



Millstone Borough

SPECIAL MEETING AGENDA

April 29, 2024

In Compliance with the Open Public Meetings Act and NJ State Executive Orders, the Borough Council meeting will be held both in person and virtually. The virtual portion of the meeting will be conducted via the Zoom Meeting program and all are invited to participate. Meeting details are as follows;

This is a virtual only meeting. Members of the public are invited to participate via the Zoom meeting platform.

Topic: Millstone Borough Council special meeting
Time: Apr 29, 2024 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84327519295?pwd=b21pdStMcFNSYmJsTnUzMzRkNGVjZz09>

Meeting ID: 843 2751 9295

Passcode: 536707

One tap mobile

+19292056099,,84327519295#,,, *536707# US (New York)

+13017158592,,84327519295#,,, *536707# US (Washington DC)

TIME: 7:30 PM

CALL TO ORDER – OPENING STATEMENT: The special meeting of the Borough Council, Borough of Millstone will please come to order. Adequate notice of this meeting has been noticed to the Hillsborough Beacon and Courier News. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we proceed to the next item on the agenda.

PLEDGE TO THE FLAG:

ROLL CALL:

- Councilwoman Mandy Coppola
- Councilman Robert Galli
- Councilwoman Nicole Grimshaw
- Councilwoman Karin Kidd
- Councilman Jonathan Stashek
- Council President Alan Kidd
- Mayor Raymond Heck

Also Present:

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public
- Motion to Close the Meeting to the Public



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NEW BUSINESS:

- **Public Hearing/Second Reading: Ordinance 2024-001: An Ordinance Providing for Tree Removal and Replacement in the Borough of Millstone, County of Somerset, State of New Jersey**
 - Motion to open the public hearing
 - Motion to close the public hearing
 - Motion to adopt Ordinance 2024-001

ADJOURNMENT of Meeting:

Ordinance 2024-001

An Ordinance Providing for Tree Removal and Replacement in the Borough of Millstone, County of Somerset, State of New Jersey

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in the Borough of Millstone, to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.
- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.



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- D. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
1. Has an infectious disease or insect infestation;
 2. Is dead or dying;
 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, or obstructs utility line on poles in right-a-way; where pruning attempts have not been effective;
 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.);
or
 5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to or within ten (10) feet from the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline



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and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION III. Regulated Activities:

Application review and approval shall be conducted along with existing business practices and permit application review such as, but not limited to, site plan approvals, building permit approvals, planning board application approval and any other required municipal approval process.

Applicants will be subject to an additional application fee as per the Table below.

A. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.
3. No Tree shall be planted in an area where the total project height exceeds the lowest wire on a utility pole.

The species type and diversity of replacement trees shall be in accordance with Appendix A Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed	<i>\$ 10.00</i>
2	DBH of 13” to	Replant 2 trees with minimum	<i>\$ 10.00</i>



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	22.99”	tree calipers of 1.5” for each tree removed	
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$ 10.00</i>
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$ 10.00</i>

B. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of (\$ 10.00) per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. “Proper justification” shall mean proof such as photos or statements from NJ licensed tree expert as per NJSA 45:15C-11 or arborist.]:

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the ‘count’ resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;



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- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
 - G. Hazard trees may be removed with no fee or replacement requirement.

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Officer and/or Borough Marshal during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$ 50.00

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.



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Appendix A

Approved list of Replacement tree Species and Planting Standards for the Borough of Millstone

Tree Species	Planting Season	Planting Procedure
Sunset Maple October Glory Maple Autumn Blaze Maple Princeton Elm Frontier Elm White Oak Red Oak Scarlet Oak Zelkova Happy Daze Seedless Sweetgum Sycamore London Plane American Hornbeam Eastern Redbud White Fringetree Dogwood Sweetbay Magnolia	March 1 st to May 15 th & August 15th to November 1 st .	Soil -consistent with geographical indigenous soil or top soil. Pruning- Early to mid Spring/ Mid to late Fall. Watering- To enable health and growth. Wrapping- to inhibit insect and animal damage. Depth- As defined by tree specification. Mulch- For beautification and moisture retention.

Note: Any tree not identified on the list may be forwarded to the Planning Board and Borough Council for review and consideration.