



Meeting Minutes
May 4, 2015

Members

Present – David Kostka, Thomas Hennessy, Mary Massey, Michael Tormey, David Zeni and Associate Member John Vig

Absent – Liaison Jarrett Engel (excused), Vince Domidion and D.J. TenHoeve (excused)

The meeting was called to order at 7:00 PM by Mr. Kostka, who read the following statement. “In accordance with the provisions of the Open Public Meeting Act P.L. 1975, Chapter 231, public notice of this meeting has been provided by publication of an annual notice in the Asbury Park Press and posting of this notice on the bulletin board at Town Hall.”

On a motion by Mr. Tormey, seconded by Mr. Zeni, the minutes of the April 6, 2015 meeting were approved.

Esposito, PB716, Block 33, Lot 21, has submitted an application for a 3-lot subdivision on 13.09 acres. A conservation easement and a 300’ stream buffer is in place on the property. The majority of the land on two of the proposed lots is taken by the buffer and the easement. On a voice vote, the Commissioners approved a motion by Mr. Hennessy, seconded by Ms. Massey, to oppose relief from the 300’ rule, there being no justification for same, as the property is usable even with the 300’ buffer.

The owner of 89 Stone Hill Road has received N.J.D.E.P. permission to decrease the wetland buffer. This has not yet been referred to the Environmental Commission.

LIAISON REPORT

St. Mary’s application was not heard at the April Planning Board meeting because it was not properly noticed.

OLD BUSINESS

Mr. Kostka’s letter to the Township Committee regarding Kauffman’s request for vacation of a conservation easement is attached and made a part of these minutes.





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NEW BUSINESS

Mr. Kostka reported that it is has come to his attention that vegetation in a segment of the greenway along the western side of Township Hall property has been removed. On a motion by Mr. Hennessy, seconded by Ms. Massey, all present voted to allow greenways to exist without intervention.

CORRESPONDENCE

Notification that Manor Homes has applied to N.J.D.E.P. for approval of its water treatment plant

On a motion by Mr. Zeni, seconded by Mr. Tormey, the meeting was adjourned at 8:12 PM. The next meeting will be at 7:00 PM on Monday, June 1.

Respectfully submitted,

Ellen Terry, Secretary





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124 Cedar Drive
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To: Colts Neck Township Committee

Re: 460 Route 34

Block: 31

Lots: 4

Applicant: Kaufman

Date: April 6, 2015

The Environmental Commission (EC) met with Matthew Kaufman on March 3, 2015 to discuss the conservation easement on his property. The property was subdivided in 1976 and a conservation easement was placed along the back and southern portion of the property. The property changed hands several times and sometime around 2001 was completely renovated which required a variance for height. When Mr. Kaufman was purchasing the property, the title/survey work uncovered that the shed, a portion of the garage and turnaround area of the driveway, a covered area next to the garage, and a path along the back of the property are all within the conservation easement. The lawn is also being mowed in the conservation easement along the back and southern portion of the property.

Prior to Mr. Kaufman appearing before the Environmental Commission, several members of the Commission visited the property and discussed the various items in the conservation easement with him.

As you are aware, no activity, structures, clearing, mowing etc. are allowed within a conservation easement. In this case, there are several very serious violations of the easement restrictions that have occurred for a number of years that are of major concern to the Environmental Commission.





The areas of concern to the Environmental Commission are:

The Garage

The garage is a major concern of Mr. Kaufman as it is a large structure with the back part used as a workshop by the previous owner and the front part as a normal garage area. A significant portion of the garage as well as most of the paved turnaround area is within the conservation easement. A covered shed area to the left of the garage that was used by the previous owner as a workshop is also within the easement.

A Shed

There is a small shed at the southern end of the easement along the back of the property that is within the conservation easement. It is noted that the rear wall of the shed provides support for the slope of the bank that leads to the Yellow Brook stream.

Wire Fenced Area

There is an enclosed wire fence area that was used as a garden of some sort by the previous owner that has a significant portion within the conservation easement.

Walkway

There is a stone walkway along the back of the property within the easement. This walkway has been overgrown with grass over the years.

Mowing of the Easement

The entire conservation easement along the back and the southern side of the property is being mowed.

The EC recommends the following to the Township Committee:





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- 1) The garage, paved turnaround area and the shed along the back of the property should be permitted to remain within the conservation area. Mr. Kaufman is aware that he is permitted to maintain these items.

There was a discussion concerning moving the conservation easement along the back of the property to the top of the bank so these structures would be outside of the easement. The main purpose of the 25 foot conservation easement from the top of the bank of a stream is to protect the integrity of the slope and the stream. The Commission felt strongly that the conservation easement of 25 feet from the top of the bank was necessary to protect the steep slope leading to the Yellow Brook stream and should not be moved. The proposed recommendation is an environmentally sound solution to this matter.

- 2) The covered work area next to the garage as well as the stone walkway along the back of the property should be removed from the easement.
- 3) The wire fence within the conservation easement should be removed.
- 4) Out of a concern for the safety of Mr. Kaufman's children, the Commission believes that he should be permitted to install a fence in the middle of the 25 foot easement along the back of the property. Normally, a property owner would not be allowed to put a fence within the easement.
- 5) Regarding the lawn mowing of the easement along the southern portion of the property, the Commission recommends that the conservation easement be moved 25 feet to the top of the bank and that the home owner be allowed to continue to mow this area. There is a long general slope leading to the stream and the Commission feels that it is environmentally sound to move the easement to the top of the back in this area.
- 6) The Commission recommends that the property owner be allowed to continue mowing the lawn to the east of the proposed fence along the back of the property. This will add approximately 12 feet of allowable mowing of the lawn along the back portion of the property.





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- 7) The Commission recommends that the property owner place native species of plants to the west of the proposed fence along the back of the property to have the area returned to its natural state after being illegally mowed for many years.

These are very serious violations of the conservation easement and the Commission believes that the recommended resolutions to these violations is appropriate and necessary to protect our environment.

Respectfully,

David G. Kostka
Chairperson
Colts Neck Environmental Commission

