



Jurisdictional Determination

DRCC #: 19-5455

DATE: October 2, 2019

PROJECT NAME: NJDOT -- U.S. Route 1 Trenton Freeway Vegetation Management

Latest Submission Received: September 30, 2019

Applicant:

New Jersey Department of Transportation (NJDOT)
 c/o Brendan K. Brock
 951 Parkway Avenue
 Ewing Township, NJ 08625
Brendan.brock@dot.nj.gov

Project Location:

Road	Municipality	County	Block(s)	Lot(s)
U.S. Highway Route No. 1	Trenton City	Mercer	N/A	N/A
	Lawrence Township			

Jurisdictional Determination:

Zone A & B	Exempt (See "Decision" for additional information)	Governmental
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Documents Received: Application received August 29, 2019; Aerial photographs of Route 1 (31 sheets) provided by NJDOT received August 29, 2019; N.J. State Highway

PO BOX 539

STOCKTON, NJ 08559

609-397-2000

www.nj.gov/dep/drcc/

Department General Property Parcel Maps (2 sheets) dated February 1950 received September 30, 2019 from Land Identity, LLC.

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Staff comments continued below.

Existing Conditions: U.S. Highway Route 1 (Route 1) is a United States highway which parallels the eastern coastline, running from Key West, Florida in the south to Fort Kent, Maine at the Canadian border in the north. Of the entire length of the route, 66.06 miles of Route 1 runs through the State of New Jersey. Route 1 enters the state from Pennsylvania on the Trenton-Morrisville Toll Bridge spanning the Delaware River in the City of Trenton, running through the city on the "Trenton Freeway." From this point, Route 1 continues in a northeasterly direction as divided highway through Mercer and Middlesex counties, ultimately merging with U.S. Highway Route No. 9 in Woodbridge, after which the two routes continue through northern New Jersey to the George Washington Bridge over the Hudson River in Fort Lee, Bergen County.

Proposed project: The NJDOT proposes to undertake tree trimming activities in the highway right-of-way along U.S. Highway Route No. 1 Trenton Freeway, from the area starting at the point where the highway passes under State Highway Route No. 206 (Broad Street) and proceeding northward to where the highway merges with U.S. Route 1 Business in Lawrence Township, Mercer County.

The applicant indicates that the project would not result in the removal of any trees; but, rather would involve trimming of vegetation and the removal of invasive shrubs. The project would not result in the creation of any impervious surface. To the extent that invasive species would be entirely removed, the project involves "grubbing" activities (the removal of trees, shrubs, stumps and rubbish from a site); however, the applicant has indicated that these activities would not disturb more than one acre of land.

Findings: The applicant proposes an activity within Commission Review Zones A and B. This activity, provided it is not conducted within the boundaries of the Delaware and Raritan State Park, does not meet the definition of a "major project," "minor project" (with respect to those portions entirely within Commission Review Zone A) or "government project" as those terms are defined at N.J.A.C. 7:45-1.3.

However, if the proposed activities are conducted within the boundaries of the Delaware and Raritan Canal State Park, the activities would be a "government project," within Commission Review Zone A and subject to regulation pursuant to N.J.A.C. 7:45-3.6(a), which states in relevant part that "the Commission shall review and either approve, reject or modify each permit or approval to be issued by any State department or agency to any person or governmental entity if the permit or approval involves any portion of the park or any activity therein."

The applicant has not submitted information regarding the specific locations of the proposed activity. Consequently, the Commission staff will not issue a determination

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providing an exemption from regulation for the any Block and Lot located in the Delaware and Raritan Canal State Park.

Decision: Exempt; provided however, this exemption shall not apply to the Block and Lot combinations listed hereinbelow:

Municipality	Block	Lot
Trenton City	7401	1, 2, 7
	7801	1
	7901	1
	7702	12, 13
	25004	2
	24503	1
	23302	2, 3
	23301	4, 5
	23401	5, 7
	23501	3, 6
	23602	1
Lawrence Township	504	5
	1104	6
	1202	1
	1203	5

Expiration date: October 2, 2024.

This jurisdictional determination shall lapse if:

1. Construction is not complete within five years from the date of the exemption letter;
or
2. Any municipal permit or approval applicable to the project expires, lapses, or is revoked.

Sincerely,



John Hutchison
Executive Director

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c. Mercer County Planning Board

Trenton City Planning Board

Lawrence Township Planning Board

Mike Sellar, Facility Manager, Delaware & Raritan Canal, NJSWA

Julie Shelley, Property & Permit Administrator, NJWSA

Patricia Kalleser, Superintendent, Delaware & Raritan Canal State Park

Jesse West-Rosenthal, Historic Preservation Specialist 2, DEP/SHPO

Chelsea Burnham, LAND Identity, LLC (cburnham@landidentity.com)