

**TO: HONORABLE MEMBERS OF THE
CRANBURY TOWNSHIP COMMITTEE**

FROM: EASEMENT SUBCOMMITTEE

DATE: DECEMBER 13, 2010

SUMMARY RECOMMENDATIONS

The Easement Subcommittee voted 5-1 to recommend to the Township Committee that markers (e.g. green dots) be placed on the curb or in the street adjacent to: (1) all public walkway easements to parks/public open space via private lands as reflected on the attached chart with the clear understanding that we feel it would be inappropriate to develop trails on the Shadow Oaks-Millstone stream corridor open space (2) strips of Township land which lead to parks/open space as reflected on the attached chart for purposes of uniformity provided that the cost to do so is de minimis; and (3) public walkway easements on private property/Township land which connect neighborhoods as reflected on the attached chart, for purposes of uniformity providing that the cost is de minimis. The Subcommittee voted 6-0 in favor of not placing markers on the street/curb adjacent to a miscellaneous easement as reflected on the attached chart.

BACKGROUND

The developer of Shadow Oaks gave 46 acres of land to Cranbury Township along the Millstone River approximately thirty years ago. Shadow Oaks also created five "walkway easements" on properties located along Washington Drive to provide access to the 46 acres (Block 20.06, Lots 5, 12, 16, 18, and 21-22). Drainage easements and, in some cases, utilities easements were also established in the same

areas. Based upon discussions with a former Planning Board member and also with Shadow Oaks residents, we believe that the Planning Board originally required or contemplated the planting of white pines to identify the walkway easement areas in an unobtrusive manner. However, pines were not planted on all the easements. Few of those pines exist today so there are no visual indicators of the location of these easements. The Parks Commission recommended in December, 2009 that the Township Committee have Public Works employees place “two markers painted either on the curb or in the street of each easement delineating where the easements are”. The Township Committee held a public hearing on June 14, 2010 concerning this proposal and appointed this Subcommittee in light of public comments made at the hearing. The Township Committee asked this Subcommittee “to come up with a solution for the Township easements that lead to public lands”, “recommend what kind of ‘identification’ will be appropriate for marking the easements to make them more identifiable to the public”, and to “look at all easements within the Township and not just a specific area”.

The members of the Subcommittee are Patti Janovitz, Andrew Johnson, Anna Drago, Christine Parker, Brian Schilling, Township Committeeman Jay Taylor and Thomas Weidner, Subcommittee Chair. Jay Taylor did not participate in the voting. Three Subcommittee members live in the downtown village, one in Cranbury Estates, one in Wynnewood, and two in Shadow Oaks who live adjacent to the 46 acres. Two members are on the Parks Commission and two on the Environmental Commission.

THE SUBCOMMITTEE'S WORK

The Subcommittee met four times and visited the Shadow Oaks easements and 46 acre Township land one Sunday afternoon. Two members reviewed the thirty-nine page "Cranbury Township Property Easements" and the 2008 Property Tax Maps to identify all relevant easements in town. In addition, these two members examined the tax assessor's files to review the deeds for certain specific properties where more information was desired. All meetings were noticed on the township website and open for public attendance and comment. The Subcommittee heard comments from 10-15 residents from Shadow Oaks. The Subcommittee decided it was not necessary to make any special efforts to solicit public comments from all Cranbury citizens.

The Subcommittee divided the numerous easements and public access to parks and open space into four categories (the Subcommittee did not include broad direct access into parks such as the driveways into Village Park, Heritage Park and Millstone Park). These were: (1) Easements to Public Open Space via private land; (2) Township land to Parks/Open Space; (3) Easements/Township Lands connecting neighborhoods; and (4) Miscellaneous. The attached chart lists the categories and specific easement or strip of land involved and provides comments and descriptions which hopefully will be self explanatory and informative. The following puts these categories in context and provides some details in addition to the chart.

The "Easements to Public Open Space via Private Land" are all the Shadow Oaks' easements (5) from Washington Drive to the 46 acres of Township owned open

space. This may be the only category that reflects “easements that lead to public lands”.

It should be noted that residents of Shadow Oaks attended Subcommittee meetings, and provided useful input to its deliberations about easements in that neighborhood. The Subcommittee believes that the 46 acres of public land along the Millstone River, lying adjacent to a number of Shadow Oaks homes, should be marked with the proviso that such action is not predicated upon the development of trails in this space. Rather, from the Subcommittee’s inspection of the property and associated easements, as well as consideration of public comments and other input, it is believed this property is best left in an unimproved or natural state and managed as a resource for the local community. We believe the easements should be marked, but it is not anticipated or intended that the easements will be as well used as the West or Rheinart properties. The Subcommittee also believes that the existing public access easements will not insure year-round easy accessibility to this open space for a variety of reasons. The Township Committee could consider in the future a “punch-through” roughly 10 to 20 feet long and 3 feet wide through overgrown brush to connect a grassy area on Township land with a large, open area (roughly 10-15 acres).

The “Township Land to Parks/Open Space” consists of three narrow strips of land which are either owned or rented by Cranbury Township and provide access to parks or open space. It is not obvious from the public street that the strip goes to a park/open space. Adding these to the list would help Cranbury citizens know that these markings generally are to parks/open space. The Township Committee may not want to do this if the cost is more than de minimis.

There are seven “Easements/Township Lands Connecting Neighborhoods”. The first three and last one are sidewalks that connect two streets. Two are in Shadow Oaks and are unimproved land connecting streets to Washington Drive and continue on across Washington Drive to the public walkway easements to the 46 acre Township owned land. One connects Cranbury Neck Road to the Updike property open space; however, the easement is from Cranbury Township to the Homeowners’ Association and connects Cranbury Neck Road and Liedtke Drive. All these could be marked to provide uniformity by showing that the markings reflect public access if the cost is de minimis.

The Miscellaneous item is a public easement that now connects to preserved farmland. The most logical explanation is that at one time the owner of preserved farmland was considering development and there would be another easement connecting two streets similar to the connection in Cranbury Green.

The Subcommittee did not categorize three drainage easements from Evans Drive to Brainerd Lake. The tax maps and tax assessor’s files do not reflect any walkway easements on any of them. Further research into the original deeds creating the drainage easements would be necessary.

We hope this has been helpful. If you have any questions, please feel free to contact us.