

WEST AMWELL TOWNSHIP  
Ordinance 21, 2014

AN ORDINANCE AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF  
WEST AMWELL (Woodlands Protection)

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Part 4, Article XXI, Section 144 of Chapter 109 be amended as follows:

Section 1. **§ 109-144. Woodlands Protection**

A. Purpose.

(1) The purpose of this article is to retain and protect the Township's woodlands and to promote the goals and intent of the West Amwell Township Master Plan and the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-2) by protecting critical environmental resources, including air quality, water quality, soil cover, animal and plant habitat and viewsheds. These resources provide great benefits to the quality of life in West Amwell, but they often are greatly impaired when woodlands are removed during development.

(2) Protection and retention of woodlands helps to control the velocity and amount of stormwater runoff, thereby reducing flooding; filters sediments and pollutants before they reach streams; promotes groundwater recharge; stabilizes the soil and reduces soil erosion; improves air quality by filtering pollutants from the air; preserves scenic views that residents often come to cherish; offers a stable habitat for associated plant species and for animal wildlife; and provides shade and windbreaks that help moderate the effects of climate conditions.

B. Applicability.

(1) The regulations set forth herein shall apply to any tract of land containing woodlands (as defined by §109-4. of the West Amwell Land Development Ordinance) that is the subject of an application for major site plan or major subdivision approval **for the following zoning districts: RR4, RR5, RR6 and SRPD.**

C. Woodland retention and preservation plan.

(1) A woodland retention and preservation plan shall be submitted for the approval of the municipal agency, in consultation with the Woodland Advisor. The plan shall include a report articulating how the requirements **of this chapter** will be met by the proposed subdivision and site plan; how the proposed development will affect the existing natural resources on the tract; the quantity of existing woodlands, and of individual trees not located within a designated forest stand that will be removed and that will be retained; and what specific techniques will be used to protect woodlands and individual trees during the construction process.

(2) The woodland retention and preservation plan shall be prepared using the information identified below and which is requested **in § 109-274** and shall be certified by a New Jersey approved forester, a New Jersey certified landscape architect or a New Jersey certified tree expert:

(a) A table listing the tract area in square feet; the square footage of existing and proposed woodlands located within the tract; A clear, graphic indication of the existing and proposed woodlands located on the tract; A clear, graphic indication of the proposed limit of disturbance lines, tree save fencing specifications and other proposed tree protection measures;

(b) Any specimen trees located in the area of disturbance;

(c) Locations of proposed soil stockpile areas; and

(d) Existing and proposed preservation/conservation easements on the tract.

#### D. Woodland retention requirements.

(1) The intent of this article is to retain rather than to replace existing woodlands. To that end, development shall be designed to maximize the area of existing woodlands to be retained. If woodlands are to be disturbed or removed, the applicant shall design the development in such a way as to avoid or minimize removal of woodlands.

(2) To the extent that the use of the clustering or lot averaging techniques permitted in the applicable zoning district will maximize the retention of woodlands in the development of the tract, such techniques should be considered.

(3) Woodlands existing on the tract as of the date of this ordinance may be removed for development in accordance with the following:

(a) Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements, as shown on an approved site plan or subdivision plan, may be removed.

**(b) For conventional subdivision, the permitted maximum area of existing woodlands removed in the RR4, RR5, RR6 and SRPD zoning districts shall be no more than 50,000 square feet.**

**(c) In the case of cluster and mini-cluster development, the maximum area of existing woodlands removed shall be 50% of the individual lot size.**

(4) If woodlands are to be disturbed or removed, the applicant shall design and schedule (to minimize disturbance of nesting Threatened and Endangered species) the development in such a way as to avoid or minimize removal of woodlands which provide enhanced environmental or scenic value, which shall consist of woodlands in any of the following categories:

(a) Any woodlands within required stream corridor buffers, wetlands, wetland transition areas or floodplains;

(b) Woodlands on slopes of 15% or more or woodlands located in highly erodible soils on slopes of less than 15%, with the steepest slopes having the highest priority;

(c) Woodlands associated with a critical groundwater recharge area, defined as having a recharge rate greater than or equal to the median recharge rate for the municipality as a whole;

(d) Woodlands along a scenic road identified in the municipal Master Plan;

(e) Woodlands identified in the New Jersey Landscape Project as either Forests or Forested;

(f) Woodlands that create a habitat having a ranking of 3, 4 or 5 for rare, threatened or endangered species;

(g) Woodlands that are connected to a larger woodlands corridor extending beyond the tract boundaries; and

(h) Woodlands and hedgerows that provide visual screening or are associated with an historic site or line a rural roadway.

(5) The following procedures and requirements for the protection of the woodlands and individual trees to be retained shall be adhered to in the construction phase of the development:

(a) During construction, no permanent or temporary material, including soil, shall be placed or deposited within the critical root zone or within eight feet, whichever is greater, of any tree to be retained or of the trees at the perimeter of any forest stand to be retained. Such area shall be protected by orange blazed fencing placed outside of such area during construction, and the fencing shall be inspected and approved by the Woodlands Advisor prior to the start of any site disturbance.

(b) Where necessary, pursuant to an approved grading plan, to fill or remove soil within an area that encompasses either the critical root zone or the area within eight feet, whichever is greater, of any individual tree to be retained in the area of disturbance or of the trees within the perimeter of any forest stand to be retained, the existing grade around each such tree shall be maintained to the extent of the critical root zone or eight feet, whichever is greater, by a tree well and extension tiles (in the case of fill) or by a retaining wall (in the case of a cut).

(c) No chemicals shall be disposed of and no concrete trucks shall be rinsed within the critical root zone of any tree or of the trees at the perimeter of any forest stand to be retained.

(d) During construction, individual trees to be retained and trees located at the perimeter of a forest stand to be retained shall be maintained in accordance with a maintenance schedule and plan under the direction of the Woodlands Advisor.

(e) If equipment must temporarily invade the critical root zone of any individual tree to be retained or of any tree(s) located at the perimeter of a forest stand to be retained, the Woodlands Advisor shall approve and inspect the installation of required critical root zone protection measures within the path of such equipment, shall inspect the invasion of the critical root zone and shall thereafter inspect the removal of all temporary protective measures and the replacement of the protective fencing.

(f) If the approved plan calls for the installation of any pavement or utilities within the critical root zone of any individual tree to be retained or of any tree(s) located at the perimeter of any forest stand to be retained, special techniques for such installation shall be employed to minimize the impact on the critical root zone(s), and such installation shall be directed, inspected and monitored by the Woodlands Advisor.

(g) In the event any of the foregoing procedures and requirements for construction are violated, the municipal engineer or construction official shall issue a stop-work order until the violation is remedied.

#### E. Exceptions.

(1) Any dead or diseased tree, subject to verification of its dead or diseased status by the Township's Woodlands Advisor.

(2) Portions of a lot used as a Christmas tree farm.

(3) Portions of a lot used as a nursery or fruit orchard.

(4) Trees directed to be removed by municipal, county, state or federal authority pursuant to law.

(5) Any invasive species of tree as listed in the West Amwell Township Natural Resources Inventory subject to verification by the Township's Woodland Advisor.

F. Fees.

(1) The fees charged for inspections undertaken and other services provided by the Woodlands Advisor shall be established by the municipal governing body by ordinance at the time of the appointment of the Woodlands Advisor. Such fees may, from time to time, be amended by ordinance.

(2) All charges made against escrow accounts for the services of the Woodlands Advisor shall be in accordance with N.J.S.A. 40:55D-53.2.

Section 2: ADOPTION

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

Section 3: REPEALER

All Ordinance and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

APPROVED BY TOWNSHIP COMMITTEE

\_\_\_\_\_  
George A. Fisher, Mayor

ATTEST:

\_\_\_\_\_  
Lora L. Olsen, RMC  
Township Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a regular meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on September 24, 2014. It will be further considered for final passage, after public hearing thereon, at a regular meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on October 22, 2014 at 7:00 p.m. All interested parties will be heard at this time.