

ORDINANCE NO. 2023 -15

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. 2023- 7 on first reading at the Borough Council meeting on February 13 2023; 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 February 21, 2023, the Planning Board considered the ordinance and issued its recommendation dated February 27, 2023; and

WHEREAS, on February 27, 2023, the Borough Council reviewed the Board's recommendation and determined it should implement the Boards recommendation; and

WHEREAS, Ordinance No. 2023-15, accepts and implements the Planning Board's recommendation dated February 27, 2023.

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 replacement trees required by the tree replacement formula in section (2), 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 or equal to 20 replacement trees required by the tree replacement formula in section (2), 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 \$2,500 for the first 10 trees required, plus \$150 per tree for each tree required over 10, or
- 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 replacement trees required by the tree replacement formula in section (2), 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 \$4,000 for the first 20 trees required, plus \$50 per tree for each tree required over 20, 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.

NOTICE

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 March 20th, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 10th day of April, 2023, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 3-20-23

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


 ALYSSA GUGLIETTI, RMC
 MUNICIPAL CLERK

Adopted 4-10-23

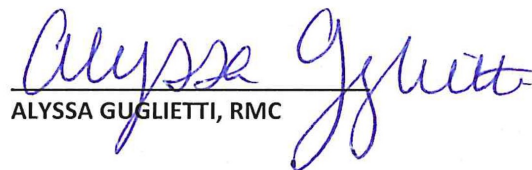
COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>			✓			
<i>Councilman Guindi</i>	✓		✓			
<i>Councilman Gurchensky</i>			✓			
<i>Councilwoman Meira</i>			✓			
<i>Councilman Oliveira</i>						✓
<i>Council President Ciulla</i>		✓	✓			


ALYSSA GUGLIETTI, RMC
MUNICIPAL CLERK

SIGNED BY:


JOHN M. KRENZEL

ATTESTED BY:


ALYSSA GUGLIETTI, RMC