

Township of South Hackensack

Planning Board

Attached please find the following information to allow you to make a proper site plan or subdivision application:

1. Site Plan and Subdivision application
2. Checklist of requirements
3. Minimum requirements for site plan drawings
4. Notice to be served on owners of property affected. To get a list of property owners to be served notice please send your request in writing to the Tax Assessor along with a \$10 fee made payable to the "Township of South Hackensack"
5. Proof of service – notarized with resident listing a proof
6. Public notice to be published in a local newspaper
7. Listing of various fees due prior to the Planning Board meeting for the application and escrow deposit – 2 separate checks please
8. Meeting dates and times
9. Shade Tree Ordinance requirements

All fees are to be made payable to the "Township of South Hackensack". Please note the block and lot, or location on the memo portion of the check. Any overpayments will be returned to the applicant.

If you have any questions please call the municipal building at (201) 440-1815 ext. 100, or contact the Planning Board Attorney, Ken Porro, at (201) 348-6000.

Completed application must be received 14 days prior to meeting date to be considered for same month's Agenda.

Guidance to Applicants on Form of Notice

FORM OF NOTICE FOR NEWSPAPER ADVERTISEMENT AND NOTICE TO ADJACENT PROPERTY OWNERS REGARDING PUBLIC HEARING FOR APPROVAL OF DEVELOPMENT ACTION

1. Notice must be published in The Bergen Record at least 10 days prior to the hearing. Keep in mind if the newspaper is not on a daily publication, you must publish on a date which will be in excess of the 10-day rule. An affidavit of publication must be obtained from the newspaper and filed on the Friday prior to the hearing date with the Board Secretary.
2. Notice of public hearing must be given by personal service or by certified mail to the following persons or agencies:
 - a. To all property owners of real property located within 200 feet in all directions of the property which is the subject of the hearing.
 - b. To all public utility companies and cable companies registered with the municipality.
 - c. If the property is located within 200 feet of an adjoining municipality, notice must be given to the Clerk of that municipality.
 - d. If the property is adjacent to an existing County road or a proposed road shown on the official County map or on the County Master Plan, or if the property adjoins other County land or is situated within 200 feet of a municipal boundary, notice must be given to the County Planning Board.
 - e. If the property is located within 200 feet of an adjoining County, notice must be given to the Clerk of that County.
 - f. If the property is adjacent to a State highway, notice must be given to the State Commissioner of Transportation.
 - g. If the development/property exceeds 150 acres or 500 dwelling units, notice must be given to the Office of State Planning, Department of the Treasury, 150 West State Street, CN 204, Trenton, NJ 08625. Such notice shall include a copy of all maps and documents required to be on file with the Township.
 - h. Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan under this act requiring public notice, in the case of public utility, cable television company or local utility which possesses a right-of-way easement within the municipality and which has registered with the municipality by (1) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company, or local utility, or (2) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.
3. Notice pursuant to (1) & (2) above must be given at least ten (10) days prior to the date of the hearing. The applicant shall file an affidavit of proof of service with the municipal agency having the hearing on the application. If notice is given by personal service, applicant should obtain property owner's signature on a master list. If notice is sent by certified mail, proof of mailing should accompany it.

A certified list of property owners can be obtained for a fee of \$10 per parcel from the Tax Assessor. If you are required to notify residents of neighboring municipalities, separate requests must be made by you to the Tax Assessor of the appropriate municipality(ies).

Chapter 108. Fees

§ 108-19. Chapter 192, Subdivision and Land Development.

[Amended 7-9-1998 by Ord. No. 12-98]

- A. Pursuant to § **192-16**, the application fee for preliminary review of a site plan is established as follows: \$50.
- B. Pursuant to § **192-30A**, the following fees and deposits in connection with applications or rendering of any service by the Planning Board or Board of Adjustment are established:
 - (1) Minor subdivision, minor site plan and filing and classification: \$125.
 - (2) Major subdivision without site plan approval or conditional use approval (preliminary and final approval): \$250.
 - (3) Site plan approval or conditional use:
 - (a) For first 10,000 feet of improved area: \$200.
 - (b) Plus \$25 for each additional 10,000 square feet of floor area.
 - (4) Use variance: \$200.
 - (5) Variances other than in respect to use: \$150.
 - (6) Any other application to the Planning Board or Board of Adjustment: \$50.
 - (7) Whenever an application is made requiring approvals for two or more of the applications set forth above, the fee shall be the fee which when calculated is the greatest for any one component of the application (i.e., if approval sought for site plan and use variance, the fee for site plan will be applicable).

- (8) Escrows. In payment for services rendered by various Township professionals, each applicant shall post at the time of making application to the Board of Adjustment or Planning Board the sum of \$1,500 for residential applications and the sum of \$2,500 for all other applications as and for escrow to be applied to the fees and charge of the Board's professionals, inspection fees, advertising and such other costs as may be incurred by the Board in connection with any application up to the point of final approval thereon. Said sum may be adjusted from time to time on notice from the Board or its professionals. [Amended 9-9-2004 by Ord. No. 2004-13; 3-8-2012 by Ord. No. 2012-03; 9-10-2020 by Ord. No. 2020-04]
- C. Pursuant to § 180-32C, the fee for a tax duplicate is established as follows: \$10.
- D. The engineer fee for checking plans or maps pursuant to § **192-41** is established as follows: \$30 minimum.

Application No. _____

TOWNSHIP OF SOUTH HACKENSACK

**PLANNING BOARD
SITE PLAN REVIEW APPLICATION**

Date: _____

1. Applicant's Name: _____

Address: _____

Phone: _____

2. Owner's Name: _____

Address: _____

3. Name and location of Development: _____

Block: _____

Lot: _____

4. Location of nearest intersection of abutting street with other public streets: _____

5. Map Dated: _____ Prepared By: _____

Entitled: _____

6. Present Use: _____

7. Proposed Use: _____

8. Lot Area: _____ Building Area (ground floor) _____

9. Building Area (total) _____ Number of Parking spaces _____

10. Property part of _____ Subdivision granted on: _____

11. Area in acres of any additional adjoining land owned by owner or applicant: _____

12. Does this constitute: (a) New Application

(b) Revision or resubmission of prior application

13. Attach a copy of any deed restrictions or covenants that will apply.

Applicant's Signature: _____

SOUTH HACKENSACK PLANNING BOARD

227 Phillips Ave.
South Hackensack, NJ 07606
Telephone: 440-1815 Ext. 100

APPLICATION FOR APPROVAL OF REAL ESTATE SUBDIVISION

We hereby apply for approval by the South Hackensack Planning Board for the following real estate subdivision and acknowledge that the reporting period set forth in N.J.S.A. 40:27-6.5 shall not begin to run until this application and accompanying plans are complete in all respects.

Name of Subdivision

Municipality

Location (indicate nearest intersecting streets)

County Road Affected

Lot and Block Numbers

Proposed Use

Plot Area (acres)

No. Of Lots

Average Lot Size

The accompanying plats (13) copies conform to the minimum requirements as outlined in Article I Section 12 of the South Hackensack Subdivision Ordinance. Seven (7) copies of this subdivision have been duly filed with the following municipal officials:

Name of Applicant, Address, Telephone Number

Property owner's Name, Address, Telephone Number

Name, Address, Telephone Number of Preparer of Plans

FEE SCHEDULE ATTACHED

Date Received by South Hackensack Planning Board _____

**PLANNING BOARD
TOWNSHIP OF SOUTH HACKENSACK**

**CHECK LIST OF REQUIREMENTS
SITE PLAN APPLICATION**

Revised: January 28, 2014

NOTE: IF THE APPLICANT IS A **CORPORATION**, IT MUST BE
REPRESENTED BY AN ATTORNEY AT LAW OF THE STATE OF NEW JERSEY.

1. Original and twelve copies of application and payment of applicable fees.
2. Original and twelve copies of authorization by property owner to applicant if applicant is not the owner.
3. Original and twelve copies of variance application, if necessary.
4. Thirteen sealed copies of site plan.
5. Thirteen sealed sets of architectural plans.
6. Proof of publication. - Affidavit (original and two copies).
7. Certified Tax list- Original and two copies.
8. Written proof that tax and assessment payments are current (Original and two copies).
9. Written proof of service. White Slips for registered mail (Original and two copies).
10. Written proof of submission to the Bergen County Planning or written proof of exemption from the requirement to do so.
11. Written proof of submission to the Fire Prevention Bureau for review and approval.
12. Written proof of submission to the Township Engineer for review and approval.
13. Written proof of submission to the Traffic Bureau of the Police Department for review and approval.
14. Written proof of submission to the Department of Environmental Protection in cases in which it has jurisdiction or written proof of exemption from such jurisdiction.

15. Written proof of submission to the Army Corps of Engineers in cases in which it has jurisdiction or written proof of exemption from such jurisdiction.
16. Written proof of submission to the Bergen County Soil Conservation District in cases in which it has jurisdiction or written proof of exemption from such jurisdiction.
17. Written proof of submission to the New Jersey Meadowlands Commission in cases in which it has jurisdiction or written proof of exemption from such jurisdiction.
18. Written proof of submission to any other governmental agency which may have jurisdiction.
19. Submission of any engineering report, traffic report, environmental impact report or other such report that the Board may require that the applicant supply if the same is reasonably necessary to the consideration of the application.
20. Proof of fulfillment of any reasonable requirement, which this Board may impose according to law or ordinance during its hearings on the application to enable it to make its necessary determinations the need for which was not foreseeable when the application was originally submitted.
21. The deposit with the Township of South Hackensack escrow (see fee schedule) to satisfy all engineering, advertising, legal and any other expenses incurred in the review of the application, the balance of which shall be returned to the applicant upon completion of the application.

NO APPLICATION WILL BE DEEMED COMPLETE UNTIL ALL OF THE FOREGOING, IF APPLICABLE AS INDICATED, ARE FILED WITH THE SECRETARY OF THE PLANNING BOARD AND ARE DETERMINED TO BE IN ACCORDANCE WITH THE LAWS AND/OR ORDINANCES IN RESPECT TO EACH. IF, AT ANY TIME DURING THE CONSIDERATION OF THE MATTER, IT IS DETERMINED THAT THERE HAS NOT BEEN COMPLIANCE WITH THE FOREGOING, THE APPLICATION WILL BE DEEMED INCOMPLETE EVEN THOUGH CONSIDERATION MAY HAVE ALREADY BEEN UNDERTAKEN.

22. Shade Tree Requirements.

**PLANNING BOARD
TOWNSHIP OF SOUTH HACKENSACK**

MINIMUM REQUIREMENTS FOR SITE PLAN DRAWINGS

The following is a list of the minimum requirements that must be shown on a site plan. The applicant or the preparer of the site plan should check off each item to insure its inclusion. IF ANY ITEMS ARE OMITTED, THE SITE PLAN APPLICATION WILL BE DEEMED INCOMPLETE.

1. Name and title of applicant, owner and person preparing map.
2. Place for signature of Chairman and Secretary of Planning Board.
3. Place for signature of Township Engineer.
4. Tax map lot and block numbers.
5. Date, scale and "north" sign.
6. Key map of the site with reference to surrounding areas and existing street locations.
7. Zone district in which property in question falls, zone district of adjoining properties and all property within a 200-foot radius of the property in question.
8. Names of owners of all contiguous land and adjacent property.
9. Dimensions of lot, setbacks, front yard, side yards and rear yard: size, kind and location of fences.
10. Location dimensions and details of all signs and exterior lighting.
11. The outside dimensions of existing and/or proposed principal building(s) and all accessory structures.
12. Storm drainage plan showing location of inlets, pipes, swales, and other storm drainage facilities including roof leaders indicate existing and proposed runoff calculations.
13. Right-of-way, easements and all lands to be dedicated to the municipality or reserved for specific uses.

14. The entire property in question, even though only a portion of said property is involved in the site plan; provided however, where it is physically impossible to show the entire property on the requires sheet, a separate map at an appropriate scale may be submitted.
15. Significant existing physical features including streams, water courses.
16. Bearing and distances of property lines.
17. Plans of off-street parking area layout and off-street loading facilities, showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress an egress.
18. All existing and proposed curbs and sidewalks.
19. Typical floor plans and elevations.
20. Existing and proposed sanitary sewerage disposal system.
21. Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants and trees and dimensions.
22. Any other pertinent information as may be required by the Planning Board.

Applicant please note: upon filing of this application with accompanying papers and being advised of the date of hearing, copies of the notice form below must be completed and served (by certified mail or personally) on all property owners within two hundred (200) feet of the property affected by this appeal. Satisfactory proof of such service must be filed with the South Hackensack Planning Board.

NOTICE TO BE SERVED ON OWNERS
OF PROPERTY AFFECTED

Please take notice that an application has been made by _____
_____ on behalf of _____
for a Minor Sub-division _____
on premises known as Block _____ Lot _____

This notice is sent by the applicant, upon order of the South Hackensack Planning Board,
to you as a property owner in the immediate vicinity.

A public hearing has been ordered for _____, 20____

At 7:30 P.M., at the _____ South Hackensack, New Jersey.

When the case is called you may appear in person, by agent, or attorney to present any
objections to the granting of this application.

(Applicant to sign here)

PROOF OF SERVICE

_____, Being duly sworn upon his oath according to law says he is the (agent of the) person making application and served the following property owners within 200 feet of Block _____ Lot _____ either by certified mail (return receipt requested) personally with a copy of the above notice.

Name

Address

Block & Lot

Sworn and Subscribed to

Before me this _____ day

of _____, 20__

(Applicant or Agent to sign here)

**PUBLIC NOTICE
TOWNSHIP OF SOUTH HACKENSACK
PLANNING BOARD**

PLEASE TAKE NOTICE:

That an application has been made by _____

for _____

_____ on premises located at _____

_____ and known as Block _____ Lot _____

on the tax assessment map of the Township of South Hackensack.

A public hearing has been ordered for _____

20_____, at _____ P.M. at the Municipal Complex, 227 Phillips Avenue, South

Hackensack, New Jersey. Anyone wishing to voice an opinion may do so at that time.

(Applicant)

Verification and Authorization

a) Applicant's Verification

I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application is true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature

b) Owner's Authorization

I hereby certify that I _____, residing at _____, am the owner of all that certain lot, piece or parcel of land known as Block(s) _____ Lot (s) _____ on the Tax Map of the Township of South Hackensack, which property is the subject of the above application, and that said application is hereby authorized by me.

Owner's Signature

_____ date



RECEIVED

MAY 13 2016

SOUTH HACKENSACK
MUNICIPAL CLERK

COUNTY OF BERGEN

DEPARTMENT OF PLANNING AND ENGINEERING

One Bergen County Plaza • 4th Floor. • Hackensack, N.J. 07601-7076

Tel. (201) 336-6446 • Fax (201) 336-6449

James J. Tedesco, III
County Executive

Joseph A. Femia
Acting Director
County Engineer

RECEIVED
MAY 13 2016
SOUTH HACKENSACK
MUNICIPAL CLERK

May 11, 2016

Re: Document Submission to Bergen County Planning Board via Email

Dear Municipal Administrators and Zoning Officials,

According to a new state law that permits certain municipal land use / zoning documents to be submitted to the County Planning Board via Email, the Bergen County Planning Board has designated the following email address exclusively for that purpose. A confirmation email will be sent once documents are received via email. Please do not use any other email address.

Bergen County Planning Board email address for electronic document submission:
PlanningBoard@co.bergen.nj.us

Please also note that it is the municipal governments' responsibility to submit zoning and land use ordinances to the County Planning Board. A list of submitted documents can be found on Bergen County's website at <http://www.co.bergen.nj.us/index.aspx?nid=728>. You are urged to check the list and ensure your submissions are up to date.

Please contact this office should you have any questions.

Sincerely,

Joseph A. Femia, P.E.
Acting Director

Chapter 182. Shade Trees

[HISTORY: Adopted by the Township Committee of the Township of South Hackensack 11-10-2010 by Ord. No. 2010-08.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. **208**.

[1] *Editor's Note: The provisions of this local law were originally adopted as Ch. **209** but were redesignated to fit into the organizational structure of the Code.*

§ 182-1. Purpose.

- A. The Township Committee of South Hackensack has determined that it is necessary to maintain the Township's tree stock so as to preserve the quality of life in South Hackensack because of its important role in maintaining the mature tree inventory, as well as preventing soil erosion and controlling drainage.
- B. This chapter preserves and perpetuates the Township's tree stock through providing regulatory control over removal of trees which have attained a specific minimum size and to provide for orderly replacement plans by property owners or their agents.

§ 182-2. Definitions.

For the purposes of this chapter, the below terms have the following defined meanings:

APPROVED REPLACEMENT TREE

Any tree set forth on the list of trees prepared annually by the Shade Tree Commission in accordance with the powers and duties set forth in § **182-13B** herein.

[Added 3-8-2018 by Ord. No. 2018-02]

B&B (BALLED AND BURLAPPED)

A method of excavation in which the subject tree is removed along with soil surrounding its roots and such soil and roots are wrapped and laced.

CIRCUMFERENCE AT POINT OF MEASUREMENT or CPM

The circumference of a tree measured at a point on the tree six inches from ground level on the downhill side.

[Amended 4-4-2013 by Ord. No. 2013-01]

EMERGENCY REMOVAL

A removal which is necessitated by any event, whether natural or man-made, which requires the immediate removal of a regulated tree because it has been determined that such tree presents an imminent hazard to the public's safety. Such determination shall be made by a certified arborist, the Township engineer or the Shade Tree Commission. Additionally, if in the opinion of emergency service personnel (police, fire or other emergency personnel) there appears to be an imminent threat to property or the public safety, the commanding officer of said department may order the immediate removal of a regulated tree or any portion thereof.

GREENBELT

The area from the curbline to the front facade of any structure. Where the side facade is perpendicular to the curbline, such as a corner lot, said area shall be considered to be in the greenbelt.

[Added 3-8-2018 by Ord. No. 2018-02]

PROJECT

Any undertaking whatsoever which would involve potential damage to or which may result in the planned or unplanned removal of regulated trees. Such projects shall include, but not be limited to, new construction, modifications of existing structures, grade modification and drainage improvement works, except for those exempted in this chapter.

REGULATED TREE

Any tree located in the greenbelt as the same is defined herein which has attained at least 30 feet in height or a CPM of at least 12 inches prior to any limb removal or other such activity.

[Amended 4-4-2013 by Ord. No. 2013-01; 3-8-2018 by Ord. No. 2018-02]

REMOVAL

Any activity which results in the cutting down completely or substantially eliminates a living regulated tree from the Township's tree stock. For purposes of this chapter "substantially eliminates" shall mean the pruning or removal of more than 20% of the tree including diseased and live branches. Said determination shall be made by the Shade Tree Commission or its representative in their sole and absolute discretion.

[Amended 4-4-2013 by Ord. No. 2013-01]

REMOVAL PERIOD

A period of time beginning on the date of a decision rendered under this chapter requiring action and ending upon a date eight months thereafter.

[Amended 4-4-2013 by Ord. No. 2013-01]

REPLACEMENT PLAN

A plan developed in accordance with and conforming to the provisions of this chapter which has been approved by the Shade Tree Commission. In the event of removal of any regulated tree by the Township set in the area between the curbline and the sidewalk, the Township shall have a period not to exceed one year to replant an approved replacement tree.

[Amended 4-4-2013 by Ord. No. 2013-01; 3-8-2018 by Ord. No. 2018-02]

REPLACEMENT TREE

A nursery-grown certified, balled and burlapped tree bearing a durable label upon which the following data is set forth: genus, species, variety, watering and fertilization requirements.

SITE PLAN

§ 182-3. Cutting or removal restricted.

[Amended 4-4-2013 by Ord. No. 2013-01; 3-8-2018 by Ord. No. 2018-02]

With the exception of the exemptions set forth in this chapter, no person shall cut, prune or remove or cause to be cut, pruned or removed any regulated tree upon the lands within the Township of South Hackensack unless said cutting, pruning or removal is performed in strict accordance with the provisions of this chapter and ANSI 300 standards.

§ 182-4. Permit required.

A project permit is required for the removal of regulated trees within the removal period.

§ 182-5. Project permit application process.

- A. Project permit application submission. A tree removal project permit application shall be submitted to the Shade Tree Commission.

[Amended 4-4-2013 by Ord. No. 2013-01]

- B. Application contents. An application for applying for and issuing a tree removal project permit shall consist of the following.

- (1) The name and address of the owner of the land;
- (2) The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Township of South Hackensack;
- (3) The purpose or reason for removing the tree(s);
- (4) The quantity, caliper size and species of tree(s) to be removed;
- (5) The proposed dates for commencement and completion of the project;
- (6) Name and address of the person having express charge, supervision, and/or control of the proposed removal of tree(s);
- (7) A written statement of plans for the proposed replanting of trees as required herein;
- (8) A statement granting permission to Township officials or their employees to enter the premises and make surveys and inspections as the work progresses; and
- (9) A tree replacement plan that includes quantity, caliper size and species of tree(s) to be replanted.

- C. The Shade Tree Commission shall review the application to determine whether such project complies with this chapter and shall provide written notice to the applicant indicating one of the following determinations:

[Amended 4-4-2013 by Ord. No. 2013-01]

- (1) The project permit is granted;
 - (2) The project permit is granted subject to the prescribed conditions attached to such notice; or
 - (3) The project permit is denied, in which event the written notice shall state the reasons for said denial and shall advise the applicant of its right to appeal to the Township Committee within 20 days of said denial. Failure to file an appeal within said time frame shall be deemed a waiver of such right.
- D. The Shade Tree Commission shall make the foregoing determination and prepare and furnish the foregoing notices within 60 days following the submission of a complete application.
[Amended 4-4-2013 by Ord. No. 2013-01]
- E. Failure of the Shade Tree Commission to make such determination within the said sixty-day period and any extension granted by the applicant shall be deemed an approval of the project.
[Amended 4-4-2013 by Ord. No. 2013-01]
- F. Any proposed change in the approved project shall be submitted to the Shade Tree Commission for approval in the same manner as the original application for approval of the project.
[Amended 4-4-2013 by Ord. No. 2013-01]
- G. The applicant shall maintain a copy of the approved project at the project location which shall be available for inspection.

§ 182-6. Tree replacement plans for all new construction, additions or alterations.

[Amended 4-4-2013 by Ord. No. 2013-01]

- A. A site plan on a scale of one inch equals 30 feet or less showing the location of existing trees and clearly marked property boundaries. There shall be a list of the number and species of tree inventoried. The site plan shall include the lot and block numbers, street address, if assigned, and a certification of compliance with the chapter.
- B. Locations of streams and other watercourses.
- C. Locations of slopes of greater than 10% where any tree removal is proposed. The location on the tract where the tree removal is to take place; the total acreage of the tract; the total number of species of existing trees with a DPM of eight inches or greater on the tract.
- D. The total number of species of tree with a DPM of eight inches or greater which are to be removed. All specific plans for replacement of removed trees shall be based upon the following requirements
- (1) The replacement trees shall be planted on the property where the trees were removed or in a location designated by the Township Engineer.
 - (2) The species of trees that are to be replaced shall be approved by the Township Engineer.

Size of Tree Removed (inches DPM)	Number of Replacement Trees With at Least 2 1/2 Inches DPM
Eight, but less than 12 (8" to 12")	1

Size of Tree Removed (inches DPM)	Number of Replacement Trees With at Least 2 1/2 Inches DPM
More than 12, but less than 18 (12" to 18")	2
More than 18, but less than 24 (18" to 24")	3
More than 24, but less than 36 (24" to 36")	4
More than 36"	To be determined in consultation with the Township Engineer after consideration of the project, but in any event, not less than 6

- E. Any new residential construction shall include a plan for the planting of at least two shade trees approved as to location, type and size by the Shade Tree Commission and shall avoid placement under utility wires and in areas which would be prone to root disturbance of sidewalks or curbs. Any alteration of addition to a residential structure that exceeds 500 square feet shall include a plan for the planting of at least one shade tree approved as to location, type and size by the Shade Tree Commission.
- F. Any plan for new construction or alteration of commercial or industrial building which exceeds 500 square feet shall include a plan, in addition to the tree replacement plans set forth herein, for the planting of one shade tree for each 500 square feet of construction up to 5,000 square feet and one tree for each 1,000 square feet of new construction or alteration thereafter. The location, type and size of the shade tree shall be approved by the Shade Tree Commission.

§ 182-7. Tree replacement fund.

[Amended 4-4-2013 by Ord. No. 2013-01]

In certain circumstances, the Shade Tree Commission may authorize a contribution to the Township's Shade Tree Commission Tree Fund in lieu of planting replacement trees on site where it determines that the purposes of this chapter would be furthered thereby. Such contribution shall bear a reasonable relationship to the cost of planting trees which would otherwise be required in § 182-6 of this chapter, but in no case shall be less than \$300 per required tree.

§ 182-8. Exemption.

The following shall be exempt from the requirements of this chapter.

- A. Commercial nurseries.
- B. Pruning within the right-of-way by utility companies for maintenance of utility wires or pipelines. The utility company shall notify the Township Engineer prior to commencing such work.
- C. Trees that are deemed to be removed by the Township that are on or over a public right-of-way.
- D. Public park lands owned by the Township of South Hackensack .
- E. Any projects that have received building permits prior to enactment of this chapter.
- F. Trees that are deemed to be removed as part of a municipal project.
- G. Emergency removals.

- H. Conditional exemptions: trees located upon private property and outside the greenbelt as defined herein. The proposed removal or pruning of said trees shall be reported to the Township in advance of any such activity. An administrative fee of \$5 shall be charged. Anyone who removes a tree under this exemption shall be subject to the following schedule for tree replacement/tree bank contribution for each tree removed.

[Added 3-8-2018 by Ord. No. 2018-02]

Size/Diameter (inches)	Number of Replacement Trees	Replacement Tree Size (inches)	Tree Bank Contribution
Greater than 12 to 16	2	2 to 2 1/2	\$560
Greater than 16 to 23	3	2 to 2 1/2	\$840
Greater than 23 to 30	4	2 to 2 1/2	\$1,120
Greater than 30	5	2 to 2 1/2	\$1,400

§ 182-9. Protected area.

No permit shall be issued for the removal of any tree within the minimum planting areas set forth in the Zoning Ordinance of the Township of South Hackensack^[1] unless the Township Engineer determines that such removal is necessary.

[1] *Editor's Note: See Ch. 208, Zoning.*

§ 182-10. Fees.

An application for a tree removal permit shall be accompanied by the required fee as set forth below:

- A. Permit for each tree removal: \$50.
- B. An escrow shall be established in the minimum amount of \$300 per tree to be removed and replaced or planted in accordance with this chapter which shall be retained until such time that the tree replacement or planting plan is completed. In the event that the tree replacement or planting plan is not completed within eight months of approval plus any extension granted by the Shade Tree Commission, the Township may use such escrow to complete the tree replacement or planting plan or in lieu thereof deposit said escrow in the Shade Tree Fund. Said fees shall not apply in the event that the Shade Tree Commission or its designated agent has determined that a tree should be removed due to disease, death or excessive damage. The elimination of a fee in said instance does not, however, negate the obligations set forth in this chapter for tree replacement and/or tree bank contribution.

[Amended 4-4-2013 by Ord. No. 2013-01; 3-8-2018 by Ord. No. 2018-02]

- C. Any application for site plan, subdivision or variance approval shall include a fee equal to \$100 per 1,000 square feet of proposed space to be built or renovated or land to be subdivided to be paid by the applicant.
- D. All funds collected pursuant to this chapter shall be segregated into a special fund designated as the "Township of South Hackensack Shade Tree Commission Fund" which shall be maintained at the Township's designated financial institution and administered by the Township Treasurer.

Expenditures from said fund shall be authorized by the Township Committee and may or may not be upon the recommendation of the Township Shade Tree Commission.

§ 182-11. Board established; membership; compensation.

There shall be established a Board of Shade Tree Commissioners which shall consist of seven members whom are Township residents and are appointed by the Township Committee and shall serve without compensation.

§ 182-12. Terms of office; organization.

Three members of the Board shall be appointed for four-year terms, two members for three-year terms and two members for two-year terms. The Board shall organize annually and elect one of its members as chairperson and appoint a secretary who may or may not be a member of the Board.

§ 182-13. Power and duties.

The Board shall have the power to:

- A. Prepare a planting plan for the Township-owned lands and parks, including a budget for the implementation of the same.
- B. Designate the types of trees to be planted on certain lands and areas of the municipality which the Township Engineer will adhere to in the implementation of this chapter.
- C. Regulate and control the use of the ground surrounding the shade and ornamental trees which are the subject of this chapter.
- D. Move or require the removal of any tree or part thereof if the Board determines it to be dangerous to the public safety, at the owner's expense.
- E. Remove any tree or part thereof at the request and expense of the owner.
- F. Exercise full control over the regulation and care of shade and ornamental trees and shrubbery now located or which may hereafter be planted in accordance with this chapter.
- G. Prepare a yearly plan and recommendation to the Township Committee as to proposed use and expenditure of funds collected pursuant to this chapter.
- H. Hear appeal of nonemergency decisions made by the Township engineer. Said appeal shall be taken by filing with the board within 20 days of the date of the Township Engineer's decision a statement setting forth the basis of said appeal and a proposed alternate plan of compliance with or waiver from the terms of this chapter. The board shall render its decision on any such appeal in writing within 60 days of the date of submission of an appeal compliant with this chapter.

§ 182-14. Violations and penalties.

Any person who violates any provisions of this chapter shall be liable for a fine not to exceed \$1,000 or imprisonment for a term not in excess of 90 days, or both.