

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-9-2018-029

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL  
AMENDING CHAPTER 108-12.6, 108-15.1 AND REPEALING CHAPTER 108-17 OF  
THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "LAND DEVELOPMENT"

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**BE IT ORDAINED** by the Council of the Township of Monroe, County of Middlesex, State of New Jersey, that Section 15.1(G) of Article XV of Chapter 108 of the Code of the Township of Monroe is hereby amended as follows (new text is underlined, text to be deleted is ~~struck~~):

**SECTION 1.**

**108-12.6. Clearing and grading.**

- A. All clearing, grading, excavation or embankment construction shall be in accordance with the approved and executed final plat and shall comply with the following:
- (1) All clearing, grading, excavation or embankment construction shall provide for the disposal of all stormwater runoff and such groundwater seepage as may be encountered.
  - (2) All clearing, excavation and embankment construction shall be in accordance with the applicable requirements of the New Jersey Department of Transportation Standard Specifications.
  - (3) To the extent possible, all proposed development shall be planned such that site earthwork balances. However, where earthwork balance cannot be attained and it is anticipated that a proposed project may yield surplus soil or require import of soil, the developer shall provide the following information:
    - (a) The estimated total quantity of soil to be imported or exported from the project, measured in cubic yards and truck loads;
    - (b) A proposed schedule of the soil import or export operations. Such schedule shall provide the proposed time period within which operations are to occur and the anticipated average daily volume of truck traffic from these operations.
    - (c) A map of proposed truck routes to and from the project site.
  - (4) No excavated material may be removed from the site, except in accordance with an approved and executed final plat, nor without the prior written approval of the Township Council ~~Engineer~~. The stockpile or removal of soil from a site, except in relationship to an approved plan together with the prior approval of the Township Council ~~Engineer~~, shall not be permitted except as provided by Chapter 101 of the Monroe Code, entitled "Soil Mining and Excavations."
  - (5) Where borrow excavation materials from off-site sources are required to complete the necessary grading, such material shall be free of material deleterious to the environment and meet the requirements of the NJDOT Standard Specifications ~~for Borrow Excavation, Zone 3,~~ for soil aggregate and shall be subject to the approval of the Township Engineer. Where borrow excavation materials from off-site sources are required, it shall be the developer's responsibility to gain the written approval of the Township Council ~~Engineer~~ prior to initiating soil import operations.
  - (6) All trees to be saved must have a snow fence erected at the drip line of the tree.

**SECTION 2. ARTICLE XV Fees and Escrow Fees**

**§ 108-15.1. Application fees, review fees, and inspection fees.**

- G. Schedule 15-A. The schedule of fees and escrow amounts is set forth in Schedule 15-A which is attached hereto and made a part hereof.

**SCHEDULE 15-A**

<b>Type of Development Application</b>	<b>Column A Administrative Fee</b>	<b>Column B Professional Review Escrow Fee</b>
<b>Major Site Plan— Con.</b>		
(h) Tree inspection by Conservation Officer <u>Licensed Tree Expert</u>	<del>\$600 per acre or part thereof to be cleared</del> <u>\$35.00 per lot.</u>	<u>\$2,000.00</u>
<b>Planning Permits</b> (Pursuant to N.J.S.A. 40:55D-34 and 40:55D-35)	\$100.00	\$1,500.00
<b>Applications for Variance</b> (As set forth in N.J.S.A. 40:55D-39a, appeal from Administrative Official or Agency)	\$100.00	\$1,500.00
<b>Conditional Use</b> (All conditions satisfied heard by Planning Board N.J.S.A. 40:55D-70d)	\$250.00	\$3,000.00
<b>Interpretation</b> (Pursuant to N.J.S.A. 40:55D-70b)	\$100.00	\$1,000.00

**SECTION 3. ARTICLE XVII TREE REMOVAL § 108-17.1.**

**WHEREAS**, the Monroe Township Council adopted Chapter 108-17, “Tree Removal” under its zoning authority in conjunction with, and as a counterpart to, Chapter 97, “Tree Preservation,” which was enacted under local police powers, to ensure that the Township’s tree cover is adequately protected from the adverse environmental impacts of development and deforestation; and

**WHEREAS**, since the ordinances were enacted, the New Jersey Supreme Court has held that municipalities have the authority under their police powers to regulate the removal and replacement of trees, thereby rendering the identical provisions contained in Chapter 108-17 of the land use ordinance redundant;


**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Township Council of the Township of Monroe, Middlesex County, that Chapter 108-17, “Tree Removal,” is hereby repealed in its entirety.

**BE IT FURTHER ORDAINED** that, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent herewith shall be and the same are hereby repealed.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication in accordance with applicable law.


**SO ORDAINED** as aforesaid.

  
STEPHEN DALINA, Council President

RECORDED VOTE – INTRODUCTION – September 5, 2018						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin			X			
Councilwoman Cohen						X
Councilman Dipierro	X		X			
Council V. President Schneider		X	X			
Council President Dalina			X			

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on September 5, 2018. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on October 1, 2018 at 7:00 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

  
PATRICIA REID, Township Clerk

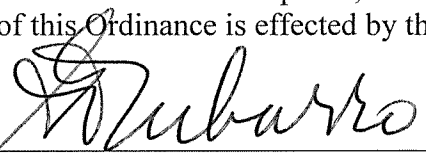
RECORDED VOTE – SECOND READING & FINAL ADOPTION – October 1, 2018						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin	X		X			
Councilwoman Cohen					X	
Councilman Dipierro		X		X		
Council V. President Schneider			X			
Council President Dalina			X			

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**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL  
AMENDING CHAPTER 108-12.6, 108-15.1 AND REPEALING CHAPTER 108-17 OF  
THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, “LAND DEVELOPMENT”**

**MAYORAL APPROVAL**

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

  
GERALD W. TAMBURRO, Mayor

Date signed: 10/2/18

**MONROE TOWNSHIP PLANNING BOARD RESOLUTION**  
**RECOMMENDATION OF AMENDMENT TO CHAPTER 108**  
**LAND DEVELOPMENT ORDINANCE**

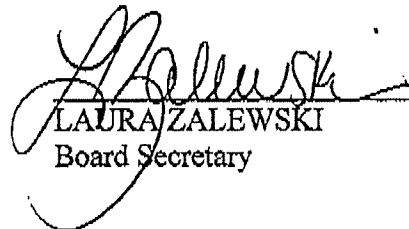
WHEREAS, the MONROE TOWNSHIP PLANNING BOARD, has received a recommendation from the Township Attorney to amend Section 108-12.6 and 108-15.1 and to repeal Section 108-17 of the Land Development Ordinance as indicated in the proposed Ordinance #O-9-2018-029 entitled *Ordinance of the Monroe Township Council Amending Chapter 108-12.6, 108-15.1 and Repealing Chapter 108-17 of the Code of the Township of Monroe Entitled, "Land Development"* attached hereto as Exhibit A; and

WHEREAS, the MONROE TOWNSHIP PLANNING BOARD believes that this amendment is meritorious, and should be recommended and referred to the Monroe Township Council, pursuant to NJSA 40:55D-26.

NOW THEREFORE BE IT RESOLVED by the MONROE TOWNSHIP PLANNING BOARD on this 27<sup>th</sup> day of September, 2018 that it hereby recommends that Chapter 108 Land Development Ordinance Section 108-12.6, 108-15.1 and 108-17 be amended as indicated in the proposed Ordinance #O-9-2018-029 entitled *Ordinance of the Monroe Township Council Amending Chapter 108-12.6, 108-15.1 and Repealing Chapter 108-17 of the Code of the Township of Monroe Entitled, "Land Development"* attached hereto as Exhibit A; and

It is Further Resolved that this Resolution and Exhibit A be delivered to the Monroe Township Council forthwith.

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Monroe Township Planning Board on September 27, 2018 and memorialized on September 27, 2018.

  
LAURA ZALEWSKI  
Board Secretary



# Township of Monroe


County of Middlesex

**PATRICIA REID**  
Township Clerk

Municipal Complex  
1 Municipal Plaza  
Monroe Township, NJ  
08831-1900  
Phone (732) 656-4573  
Fax (732) 521-3190

## Affidavit of Publication

I, Patricia Reid, Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on September 10, 2018.

  
\_\_\_\_\_  
Patricia Reid, Township Clerk

Ad Number: 0003145369

Run Dates: 09/10/18

### MONROE TOWNSHIP NOTICE OF PENDING ORDINANCE

ORDINANCE NO.: O-9-2018-029

NOTICE IS HEREBY GIVEN THAT AN ORDINANCE ENTITLED: "ORDINANCE OF THE MONROE TOWNSHIP COUNCIL AMENDING CHAPTER 108-12.6, 108-15.1 AND REPEALING CHAPTER 108-17 OF THE CODE OF THE TOWNSHIP OF MONROE, ENTITLED "LAND DEVELOPMENT," has been introduced and passed on first reading at the regular meeting of the Monroe Township Council held on September 5, 2018 and will be further considered for final passage after a Public Hearing during the council meeting to be held on October 1, 2018 at 7:00 p.m. in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831. At said time and place, all persons will be granted the opportunity to be heard concerning this Ordinance prior to its consideration for adoption by Council.

The purpose of this Ordinance is to amend Ch. 108-12.6 "Clearing and Grading", Ch. 108-15.1 to include Tree Inspection by Licensed Tree Expert in Schedule A and to repeal Ch. 108-17 since the New Jersey Supreme Court has held that municipalities have the authority under their police powers to regulate the removal and replacement of trees, thereby rendering the identical provisions contained in Chapter 108-17 of the land use ordinance redundant.

The proposed Ordinance in its entirety can be viewed on the Township website, [www.monroetwp.com](http://www.monroetwp.com) and is on file in the Municipal Clerk's Office. Copies may be obtained without charge between the hours of 8:30am and 4:30pm. Monday through Friday.

Patricia Reid, Municipal Clerk  
(\$29.92)

0003145369-01



# Township of Monroe

County of Middlesex

**PATRICIA REID**  
Township Clerk

Municipal Complex  
1 Municipal Plaza  
Monroe Township, NJ  
08831-1900  
Phone (732) 656-4573  
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## Affidavit of Publication

I, Patricia Reid, Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on October 5, 2018.



Patricia Reid, Township Clerk

Ad Number: 0003188974

Run Dates: 10/05/18

### MONROE TOWNSHIP NOTICE OF FINAL ADOPTION

Notice is hereby given that the following entitled Ordinance was introduced and passed on First Reading at the regular meeting of the Monroe Township Council held on September 5, 2018. Furthermore, this Ordinance was adopted after a Public Hearing was held at the October 1, 2018 regular meeting of the Monroe Township Council at One Municipal Plaza, Monroe Township, N.J. 08831 and was thereafter approved and signed by the Mayor on October 2, 2018.

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PATRICIA REID, R.M.C  
Monroe Township Municipal Clerk

(\$16.72)

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