

**BOROUGH OF OLD TAPPAN
ORDINANCE NO. 1069-14**

**AN ORDINANCE SUPPLEMENTING CHAPTER 234, TREES,
OF THE CODE OF THE BOROUGH OF OLD TAPPAN TO
PROVIDE DISCRETION TO THE ENVIRONMENTAL COMMISSION
AND PLANNING BOARD REGARDING REPLACEMENT TREES**

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan, County of Bergen, State of New Jersey as follows:

Section 1. Chapter 234-15A. (1) “Tree Replacement Plan, of Chapter 234, Trees, of the Code of the Borough of Old Tappan is hereby supplemented by adding the following language at the end:

“A deciduous tree shall be replaced by a tree the species of which is identical to the tree being removed or is otherwise referred to in the United States Conservation Service as compatible with the soil type. A coniferous tree shall be replaced by a similar coniferous tree.

On a case-by-case basis subject to Environmental Commission and Planning Board review and approval, an applicant may propose a tree replacement plan proposing alternate species of trees. The alternate plan must provide details, rationale, justification and evidence supporting the request to approve the alternate plan to show that said plan promotes the general welfare of the community and that the proposed tree species are compatible with local environs.”

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of

this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.