A Commitment to Conservation Easements

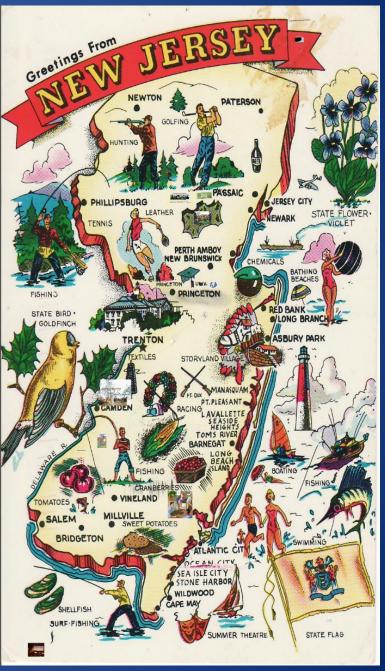


Byram Township

Sustainable Jersey

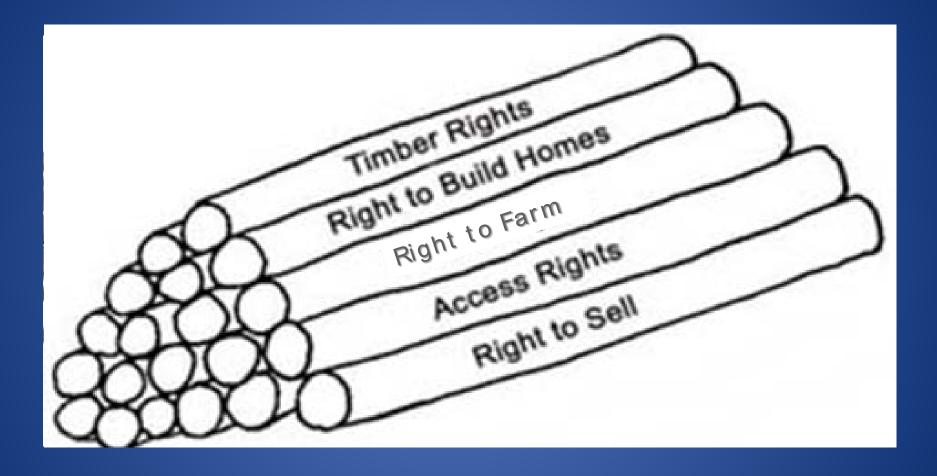
The William Penn Foundation

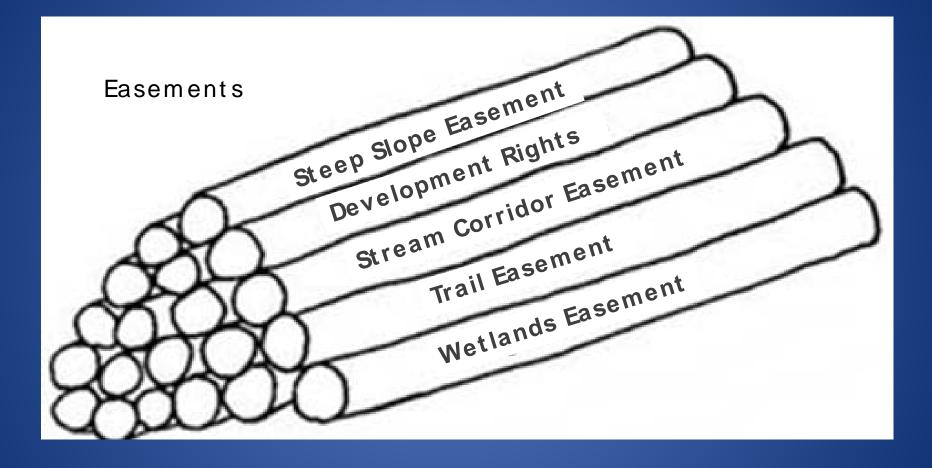
& The Highlands Council



Presented by Eileen Swan of New Jersey Conservation Foundation

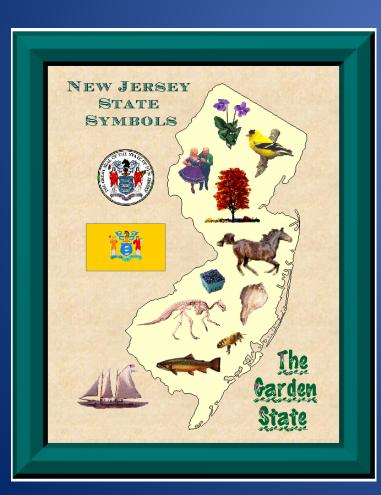
What are we talking about?



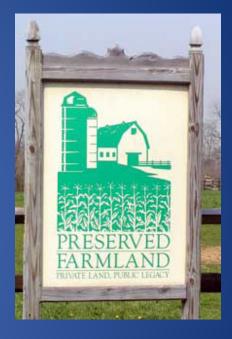












Why?

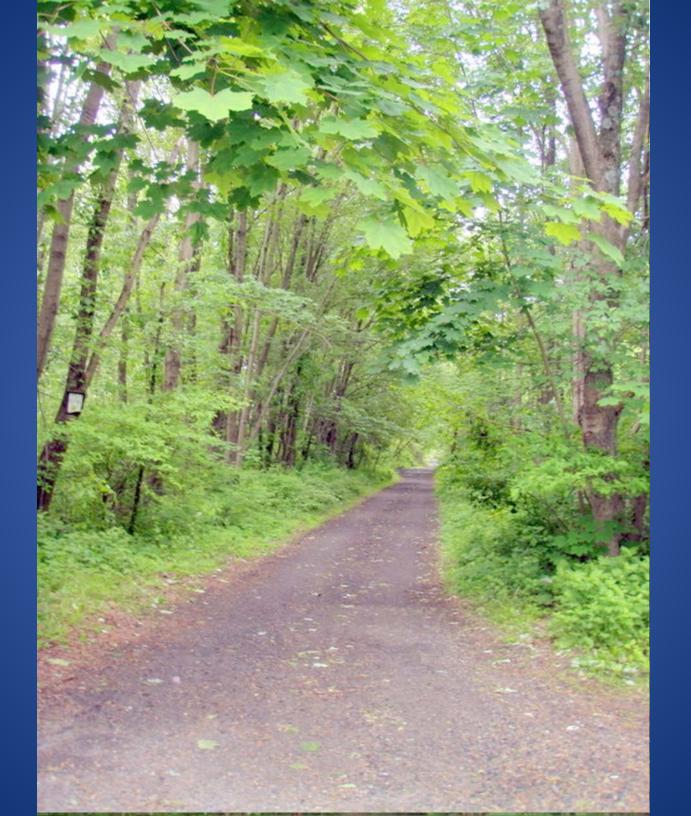


Retain the natural features and environmental resources that give the Township its rural character and that provide open space and recreation, protect water quality, and maintain wildlife habitat.









GENERAL CODE

CRITICAL AREAS

The following areas are hereby designated critical areas within the Township of Byram:

- All surface water bodies;
- All wetlands;
- Slopes in excess of 25%;
- Ridgelines and hillcrests
- Floodplains and flood-fringe areas.

It is the purpose of this section to provide for reasonable control of development within the critical areas to minimize the adverse impact caused by the development of such areas. .. it is determined that the **special and paramount public interest in these critical areas** justifies the regulation of property ...for **the preservation of the public health**, **safety and general welfare**.

Governor Chris Christie • Lt.Governor Kim Guadagno

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	Division Information	Freshwa	ater wetlands						
	Home	Overview	Wetland Delineations	General Permits	Individual Permits	Transition Area Waivers			
	News & Notices	Previously	misunderstood as wa	stelands, wetland	ls are now being				
	Forms & Checklists	recognized Wetlands o		191					
	Maps & Guidance	our nation		1					
	Laws & Rules		 Wetlands protect drinking water by filtering out chemicals, pollutants, and sediments that would otherwise clog and 						
	Contact Land Use	cont	aminate our waters.		-				
5	Subscribe to E-Newsletter	 Wet natu stre 	roviding						
	Permitting Common Project Types	 Wet fish spece 	ational						
	Freshwater Wetlands	Wet tour	a se	(P2					
	Streams & Rivers (FHA)	Many of th	nd						
	Coastal Areas	1980s. By	Photo: Swam Copyright 2014, Anika A Used by Perm	Andrews-Spil					

"Conservation restriction"

...forbid or limit any or all:

Construction...; 2. Dumping ...; 3. Removal or destruction of trees, shrubs or other vegetation;
 Excavation; 5. ...purposes permitting the land or water area to remain predominantly in its natural condition; 6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or fish and wildlife habitat preservation; 7. Other acts or uses detrimental to the retention of land or water areas according to the purposes of this chapter.

STATE OF NEW JERSEY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF LAND USE REGULATION

Erochwator Wotlande

The Public Trust

Implementation

Planning Board Action Consistency of Easement Language Standard Operating Procedures Inventory Mapping Monitoring Maintenance Outreach and Education

Creating a Model Approach

Association of New Jersey Environmental Commissions 566 Municipalities - One Environment Practical resources to help communities protect the environment

Home About

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Environmental S Commissions

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Home > Tools & Resources > Open Space Preservation > Conservation Easements

Upcoming Events »

Current Issues »

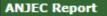
Tools & Resources >>

Publications »

Regional Initiatives »

Workshop Materials »

ANJEC Resource Center





Open Space Preservation

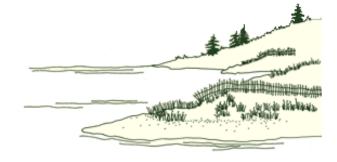
Caring for Conservation Easements from Preservation to Stewardship

Land Stewardship for Municipalities

Conservation easements offer a major tool to protect important natural resources, particularly freshwater wetlands. Hired by North Jersey Resource Conservation and Development Council, ANJEC developed the **Stewardship Resource CD** which contains a wide range of information including articles by David Peifer, ANJEC Project Director, and James Wyse, Esq., of Herold and Haines, as well as key New Jersey legislation, approaches used by New Jersey Conservation Foundation and municipalities, brochures and excerpts from ANJEC's **Freshwater Wetlands Protection in New Jersey** manual.

The Caring for Conservation Easements brochure (¹² 297kb) outlines the **Stewardship Resource CD's** key resources. If you're interested in obtaining the full information on the CD, the cost is \$5 including shipping. Submit an order and we'll send you the **Caring for Conservation Easements** CD and brochure.

Stewardship Resource CD Contents



Sign in or sign up.

A RSS

ABOUT

ACTIONS & I CERTIFICATION T

EVENTS & TRAININGS

MEDIA & COMMUNICATIONS SUPPORT US

Easement Inspections and Evaluations 15 Points

Who should lead and be involved with this action?

Timeframe

Project costs and resource needs

Why is it Important?

What to do, and how to do it ("How to")

What to submit to get credit

Spotlight: What NJ towns are doing

Resources

Print Action Description

Nownload PDF Version

Pre-Requisite: Easement Inventory and Outreach

GRANTS & RESOURCES

SUSTAINABLE

P Berter Tomorrow, One Community at a life

A conservation easement is a restriction placed on a piece of property that limits the uses of the land so that natural resources and open space are protected. While an easement can be either voluntarily donated or sold by the landowner, it also may be the result of a condition for approvals for development during subdivision or site plan review. A conservation easement constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity, regardless of ownership. The agreement is made between the landowner and a government entity, private individual, or a land trust. New Jersey law requires that conservation easements be recorded on the property deed.

http://www.anjec.org/ConservationEasements.htm

Municipalities in New Jersey may create and/or require conservation easements under many different circumstances. Depending on the circumstances, easements are often created to protect or identify wetlands (these can be identified and verified via Department of Environmental Protection Letters of Interpretation), steep slope areas, flood plains, stream corridors, detention and stormwater facilities and infrastructure, utility easements, "sensitive or ecologically sensitive areas" such as threatened and endangered species habitat, and woodland conservation areas to name a few. This action primarily focuses on conservation easements that have been established as a result of site plan approval and designed to protect natural resources (typically those identified in a Natural Resource Inventory). Municipalities are welcome to add additional

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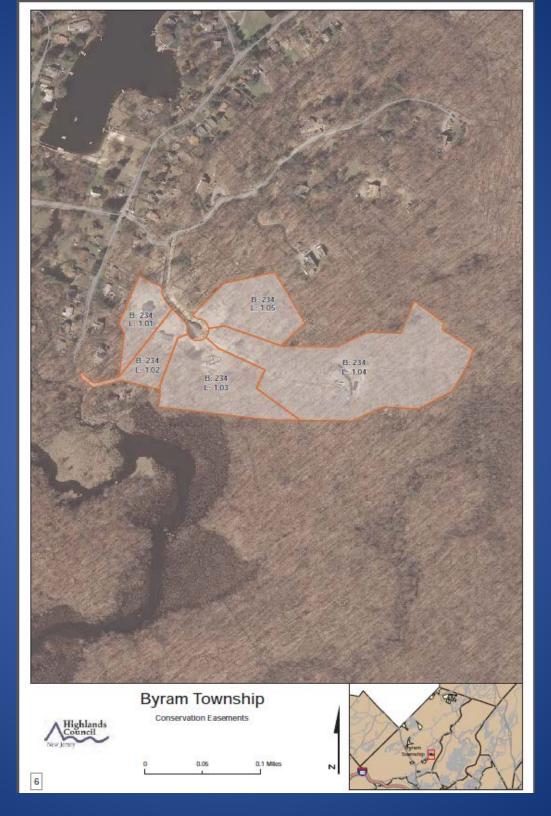
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1033			1904_234_1.05		1.05		PARTRIDGE RD	MCCONNELL, DENNIS R & BELL, DONALD	PO BOX 111	substantial CE			
1048			1904_240_507	_	507		15 CARPENTER RD	PEDERSEN, DOROTHY	8 REIS AVE	CE			
1147			1904_249_46	249	46			LUTZ, JOHN L III & JENNIFER M	59 LAKE DR	PB Reqno elec. In shed			
1448			1904_273_300		300		138 LACKAWANNA DR	NUFRIO, ERNEST & DAVID A	138 LACKAWANNA DR	PB req tear down 'L'			
1890			1904_290.01_851.01	290.01	851.01			PHILLIPPI, JOSEPH & MAUREEN R	10 EAST BEECHCROFT RD	Conservation			
2365			1904_335_1.05	335 335	1.05 1		4 ANDOVER MOHAWK RD	CASTELLUCCIO, MARK & PATRICE	4 ANDOVER-MOHAWK RD	substantial CE			
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2309			1904_335_1.06 1904_335_2		2		ANDOVER MOHAWK RD	TOWNSHIP OF BYRAM	10 MANSFIELD DR	conservation			
2389			1904_336_43	336	43			BYRAM TOWNSHIP	10 MANSFIELD DR	conservation			
2420			1904_336_3.09		3.09			NICKEL, MARGARET	2 CAMELOT DR	access			
2424			1904_336_3.08_QFA		3.08	QFARM		PETERSEN, KERREN	6 CAMELOT DR	access			
2444			1904_337_2	337	2			BOYD, NELSON L & JEAN M	11464 ROCKY LN	CE/culvert/drainage		Y	
2445			1904_337_44	337	44		9 MANOR DR	BREADY, BRUCE C & SHARON A	9 MANOR DR	substantial CE			
2447	2564	228166	1904_337_45	337	45		11 MANOR DR	CARON, MICHAEL J & CHRISTINE	11 MANOR DR	substantial CE			
2452	2569	228171	1904_337_40		40		1 MANOR DR	DELLOSSO, GARY & KAREN	1 MANOR DR	substantial CE			. =
2453	2919	228163	1904_337_48	337	48		17 MANOR DR	ESPINOSA, JOHN KEITH & SUSAN	17 MANOR DR	CE			
2456			1904_337_49	337	49		19 MANOR DR	GALLAGHER, JOHN & ROBYN	19 MANOR DR	CE			
2462			1904_337_9.08		9.08		14 CATALINA DR	KERLEY, STEVE J & BRENDA S	14 CATALINA DR	CE			
2467			1904_337_46	337	46		13 MANOR DR	MITRO, JAMES & SHELLEY	13 MANOR DR	CE			
2468			1904_337_43	337	43			MOHAMMADI, MINA & POURSHARITI, B		substantial CE			
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2487			1904_337_9	337	9		CATALINA DR	TOWNSHIP OF BYRAM	10 MANSFIELD DR	conservation			
2489	2567	228169	1904_337_42.01		42.01		5 MANOR DR	WALKER, ROBERT & LISA	5 MANOR DR	substantial CE			
2502			1904_337.01_1	337.01			2 LYNN DR	BOTHA, RONNIE & LOUISE	2 LYNN DR	drainage			
2613			1904_337.04_10.02				47 FIELDSTONE TR	BARLING, CARL A & KRISTIN L	47 FIELDSTONE TR	CE			
2616	3816	228202	1904_337.04_11	337.04			1 MAYFAIR LN	BORTFELD, DANIELS & ELIZABETH O	1 MAYFAIR LN	CE/drainage/sight			
2624			1904_337.04_25.45					FOREST WEST HOMEOWNERS C/O KAUFH		Water tower/well field			
2626			1904_337.04_8	337.04			7 MAYFAIR LN	GRANT, ANDREW J & ANDREA L	7 MAYFAIR LN	CE			
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Draft Maps Lots with Easements



Inform the Public







A GUIDE TO CONSER

EASEMENTS

Draft Education Brochure

BYRAM TOWNSHIP -**EASEMENTS IN YOUR**

Byram Township in Sussex County is known as the Township of Lakes and residents are proud of their environment. The township has a Master Plan to guide future development and its goals are to protect the natural resources and to preserve and enhance its natural beauty and tight-knit neighborhoods. The village center on Route 206 is planned to be the magnet for the next decade of growth. All residents have invested in Byram and so its future is critical to them. The future of Byram relies sustainable planning and the responsible stewardship of resources.

PLANNING IN BYRAM

In order to implement the vision of the Master Plan the town has ordinances which, while they allow for future growth, make sure that growth does not negatively impact the very resources which define Byram and are essential to its healthy future. It is most important to protect drinking water, lakes and forests and to maintain Byram as a wonderful place to live.



PLANNING BOARD CONSERVATION EASEMENTS

PRESERVENTERPRESERVENTER

The Byram Planning Board uses conservation easements to ensure that critical resources are protected while the town allows for development. When a subdivision is approved certain natural areas are protected by easements in order to maintain the land in its natural state so that it can continue to have ecological value. Those easements are held in trust for all the residents of the municipality and they protect the following:

- All surface water bodies to maintain healthy lakes and rivers
- . Slopes in excess of 25% - to prevent erosion
- Ridgelines and hillcrests to maintain the rural character
- · Floodplains, flood-fringe areas and all wetlands - to improve water quality and prevent flooding

WHAT IS A CONSERVATION EASEMENT?

A conservation easement is a legal obligation by which a property owner or developer agrees to restrict the use of a portion of his/her property in order to protect environmentally sensitive features such as streams. steep slopes, and wetlands and their transition areas (above). Easements are routinely required during the Byram Planning Board process when

land is subdivided to allow for development. In other words, the right to develop is granted but an easement in perpetuity is required.

Once an easement has been granted on a property it becomes a perpetual legal agreement, and every subsequent owner of the property is bound by the terms of the easement. Byram municipality holds/owns these easements for the benefit of all its residents.

WHY IS IT IMPORTANT TO MAINTAIN EASEMENTS?

Easements are put in place to protect resources that are critical to the entire community. Failure to maintain them is a breach of trust and puts resources at risk. Generally easements keep lands in their natural state and prohibit actions that put resources at risk such as:

- Removing vegetation from stream or lake as its removal prevents natural filtration of potential pollutants
- Cutting trees on areas that protect woodland
- Building structures on lands with easements such as steep slopes or flood prone areas

Standard Operating Procedures

- Consistent Easement language
- Baseline Information with pictures
- Maintain the database and update mapping
- File easements
- Update all municipal applications to check for easements before any planning or zoning approvals
- Use Construction approvals as opportunity to check easements

Monitoring Schedule Responsibility

Monitoringreports

- Date of baseline documentation,
- a physical description of the easement (including condition of land and reason for the easement) and pertinent legal information
- Quantify acreage protected,
- Photographs, maps and plans

Maintenance

- Create a positive relationship
- Advise in advance of visits
- Provide assistance to achieve compliance

NATURAL SHORELINES for Inland Lakes



After

Before





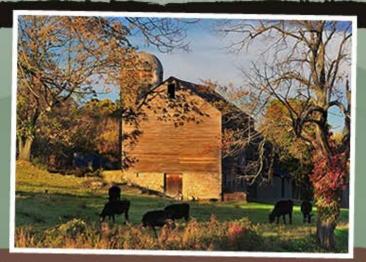


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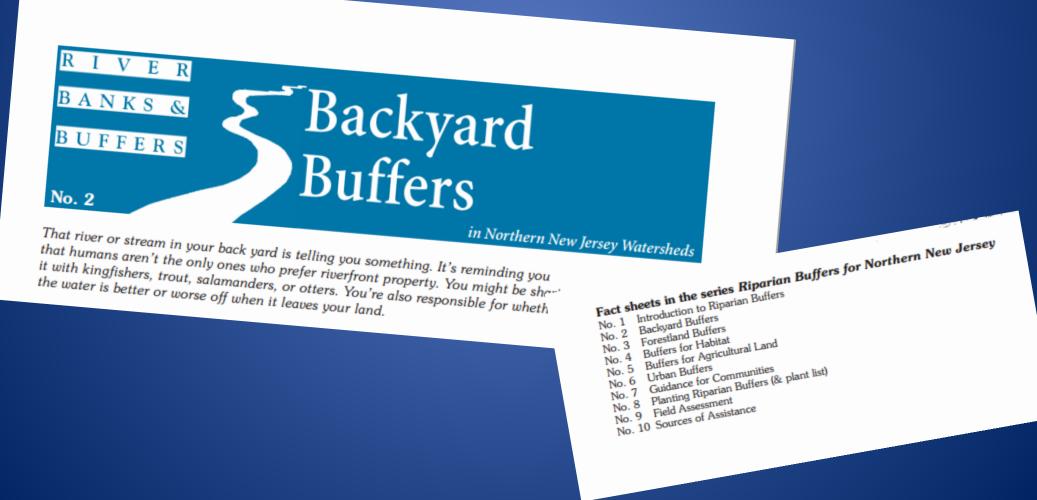


http://www.northjerseyrcd.org/



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Phone & Fax: 908.441.9191



K exping the Commitment







