s) the tree removal will have on the conditions of the root system of the remaining trees on the applicant's property and/or trees of an adjoining property owner.

§247.6B(6) Except for the trees removed as set forth in sub-paragraph (3) above, the applicant shall replace each tree designated for removal, and which is located within twelve (12) feet of an adjoining property, with a mature tree of not less than eight (8) feet in height when planted into the ground and located within the yard (side or rear) from which the designated tree was removed.

2. This ordinance shall take effect in accordance with the law.

INTRODUCED: February 25, 2008
PUBLIC HEARING: April 28, 2008
ADOPTED: April 28, 2008

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

John A. Thoms, Mayor

Attest:

Wendi B. Barry, Borough Clerk