



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Green Acres Program
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BOB MARTIN
Commissioner

February 11, 2014

Anthony Burke, Deputy Director
County of Essex
Department of Parks, Recreation & Cultural Affairs
115 Clifton Avenue
Newark, NJ 07104

Re: Township of Millburn, County of Essex
South Mountain Reservation (Block 5504, Lot 1)
Private Encroachments at 16 and 20 Woodcrest Avenue, Millburn Township

Dear Mr. Burke:

Thank you for accompanying me on January 16, 2014 on an inspection of an area of the South Mountain Reservation located behind residential properties along Woodcrest Avenue in Millburn Township. As you know, the purpose of this inspection was to follow up on a complaint that was raised by the South Mountain Conservancy in a letter dated January 7, 2014. The letter states that parkland behind 16 Woodcrest Avenue and 20 Woodcrest Avenue has been illegally cleared and/or disturbed. Furthermore, an area of parkland behind 20 Woodcrest Avenue has been planted with grass, resembling a private lawn with stairs constructed on the parkland. The Conservancy included photographs showing piles of dirt and debris that appear to have been pushed from the private lot at 16 Woodcrest Avenue onto part of the Reservation.

At the time of our inspection, we observed that the private stairs behind 20 Woodcrest Avenue have been removed from public parkland. However, behind the property line and extending into the Reservation is an area that is devoid of trees and understory and now consists of a lawn area resembling an extension of the backyard of 20 Woodcrest Avenue. Behind the property line of

16 Woodcrest Avenue and extending into the Reservation are piles of dirt and debris that have pushed over a number of trees and covered shrubbery. The section of the South Mountain Reservation that surrounds the encroached upon areas contain a variety of trees and understory.

Enclosed is an aerial photograph, dated December 2010, of the former house that occupied the property known as 16 Woodcrest Avenue, Millburn Township. This site has now been subdivided to create two buildable parcels, now known as 16 and 20 Woodcrest Avenue. It is evident in this photo that the County parkland that abuts the private border was forested.

Enclosed is an aerial photograph, dated April 2013, of the home on 20 Woodcrest Avenue that is under construction. Construction of the house at 16 Woodcrest Avenue has not yet begun. (The recent subdivision of this parcel is not captured in our aerial source data, therefore, the new house at 20 Woodcrest Avenue is still identified as 16 Woodcrest Avenue in this photo). There is clear evidence in this photo of tire tracks extending onto the Reservation for the purpose of clearing an area of the parkland behind the home of 20 Woodcrest Avenue.

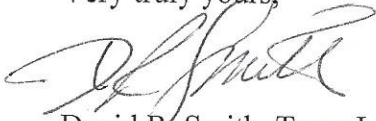
As a recipient of Green Acres funding, the County of Essex has agreed to maintain and preserve its parkland for public recreation and conservation purposes. Private use of Green Acres-encumbered parkland constitutes a diversion of parkland. However, we recognize that in many instances the County has not authorized the private use and does not want to make it permanent through the filing of a diversion application. Therefore, for encroachments of the type observed in Millburn, our policy has generally been to require removal of the private uses and restoration of the affected parkland in a reasonable amount of time. In this fashion, the County remains accountable to uphold the public's trust by ensuring that the integrity of its parkland and resources are protected from random acts of destruction and encroachment.

In order to resolve this issue, the Green Acres Program will require that the disturbed areas of the South Mountain Reservation located behind 16 and 20 Woodcrest Avenue in Millburn Township be remediated through a tree mitigation plan. Within 60 days, please submit a plan, prepared by a licensed forester, outlining the proposed restoration of the areas encroached upon (including the removal of the grassy lawn area behind 20 Woodcrest Avenue.) The restored forest is to be similar in species composition and tree density to that of the surrounding parkland, at a minimum. We would expect that Essex County will require substantially more trees to be planted in order to improve the success rate of the reforestation. The installation of deer fencing needs to be part of the reforestation plan to assist in the survival rate of the newly planted trees and vegetation. The plan should include a schedule for the reforestation project.

We also strongly encourage the County, as part of its negotiations with the property owner(s), to consider requiring the property owner(s) to erect a fence at the back property line to prevent future encroachments (including dumping of leaves and brush and continued use of the illegally created lawn areas.)

Please feel free to contact this office at 609-984-0622 concerning any questions you have on this matter. We look forward to your cooperation.

Very truly yours,

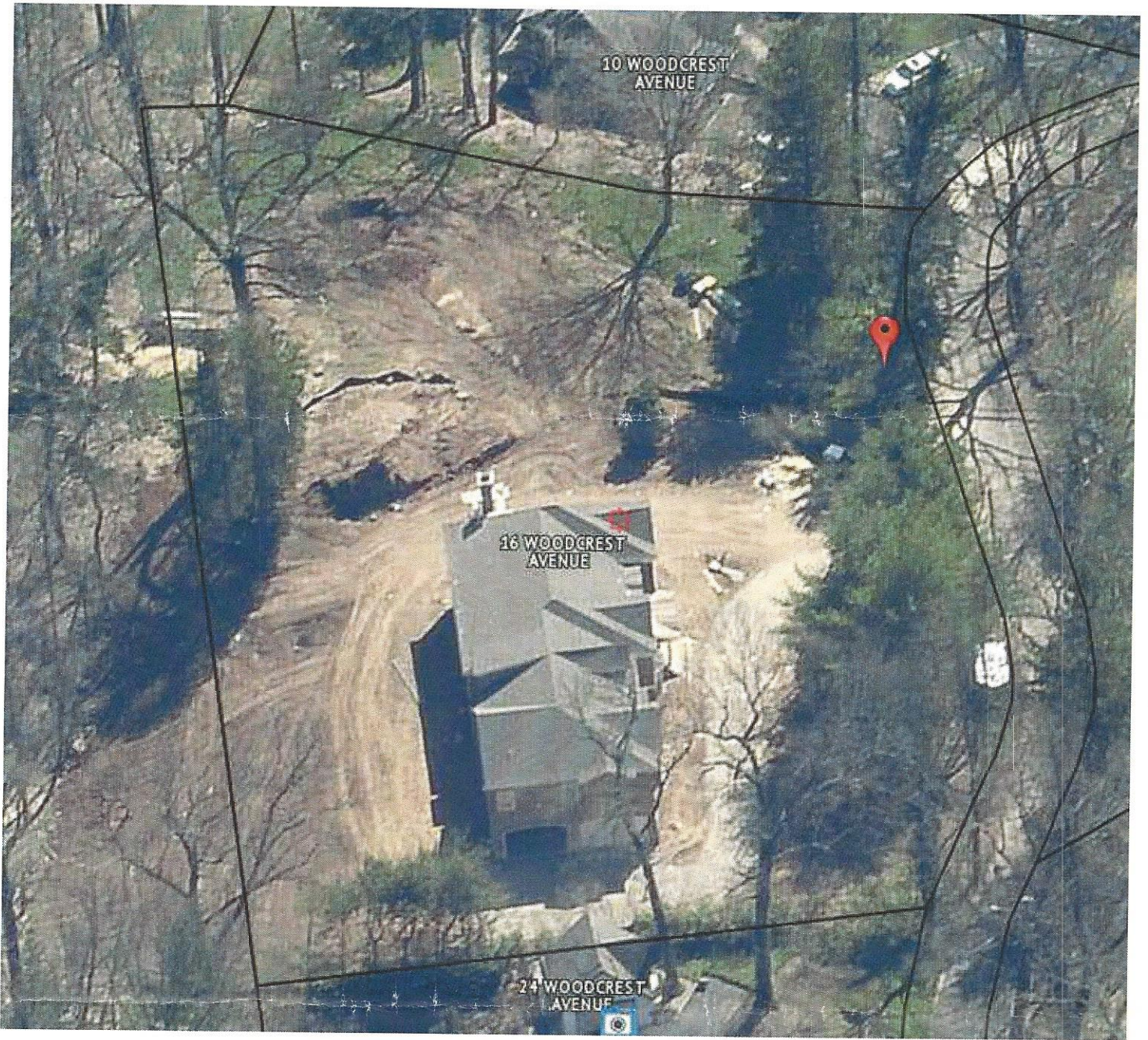


David R. Smith, Team Leader
Bureau of Legal Services & Stewardship
Green Acres Program

cc. Dan Salvante, Director, Essex County Dept. of Parks, Recreation & Cultural Affairs
Tom Watkinson, Millburn Township Engineer
Martha Annoni, Asst. Millburn Township Engineer
Tom Doty, Township Forester



December 2010



April 2013