

Township of South Hackensack

Zoning Board of Adjustment

Application Instructions

A complete application must be received 14 days prior to a meeting date to be placed on the agenda.

1. If the applicant is a corporation, the law requires that an attorney at law in the State of New Jersey must represent you.
2. All documents must be filed in the office of the Municipal Clerk, 227 Phillips Avenue, South Hackensack, NJ 07606.
3. All documents and applicable fees (see attached fee schedule) must be submitted to be deemed a complete application, and this must be received in the Municipal Clerk's office at least 14 days prior to the hearing date that you wish to be heard.
4. **An application will be considered incomplete until all of the foregoing, if applicable as indicated, are filed as aforesaid and are determined to be in accordance with the laws and/or ordinances in respect to each unless the board expressly waives any such requirement at the hearing. It is the obligation of the applicant to obtain all of the foregoing when applicable and to file the same; any direction, suggestion, advice, or assistance given by any township personnel shall not be binding upon the Zoning Board of Adjustment.**
5. During the proceedings, the Board may determine that the applicant must comply with any of the following requirements:
 - a) Submission to the Township Engineer for review and approval.
 - b) Submission to any other governmental agency that may have jurisdiction.
 - c) Submission of any engineering report, traffic report, environmental impact report, or other such report that the Board may require that the applicant supply which may be necessary to the consideration of the application.
 - d) Any reasonable requirement that this Board may impose according to law or ordinance during the hearing on the application to enable it to make the necessary determinations, the need for which was not foreseeable when the application was originally deemed complete.
6. 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".
7. Proof of service – notarized with resident listing a proof.
8. Public notice to be published in a local newspaper (The Record) at least 10 days prior to the hearing.
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 Zoning Board Attorney, Joseph Mariniello at (201) 441-9056

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.

**TOWNSHIP OF SOUTH HACKENSACK
ZONING BOARD OF ADJUSTMENT**

APPLICATION

| | |
|-------------------------------|-------------------------|
| FOR OFFICIAL USE ONLY | |
| Date application filed: _____ | Application # BOA _____ |
| Fee paid: _____ | Date paid: _____ |
| Date file complete: _____ | |
| Time period expires: _____ | |

Section 1. Simple Variance Option

If the application involves nothing more than:

- a) erection of a fence or shed on the property of a single or two family residence, OR
- b) construction of a swimming pool accessory to a single or two-family residence,
OR
- c) construction of an addition to or an alteration of a single or two-family residence,

The applicant may submit a simple sketch of the property showing clearly what is proposed and its relationship to existing structures. Upon choice of this option, applicant need not fill out Sections 5(c), 5(d), 6 and 7 of this application.

Check box to effect simple variance option

Section 2. Appeal from Denial of a Building Permit

If this application has arisen as the result of the denial of a permit regarding zoning/building, please secure from the administrative officer an appeal form giving reasons for permit denial and submit with the application.

Section 3. Applicant Information

- a) Full legal name _____
- b) Mailing address _____
- c) Telephone/Beeper/Fax Nos. _____
- d) The applicant is a: Corporation _____ Partnership _____ Individual(s) _____
Other _____ (please specify) _____

- e) If the applicant is a corporation or a partnership, attach a list of the names and addresses of all persons having a 10% interest or more.
- f) Relationship of the applicant to the property: Owner _____ Tenant/Lessee _____
Purchaser Under Contract _____ Other (please specify) _____
- g) If the applicant is not the owner of the property, the applicant must obtain and submit a copy of this application signed by the owner in the space provided in Section 9.

Section 4. Property Information

- a) Street address: _____
- b) The property is approximately _____ feet from the intersection of _____ and _____.
- c) Block _____ Lot _____
- d) Zone – Residential _____ Commercial _____ Industrial _____ Mixed _____
- e) Dimensions - _____
- f) Size (square feet) _____
- g) Is the property located:
 - Within 200 feet of another municipality
 - Adjacent to an existing or proposed county road
 - Adjacent to other county land
 - Adjacent to a State highway
 - Within the jurisdiction of the Hackensack Meadowlands Development Commission

(If you checked any of the above, you must submit appropriate documentation, please see instructions)

- h) Has there been previous Adjustment Board or Planning Board hearings involving this property? Yes _____ No _____.
- i) If the answer to “h” is yes, attach a copy of the written decision(s) adopted by the applicable board

Section 5. Requested Relief

- a) "PROPOSAL" – Attach a statement entitled "PROPOSAL" setting forth the particulars of the proposed use of the property (if other than single family residential) and a description of the proposed physical changes to the property. Include all physical improvements such as structure, additions, landscaping, etc.
- Check box when attached
- b) "Reasons for Relief" – Attach a statement entitled "Reasons for Relief" setting forth the facts relied upon to support the applicant's claim of right to relief.
- Check box when attached (If "Simple Variance" proceed to Section 8)
- c) Nature of application – Check appropriate items
- Interpretation of development ordinance or map
 - Appeal of action of administrative officer
 - Variance:
 - "C" variance
 - "D" use variance
 - "D" non-use variance
 - Subdivision
 - Subdivision application to follow
 - Site plan
 - Site plan application to follow
 - Waiver of lot to abut street requirement
 - Exception to the official map
- d) The proposed use, building, or subdivision is contrary to: (List the specific Articles and Sections of the Code of the Township of South Hackensack from which a variance is sought, the requirement itself and the proposed variation. If additional space is needed, please attach a separate sheet.)

Article _____ Section _____ Required _____ Proposed _____

Article _____ Section _____ Required _____ Proposed _____

Section 6. Applicant's Experts/Professionals

a) Attorney

Name _____ Telephone _____

Address _____

b) Engineer

Name _____ Telephone _____

Address _____

c) Architect

Name _____ Telephone _____

Address _____

d) Planner

Name _____ Telephone _____

Address _____

e) Other (please specify)

Name _____ Telephone _____

Address _____

Section 7. Required Exhibits – INCLUDE WITH YOUR APPLICATION

(Please check all that are applicable and included)

A “complete application” requires the following submissions:

- Original and twelve (12) copies of application.
- Original and twelve (12) copies of site plan or subdivision application if sought in conjunction with your variance application (applies only to a “use” variance.)
- Thirteen sealed copies of survey and, if applicable, sit and/or subdivision map.
- Thirteen sealed sets of architectural plans if you wish the Board to consider the same.
- Original (affidavit) and two (2) copies of proof of publication.
- Original and two (2) copies of Certified Tax List and Certified Mail Stubs.
- Original and two (2) copies written Proof of Service.
- Original and two (2) copies certification of the Tax Collector that tax and assessment payments are current.
- A copy of your letter of submission to the following government agencies in cases in which it has jurisdiction or written proof of exemption from such jurisdiction.
 - Bergen County Planning Board
 - South Hackensack Fire Prevention Bureau
 - Township Engineer
 - South Hackensack Police – Traffic Bureau
 - Department of Environmental Protection
 - Army Corps of Engineers
 - Bergen County Soil Conservation District
 - Hackensack Meadowlands Development Commission
 - Any other governmental agency having jurisdiction – please specify

 **Shade Tree Ordinance
Plan Requirements**

Section 8. Notice

The applicant is responsible to publish (The Record) and serve notice of this application in accordance with law. Publication Affidavit must be submitted with application to be deemed complete.

Section 9. 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

PUBLIC NOTICE

**TOWNSHIP OF SOUTH HACKENSACK
ZONING BOARD OF ADJUSTMENT**

PLEASE TAKE NOTICE that on the _____ (date) _____ day of _____ (month) _____, (year) _____, at _____ (time) PM a hearing will be held at the Municipal Complex located at 227 Phillips Avenue, South Hackensack, New Jersey before the Township of South Hackensack Zoning Board of Adjustment on the (application/appeal) of the undersigned for a variance or other relief so as to permit

and any other variances necessary that may come before the board

for premises located at

and designated as Block _____ Lot _____ on the Tax Assessment Map of the Township of South Hackensack.

All pertinent applications and maps with reference to the above named application are on file in the office of the Municipal Clerk and are available for inspection during regular business hours.

Any interested party may appear at said hearing and participate therein in accordance with the rules of the Zoning Board of Adjustment.

Name of Applicant

Address

Date of Publication _____

NOTICE TO BE SERVED ON OWNERS
OF AFFECTED PROPERTY

To: _____ Owner of Premises: _____

PLEASE TAKE NOTICE that the undersigned has filed an (appeal or application) with the South Hackensack Zoning Board of Adjustment for _____

and any other variances necessary that may come before the board for premises located at _____

designated as Block _____ Lot _____ on the Tax Assessment Map of the Township of South Hackensack, and this notice is sent to you as a property owner within 200 feet of the applicant property.

A public hearing has been scheduled for ___ (month, date, and year)

At _____ p.m. in the Municipal Building, 227 Phillips Avenue, South Hackensack, New Jersey. When the matter is called, you may appear either in person, or by agent or attorney, and present any objections, which you may have to the granting of the relief, sought in the petition.

All pertinent information with reference to the application is on file in the office of the Municipal Clerk and is available for inspection Monday through Friday, between 9 am and 4 p.m.

Respectfully,

Applicant

AFFIDAVIT OF SERVICE

State of New Jersey
County of Bergen

_____ Of full age, being duly sworn according to law, on his/her oath deposes and says that he/she resides at _____ and that he/she did on _____, at least ten (10) days prior to the hearing date of _____, give personal notice to all property owners within 200 feet of the property affected by the Board of Adjustment application located at _____.

- Notice was given by Certified Mail Copies of the registered receipts are attached hereto.
- Notices were also served upon the following (check all that apply)
 - Clerk of _____
 - County Planning Board
 - Director, Division of State and Regional Planning
 - Department of Transportation
 - Other: _____

A copy of the Notice is attached hereto.

Attached to this affidavit, marked "Exhibit B", is a list of owners of property within 200 feet of the affected property who were served, showing the Block and Lot numbers of each property as same appears on the South Hackensack Municipal Tax Map, and also a copy of the Certified List of such owners prepared by the Tax Assessor.

Signature of Applicant

Sworn to and Subscribed to
Before me this _____
Day of _____
20_____

Notary Public of New Jersey

**SUBMIT LETTER TO TAX ASSESSOR REQUESTING THE
INFORMATION BELOW ALONG WITH \$10 FEE**

Township of South Hackensack
County of Bergen, New Jersey

**LIST OF PROPERTY OWNERS WITHIN 200 FEET OF
BLOCK _____ LOT _____**

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**I certify that the above is an accurate and complete list of property owners,
prepared from the most recent tax assessment records.**

Tax Assessor



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

RECEIVED
MAY 13 2016
SOUTH HACKENSACK
MUNICIPAL CLERK

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

A plan as defined by the Township's Municipal Land Use Ordinance.^[1]

[1] *Editor's Note: See Ch. 192, Subdivision and Land Development.*

§ 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.