

# Resource Center



## Holmdel Takes Control of Municipal Easements

By Kerry Miller, ANJEC Assistant Director

During subdivision and site plan review, planning boards often require a property owner to grant a permanent easement on part of a tract. The easement may be for safety (sight easement for a road), access to pipes or wires (sewer or utility easement), or for surface water runoff or storage (drainage easement). Or it may be a conservation easement that protects a natural feature or function of a tract. To be enforceable, an easement must be recorded on the deed of land.

A conservation easement typically prevents the owner from building on the area, and from dumping, mowing, grading or removing vegetation so that the area is left in its natural state. Conservation easements around water bodies and wetlands help maintain the topography and vegetation that filters and slows rainwater flowing into the water body. Conservation easements help municipalities protect sensitive lands without having to purchase them outright.

Many towns require and accept various types of easements with the best of intentions, but unfortunately, most have not been careful about keeping track of their easements or enforcing them. As a result, many landowners violate their easements by building, mowing, or dumping in conservation areas on their lots. The ultimate result is a diminished natural resource.

Through the Smart Growth Planning Grants Program, ANJEC has provided funding to a number of environmental commissions to track and catalog their towns' easements, both to support monitoring and enforcement, and to facilitate a program of landowner education aimed at increasing awareness and compliance.

### Holmdel takes on the challenge

Holmdel Township, a municipality of 18 square miles, has been requiring easements for decades, many for conservation purposes. The Township's environmental officers and members of the Environmental Commission were acutely aware that landowners often did not know about or understand the restrictions on

their property, and were not observing them. Also, when land use boards reviewed development applications, it was not always obvious whether a property, or adjacent proper-

ties, had existing easements.

In 2007, Holmdel applied for an ANJEC Smart Growth Grant to inventory its easements. The town proposed hiring a college intern to research deeds at the county clerk's office, and to then enter the information into a database. It was a challenge to estimate how much time this would take in order to develop a project budget. Fortunately, the availability of deed information on Monmouth County's



online public records system greatly simplified the overall task, and the Township's initial projection of 500+ hours for an intern was not far off the mark.

Holmdel advertised the internship opportunity in the local papers, and hired Rutgers student Joe Reilly to fill the hourly position. Joe coordinated closely with municipal staff, representatives of the Environmental Commission, Open Space Committee and other volunteers (the Project Team) to plan and complete the deed research and to develop a database format that would serve Holmdel's needs.

Volunteer Thomas Spang, former chair of the Environmental Commission, spent hundreds of hours plotting all deed and subdivision information, as it was collected, onto a GIS-based parcel map of the municipality. He color-coded the various easements according to 18 types and combinations. His efforts significantly reduced the cost of the project.

In total, it took Reilly 535 hours to research, analyze and catalog the Township's 3000 easements. His work revealed that over 40 percent of Holmdel lots have one or more easements protecting sensitive environmental features, drainage areas, bridges, roadways, utilities or even burial sites.

## Reaching out to residents

As part of the landowner education and outreach portion of the grant project, the Environmental Commission customized the brochure, "Conservation Easements and Why They Are Important," developed by the Old Bridge Township Environmental Commission, available in ANJEC's online toolkit *Caring for Conservation Easements*. They distributed it at Holmdel's Community Day event in 2008, and it will soon be published in the town newsletter. The Commission also issued updates on the project through press releases and newsletter articles.

Although the project took somewhat longer than expected, it has been an unqualified success. At a public meeting in March, Spang did a presentation on the

easement initiative to a roomful of interested residents. The audience heard testimonials from town staff and board representatives who understand the importance of easements, and the value of a comprehensive, up-to-date map and database in making sure those easements are respected.

Holmdel's Code Enforcer Lonnie Lucina is particularly grateful for the inventory, which informs her work daily. She coordinates with the town's construction department to make sure permit holders are required to observe and buffer conservation easement areas. And when she deals with an easement issue on a particular property in a development, with map in hand, she can now also take the opportunity to reach out to all of the property owners in that development to educate them about their obligations.

Holmdel will continue to add new easements to the database as they are acquired, and plans to post the map and database on the Township website.

***Author's note:*** *Holmdel's project is notable due to the large number of easements, and also the extraordinary contribution of a skilled volunteer who provided the town with a visual depiction of each easement on a town-wide map. However, commissions without the ability to map each easement can still create a very useful inventory by simply noting each affected lot on the town's parcel map. A flag or other marker signals the need to reference, by block and lot number, a paper or electronic backup file containing information on the easement boundaries, restrictions and monitoring information. The critical task, no matter how technically sophisticated, is to provide a way for town staff and boards to easily determine whether a property has an easement, so that they can protect that easement through monitoring, outreach and enforcement.*

## Additional information

Information and tools for managing conservation easements: [www.anjec.org/ConservationEasements.htm](http://www.anjec.org/ConservationEasements.htm) 