

ORDINANCE 2025-19

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED, "TREE REMOVAL AND REPLACEMENT" CLARIFYING THE APPLICATION FEES AND CREATING A TREE BANK FUND DEDICATED TO TREE PLANTING AND MAINTENANCE

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) required municipalities to adopt NJDEP mandated community-wide regulations for tree removal and tree replacement for all types of properties; and

WHEREAS, the NJDEP Model Ordinance permitted the Borough to accept a payment of a fee the amount of which is to be set by the municipality per tree removed to be placed in a fund dedicated to tree planting and continued maintenance of the trees; and

WHEREAS, pursuant to the NJDEP Model Ordinance, by way of Ordinance No. 2024-2025, the Borough of Metuchen adopted an Ordinance amending Chapter 77, entitled "Tree Removal and Replacement" regulating tree removal and replacement within the Borough and establishing such a fee; and

WHEREAS, the Borough of Metuchen has determined it to be in the best interest of the Borough to clarify the application fees and to create a Tree Bank Fund for the deposit and use of the funds received pursuant to Chapter 77 to be dedicated for the use of tree planting and maintenance throughout the Borough.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that Chapter 77 entitled "Tree Removal and Replacement" is hereby amended to revise specifically § 77-3, entitled "Regulated Fees" to state as follows:

CHAPTER 77

TREE REMOVAL AND REPLACEMENT

§ 77-3 Regulated activities.

A. Application process:

(1) Any person seeking to or planning to remove a street tree, as defined as tree removal, or any tree with DBH of six inches or more on their property, shall submit a Tree Removal Permit Application to the Zoning Officer. No tree shall be removed until the Borough has reviewed and approved the removal.

(2) The application fee for the removal of street tree(s), as defined as tree removal, or any tree(s) with DBH of six inches or more on their property, shall be \$100. However, the application fees shall be waived in the event of a hazard tree as defined herein pursuant to § 77-4.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Metuchen that Chapter 77 entitled “Tree Removal and Replacement” is also hereby amended to include §77-7 through § 77-8 as follows:

§ 77-7. Tree Bank Fund Established

The Borough of Metuchen hereby establishes a Tree Bank Fund. All funds collected pursuant to Chapter 77, including application and tree removal and replacement fees shall be deposited into a “Tree Bank Fund” which shall be collected, dedicated and utilized consistent with the guidelines set forth herein.

§ 77-8. Tree Bank Fund Management

Tree Bank Funds shall be allocated and expended with the following priorities, ensuring that a minimum of two-thirds of the annual expenditures from the Fund shall be devoted to tree replacement and/or planting:

A. Replacing trees identified by the Borough Administrator, in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel as having suffered damage sufficient to kill, or eventually kill them due to proposed development activities;

B. Planting trees where the Borough Administrator, in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel have determined there is inadequate forestation;

C. Removing and replacing trees identified by the Borough Administrator, in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel that are dead, dying or diseased, and properly disposing of such trees so as not to spread any disease or infestation to healthy trees;

D. Preserving trees by performing the appropriate tree maintenance as determined by the Borough Administrator in consultation with the Shade Tree Commission, Borough Engineer and/or other Borough personnel.

E. The Tree Bank Funds shall be allocated and expended with the following priority as to the location of the tree replacement and maintenance:

1. The site of the proposed development;
2. Public parcels of land adjacent to the proposed development site;
3. Other inadequately forested public lands and/or areas and trees requiring maintenance for the preservation of trees throughout the Borough.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Metuchen that § 110-180(G) shall be amended to state as follows:

G. If the Borough Zoning Officer or the approving authority determines that some or all of the street trees cannot be accommodated on or along the front of the subject premises, the applicant shall pay to the Tree Bank Fund the sum of \$500 per street tree required, to be used as provided by § 77-8; and

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of Code of the Borough of Metuchen not specifically amended herein shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed, and/or amended to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall take effect after final passage, publication as required by law.


BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials shall take all necessary actions to in order to effectuate the within Ordinance.

Introduction: November 24, 2025

Date of Publication: November 30, 2025

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH	X				HYMAN	X				
DELIA	X				JETHWANI	X				
GIAMBOI	X				KANDEL	X				
MOTION	DELIA			SECOND		GIAMBOI				
X - INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on November 24, 2025.

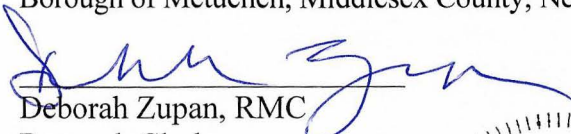

 Deborah Zupan, RMC
 Borough Clerk

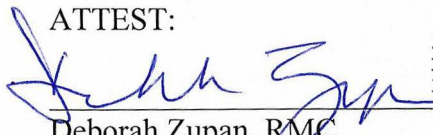


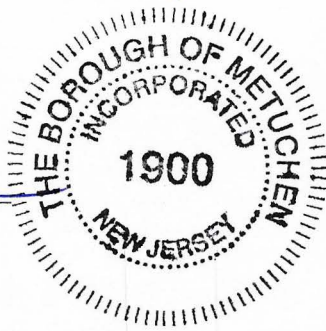
Adopted: December 8, 2025
 Date of Publication: December 12, 2025

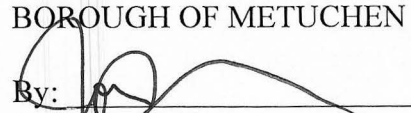
COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				JETHWANI	X			
GIAMBOI	X				KANDEL	X			
MOTION	DELIA				SECOND	GIAMBOI			
X - INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held On December 8, 2025.


 Deborah Zupan, RMC
 Borough Clerk

ATTEST:

 Deborah Zupan, RMC
 Borough Clerk



BOROUGH OF METUCHEN
 By: 
 Jonathan M. Busch
 Mayor