

RESOLUTION 2026-137

**AUTHORIZING PROPERTY OWNERS OF 7 YEARLING PATH TO ENTER
AREA OF TOWNSHIP CONSERVATION EASEMENT TO REPLACE
EXISTING FENCE**

WHEREAS, since 1998, Colts Neck Township has held a Conservation, Open Space, Drainage and Utility ROW Easement (see attached Easement Agreement – Exhibit A) over a portion of the property located at 7 Yearling Path, also known as Lot 21 in Block 48 (the “property”); and

WHEREAS, there exists on the property in the area of the Township’s Easement a wooden split rail fence located along Yearling Path; and

WHEREAS, the Land Banc Trust, as owners of 7 Yearling Path (the “property owners”), seek to replace the existing wooden split rail fence with an 8-foot-tall deer fence; and

WHEREAS, the property owners sought guidance from the New Jersey Department of Environmental Protection (the “DEP”) as to whether replacement of the existing fence with a deer fence would require a release of the Township’s Easement under the New Jersey Conservation Restriction and Historic Preservation Act (N.J.S.A. 13:8B-1 et seq.) (the “Act”), and were told by the DEP (see attached correspondence as Exhibit B) that as long as the fence is replaced in-kind (within the same footprint), without concrete footings or the need for tree removal, and did not result in any obstructions to stormwater drainage, said fence was consistent with the purposes of the Easement and a release of the Easement was not required under the Act; and

WHEREAS, the Township Planner and the Township Committee have reviewed the proposal of the property owners to replace the existing fence in the area of the Township’s Easement, and it is the desire of the Township Committee to permit the property owners to enter upon the area of the Township’s Easement for purposes of replacing the existing fence, subject to the DEP’s conditions as stated above.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that the Land Banc Trust as owners of the property located at 7 Yearling Path, Lot 21 in Block 48, Colts Neck Township, New Jersey shall be permitted to enter the area of the Township’s easement on said property for purposes of replacing an existing split rail fence located therein with an 8-foot tall deer fence.

BE IT FURTHER RESOLVED that the Land Banc Trust’s replacement of the existing fence must abide by the requirements of the New Jersey Conservation Restriction and Historic Preservation Act (N.J.S.A. 13:8B-1 et seq.) (the “Act”) which include but are not limited to the new fence maintaining the same footprint as the current fence, not requiring concrete footing or the need for tree removal with installation, and with no resulting obstructions to stormwater drainage, as expressed by the Department of Environmental Protection.

BE IT FURTHER RESOLVED, that all terms from the 1998 agreement granting Colts Neck Township a Conservation, Open Space, Drainage and Utility ROW Easement in 7 Yearling Path, also known as Lot 21 in Block 48 (attached here as Exhibit A) remain in effect.

I, Kathleen Capristo, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during the regular meeting held on the 8th day of July 2026.

Kathleen Capristo

Kathleen Capristo, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Viola		X			
Deputy Mayor Buzzetta	M	X			
Rizzuto		X			
Torchia Buss	S	X			
Tobia		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					