

What restrictions are imposed?

While you should always refer to the language of the particular easement on your property, conservation easements typically prohibit development, such as building on, or subdividing the land within the conservation easement, and such activities as clearing or trimming trees and shrubs, dumping waste, building fences, and mowing and paving within the conservation easement area. Manalapan Township's Development Regulation specifically states, "No relocation, construction or reconstruction shall take place within the area of the easement, nor shall any structures be located within such area." However, the removal of invasive vines and hazard trees is permitted. Residents may contact the Manalapan Township Shade Tree Department at 732-446-8416 to verify if a plant is invasive or that a tree is at risk of falling and should be removed. A tree removal permit can be obtained from this office at no cost.

Granting access to the public is NOT typically a requirement of conservation easements. Homeowners can enjoy using their easements for recreational purposes such as walking, picnics, and bird watching.

If there are further questions, the deed and legal restrictions pertaining to each individual piece of land can be obtained from the Monmouth County Clerks Office (732) 431-7324.

What would happen if my conservation easement was altered or damaged?

The Township realizes that the majority of homeowners understand the importance of conservation easements for protecting Manalapan's natural environment, and many are willing to work together to resolve problems arising from unauthorized activities. However, because certain property rights to a conservation easement are given to the township, it may take the necessary means to protect a conservation easement area and the natural resources found there. The courts can force those who violate conditions of an easement to restore the damaged property and pay fines or penalties for damaging the property.



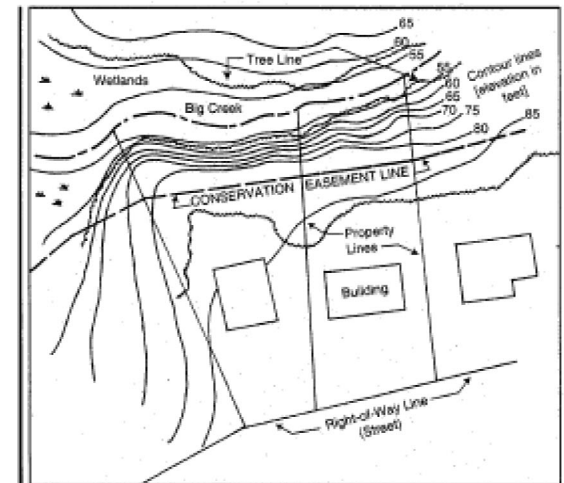
Manalapan Township
Environmental Commission

120 Route 522
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Manalapan Township
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Conservation Easements: What are they and why are they important?

This brochure answers
frequently asked
questions about
conservation easements
in Manalapan Township



You Make a Difference

What is a conservation easement?

A conservation easement is a legally enforceable land preservation agreement between a landowner and most often a municipality for the purposes of conservation. It restricts real estate development, commercial and industrial uses, and certain other activities on a property. This is done to ensure the protection of natural resources, open space, wildlife, or environmental features, such as wetlands.

Are there other easements?

Yes, besides conservation easements, there are other types of easements. Sometimes these easements are to protect and allow access to utility or power lines, phone lines, water pipes, sewer pipes, gas lines or cable TV. Easements are also used to protect farmland. In some circumstances access easements are needed to allow access to adjacent properties.

How long does a conservation easement last?

Conservation easements “run with the land.” That is, the original promise to conserve and protect the land is transferred to all succeeding owners.

How do I know if there is a conservation easement on my property?

A property owner should speak with their attorney, review their closing documents, or call the township to see if their property possesses a conservation easement. The Township Office of Zoning can be contacted at (732) 446-8322.

Why can't I change my easement area?

The restrictions discussed below have been placed upon your property because that portion of the land has been designated for protection. You or a prior owner agreed to the conservation easement and it has the effect of a legally binding commitment. Since the purpose of a conservation easement is to protect the land, most of the restrictions stop additional development or change to the current topography and vegetation on the existing land.

Why are conservation easements important?

Conservation easements protect areas that are vital to our community. The main purpose of most conservation easements is to protect ecosystems and wildlife habitats, which are diminishing as building increases and open space decreases.

Often these easements are on land adjacent to a waterway or wetland in order to help protect water quality. In fact, the New Jersey Department of Environmental Protection often requires easements in order to alert property owners of the need to protect freshwater wetlands, freshwater wetland buffers and streams that exist on their property. These easements help to prevent the largest source of water pollution, which is diffuse sources such as lawn chemicals, road salt, and pet waste. In these cases, the easement acts as a buffer of vegetation that helps to catch these pollutants before they enter the waterway or wetland. A buffer of vegetation also serves to help prevent soil from eroding into the waterway or wetland ultimately degrading the quality of the water. Conservation easements can also be used to provide a permanent means of preventing the removal of vegetation in buffers, where the buffers have been established as a visual barrier between properties.