

STAFF REPORT

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ADDITIONAL DOCUMENTS



DRCC #: 18-3921C

DATE: October 12, 2018

PROJECT NAME: Route 29 NJDOT Safety Tree Removal Project

Latest Submission Received: October 12, 2018

Applicant:

New Jersey Department of Transportation
(NJDOT)
951 Parkway Avenue
Ewing, NJ 08625
Brendan.Brock@dot.nj.gov

Owner(s):

Patricia Kalleser, Superintendent
Delaware and Raritan Canal State Park
145 Mapleton Road
Princeton, NJ 08540
Patricia.kalleser@dep.nj.gov

Neal Ferrari, Superintendent
Washington Crossing State Park
355 Washington Crossing-Pennington Road
Titusville, NJ 08560
Neal.ferrari@dep.nj.gov

Project Locations:

Road	Municipality	County	Block(s)	Lot(s)
State Highway Route 29 (River Road) between Church Road and Washington Crossing-Pennington Road (Mercer County Route 546) Between mileposts 12.0 and 13.2	Hopewell Township	Mercer	58	1
			121	3, 4 & 26.02
			134	1
			135	1, 2, 3, 4, 71, 72.01 & 74
			136	2, 17
				NJDOT right-of-way not designated by Block/Lot.

PO BOX 539

STOCKTON, NJ 08559

609-397-2000

www.nj.gov/dep/drcc/

Jurisdictional Determination:

Zone A	Minor	Governmental
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Subject to Review for:

Drainage	Visual	Traffic	Stream Corridors
	X		X

THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

Documents Received: DRCC application received October 12, 2018; NJDOT Region Central Roadside Safety Tree Removal Project description (3 pages) prepared by NJDOT received October 12, 2018; Tree Removal Plan of Action for Route 29 (3 pages) prepared by NJDOT received October 12, 2018.

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Staff comments continued below.

The application is complete and shall be presented to the Commission for their action with a staff recommendation of approval at the October 17, 2018 meeting, based upon the following analysis:

Existing Conditions: The existing site is the northbound and southbound lanes of State Highway Route 29, which crosses the properties of the Delaware and Raritan Canal State Park and Washington Crossing State Park, respectively, in Hopewell Township, Mercer County, generally paralleling and lying between 30 and 75 feet west of the Delaware and Raritan Canal and in Commission Review Zone A. This section of Route 29 is part of the Delaware River Scenic Byway, which extends from the Route 29 tunnel in Trenton to the Uhlerstown-Frenchtown Bridge in Frenchtown.

Proposed Project: In response to citizen complaints from residents of the Titusville section of Hopewell Township, the NJDOT proposes to remove approximately 158 standing dead and unhealthy trees located in the above referenced project area in the corridor of State Highway Route 29 (River Road). The subject trees are primarily ash and oak that overhang the travel lanes and vary in size from 6" to over 30" in Diameter Breast Height. The trees are presently shedding limbs and creating hazardous driving conditions on the highway.

Many of the trees were originally trimmed by public utility companies to their proximity guidelines, and consequently contain large old wounds. Several of the trees are also

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suffering from Emerald Ash Borer (EAB) and Bacterial Leaf Scorch infestation. The emerald ash borer (*Agrilus planipennis*) feeds on ash trees and was first discovered in 2002 in Michigan. Since then, EAB spread to nine states and has killed millions of ash trees. Bacterial leaf scorch is a systemic disease caused by the bacterium *Xylella fastidiosa*, which invades the water and nutrient conducting tissues of susceptible trees. It is most commonly seen in oaks, but can also affect elm, oak, sycamore, mulberry, sweetgum and maple trees. There is no cure for this disease; it is chronic and potentially fatal.

The project would not create any impervious surface. The project would not result in the disturbance of any land, since the applicant proposes to leave the stumps of the removed trees *in situ*. The project is subject to Commission regulation pursuant to the provisions of N.J.A.C. 7:45-1.3, which defines a “governmental project” as undertaking of a public improvement, disturbance, development, construction or land-use change by a State department or agency, county, municipality or any other governmental entity except interior alterations to an existing structure that involves no change of use.”

The applicant proposes to replace the trees scheduled for removal with native species using funding from the NJDOT “Good Neighbor Landscaping Program” administered by the Department of the Treasury. The program allows the NJDOT to address landscaping needs on a timely basis through the installation of functional plantings and other landscape elements to minimize adverse effects of highway-related projects. It is anticipated that the replacement trees would be planted in the Knox Grove Day Use Area at Washington Crossing State Park. After consulting with the DEP Endangered and Nongame Species Program, the applicant would not commence work on the project until after November 1, 2018, so as not to interfere with Indiana and Long-eared bat activity.

Stream Corridor: A tributary of the Delaware River and Steele Run, which is also a tributary of the Delaware River, cross the southern portion of the project area. The Delaware River is not a water course that flows into the Delaware and Raritan Canal State Park, and therefore does not meet the definition of a “stream corridor” at N.J.A.C. 7:45-1.3.

Two tributaries of the Delaware and Raritan Canal also cross the project area. The first is located near Blue Ridge Road; while the second is located about 40 feet north of the intersection of Church Road with State Highway Route 29. N.J.A.C. 7:45-9.3(a)8 provides that the removal of native vegetation or actions that result in the death of native vegetation are prohibited within a Commission-regulated stream corridor, except as necessary in connection with activities in the stream corridor permitted by the Commission.

Pursuant to N.J.A.C. 7:45-12.4(a)1, a project may receive a waiver from stream corridor impact review if the applicant can show that the project will not have an adverse impact upon the stream corridor’s ability to function as a buffer for the water course’s ecological health and as a natural area. Given the nature of the project, it is staff’s opinion that the project is eligible for a waiver pursuant to N.J.A.C. 7:45-12.4(a)1.

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Stormwater Management: The project does not propose 800 square feet or more of impervious surface in Commission Review Zone A. Therefore, the proposed project is not subject to Stormwater Runoff and Water Quality Impact Standards review at N.J.A.C. 7:45-8.

Visual, Historic and Natural Quality Impact: The proposed project is located in a "Transportation" Environment as described in the Delaware and Raritan Canal State Park Master Plan (Master Plan). The Transportation canal environment is characterized at N.J.A.C. 7:45-10.2(a) as an area in which the canal park is squeezed between roads, railroads, and river or stream. With respect to the removal of dead and unhealthy trees, there is nothing in the provisions of the Master Plan which contradicts the proposed project.

The provisions of N.J.A.C. 7:45-10.3 and N.J.A.C. 7:45-10.4(a) through (d) 1-4, inclusive, are inapplicable to the proposed project.

N.J.A.C. 7:45-10.4(d)5 directs that wherever possible, natural terrains, soils, stones, and vegetation should be preserved, and that any new vegetation, stones, and soils should be native to the environment in which they are placed. The applicant has proposed replacing the dead and unhealthy trees with native species. Therefore, the proposed project complies with this requirement.

N.J.A.C. 7:45-10.4(d)(6) directs that projects that are located in any officially designated Federal, State or local historic district or site shall be assessed for their impact upon that district or site. The proposed project would encroach upon two historic districts: the Delaware and Raritan Canal Historic District, which encompasses the entire canal bed and all land 100 yards to either side of the center line of the canal; and partly upon the Titusville Historic District. There are also a number of individual listed properties on the State and Federal Registers of Historic Places within proximity of the proposed project. The proposed activities will therefore require State Register review by the State Historic Preservation Office (SHPO) under the "New Jersey Register of Historic Places Act," N.J.S.A. 13:1B-15.128 et seq. for those portions of the project within the Delaware and Raritan Canal Historic District boundaries and the Titusville Historic District; therefore, the project is conditioned upon that review.

Staff Recommendation: Staff recommends approval with the following conditions:

1. Replacement of the removed dead and unhealthy trees at a 1:1 ratio using native species from the lists maintained by the Commission and the DEP Division of Parks and Forestry; and
2. State Register review by the State Historic Preservation Office for compliance with the "New Jersey Register of Historic Places Act."


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Sincerely,



John Hutchison
Executive Director

- c. Oliva Glenn, Director, DEP Division of Parks and Forestry
- E. Mark Texel, Deputy Director, DEP Division of Parks and Forestry
- Jenny Felton, Superintendent, DEP Division of Parks and Forestry
- George C. Caruso, Jr. Construction Services, Gannett Fleming (gcaruso@gfnet.com)
- Michael Sellar, NJWSA Facility Manager, Delaware and Raritan Canal
- Jesse West-Rosenthal, Historic Preservation Specialist 2, DEP/SHPO
- Hopewell Township Building and Construction Office