

BOROUGH OF HO-HO-KUS

ORDINANCE # 1045

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 32B OF THE CODE ENTITLED "LAND SUBDIVISION AND SITE PLAN REVIEW"

BE IT ORDAINED, by the Mayor and Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey as follows:

That **CHAPTER 32B-10B(7) LANDSCAPING** is amended to add thereto a new subparagraph (E) as follows:

SECTION I

(E) The Mayor and Council of the Borough of Ho-Ho-Kus finds that lack of street trees is causing increased drainage problems, soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased ground water recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effects and increased dust and pollution. All of the above can negatively affect the value of the properties in Ho-Ho-Kus and overall quality of life. Therefore, the Mayor and Council of the Borough of Ho-Ho-Kus finds that a street tree planting deposit is needed to ensure the health, safety and welfare of its residents and to maintain a high quality of life in the Borough of Ho-Ho-Kus.

(1)

Streets trees and plantings within the right of way of the Borough including Borough owned parks and buildings are under the jurisdiction of the Shade Tree Commission. The street planting deposit shall apply to any new house constructed on a vacant parcel or on a lot where an existing residence is demolished or more that 25% floor increase as determined by the Construction Code Official and to all commercial properties. The Shade Tree Commission shall inspect the affected property and make a determination on the requirement of a street tree planting deposit before a building permit is issued. The Shade Tree Commission shall be notified before a demolition permit is issued. Prior notification would enable the Shade Tree Commission to inspect the site to evaluate the existing street trees and determine tree preservation and protection measures, if required.

(2)

The Shade Tree Commission shall be notified by the Planning Board or the Zoning Board of Adjustment upon receipt of any application regarding Section I above. The Shade Tree Commission will review and recommend street tree planting requirements within 15 business days. Plantings shall thereafter be done solely by an independent contractor engaged by the Shade Tree Commission and shall not be done by the owner or developer.

(3)

The Shade Tree Commission requires that one tree be planted every thirty (30) to fifty (50) feet of street curb with a minimum of two trees per property or as deemed necessary upon inspection by the Shade Tree Commission. A deposit (currently \$375.00) is required for each two and one half inch Caliper tree. The tree species shall be determined by the Shade Tree Commission for each site and an inspection fee will apply.

(4)

The estimate for street tree planting form is hereby adopted and shall be on file in the Office of the Borough Clerk.

(5)

(a) The Street Tree Planting deposit shall be made prior to issuance of a Certificate of Occupancy.

(b) The existing Ho-Ho-Kus Shade Tree Commission Ross Trust Account shall continue until the funds therein have been expended. At such time it will be closed.

(c) There is hereby established a Ho-Ho-Kus Shade Tree Beautification Account. Developer funds currently deposited and to be deposited therein shall be earmarked for the purchase and planting of shade trees and for beautification projects. Such funds are intended to be separate from general operation funds provided to the Commission by the Borough in its annual budget.

SECTION II

REPEALER

All Ordinances or parts of Ordinances, which are inconsistent with the provisions of this amendatory Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION III

SEVERABILITY

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION IV

EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication as required by law.

Attest:

Thomas W. Randall, Mayor

Laura Borchers, Borough Clerk, RMC/CMR

NOTICE

Notice is hereby given that the proposed Ordinance was introduced and passed on first reading at a Regular Meeting of the Mayor and Council of the Borough of Ho-Ho-Kus, Bergen County, New Jersey, on November 24, 2015 and that said Ordinance will be taken up for it's final consideration at a meeting of the Mayor and Council to be held in the Borough Hall, in the Borough of Ho-Ho-Kus, Bergen County, New Jersey, on December 22,, 2015 at 8:00 PM

Laura Borchers, Borough Clerk, RMC