

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2642-10

AN ORDINANCE
TO AMEND
CHAPTER 227
OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD
ENTITLED
"SHADE TREES"

"Interpretive Statement"

This ordinance will permit the Township of Maplewood's Shade Trees Supervisor to consider the request for installation of solar panels in making a determination as to whether or not a tree of twelve (12") inches or more in caliper may be removed.

WHEREAS, an issue has arisen with regard to the removal of trees within the Township of Maplewood ("Township"), when a resident wishes to install solar panels on his/her property; and

WHEREAS, this matter has been reviewed by the Township's Shade Trees Supervisor; and

WHEREAS, the Township's Shade Trees Supervisor has made recommendations to the Township Committee.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that Chapter 227 of the Code of the Township of Maplewood entitled "Shade Trees" shall be amended as follows:

FIRST:

Section 227-8

Permit Required

Shall be amended to read as follows:

C. The Township's Shade Tree Supervisor shall have reviewed the application and shall have determined, in his/her discretion, to issue said permit, due consideration having been paid to the following:

- 1) Whether the proposed removal would impair the growth and development of the remaining trees on the applicant's property or adjacent property.
- 2) Whether the proposed removal would adversely impact existing drainage patterns.
- 3) Whether the proposed removal would cause soil erosion or increased dust.
- 4) Whether the proposed removal would constitute a significant change in the screening with respect to buildings on contiguous lots.
- 5) Whether the proposed removal would constitute a horticulturally advantageous thinning of an existing overgrown area.
- 6) What overall effect the removal would have on the physical and aesthetic value of the property.
- 7) Whether proposed or necessary changes in the topography of the area where such tree or trees are located will depress land configuration so as to be injurious to other trees located nearby, and whether these changes will require welling, construction of any aerification system, or other tree removal or replacement.
- 8) Whether the continued presence of the tree or trees sought to be removed is likely to cause hardship or will endanger the public or any other adjoining property owner by reason of its being diseased or dead or for some other adequate reason within the intent of this ordinance.
- 9) Whether the proposed removal is requested to facilitate the installation of solar panels.
- 10) None of the above considerations shall have greater weight than any other consideration, and the request to install solar panels shall not be the sole basis for the removal of any tree.

SECOND:

All other sections shall remain unchanged.

THIRD: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

FOURTH: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FIFTH: Effective Date

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

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on September 7, 2010, and that Committee met again on September 21, 2010, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk