



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

MAIL CODE 501-04B

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Lt. Governor

CATHERINE R. MCCABE

Commissioner

January 17, 2020

Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
Attn: Alan Tabachnick
395 E Street SW
Washington DC 20472

Dear Ms. Rutson:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR 800: Protection of Historic Properties, as published in the Federal Register on December 12, 2000 (65 FR 777698-77739) and as amended on July 6, 2004 (69 FR 40544-40555), I am providing Continuing Consultation Comments for the following proposed project:

Hudson County, Jersey City

Harsimus Branch Abandonment

Surface Transportation Board (STB) Office of Environmental Analysis (OEA)

STB Docket Nos. AB 167 (Sub-No. 1189X), AB 55 (Sub-No. 686X) and AB 290 (Sub-No. 306X)

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the above referenced undertaking. This letter is in response to the cultural resource effect assessment addendum received at our office on November 13, 2019:

Office of Environmental Analysis, Surface Transportation Board

November 2019 *Cultural Resources Effects Assessment Report Addendum, Conrail Harsimus Branch Abandonment STB Docket Nos. AB 167 (Sub. No. 1189X), AB 55 (Sub. No. 686X) and AB 290 (Sub. No. 306X). City of Jersey City, Hudson County, New Jersey.*

Summary: The project as proposed will have an **Adverse Effect** on historic properties. We look forward to exploring means to avoid, reduce, or mitigate those adverse effects through consultation with you and other consulting parties. That consultation will result in the execution of an agreement document which will finalize the Section 106 process.

800.4 Identification of Historic Properties

Previous consultation resulted in the identification of 19 properties which are listed in or eligible for listing in the National Register of Historic Places. It is my opinion as Deputy State Historic Preservation Officer for New Jersey that they remain eligible for listing in the New Jersey and National Registers of Historic Places. They are:

1. Pennsylvania Railroad (New York to Philadelphia) Historic District – SHPO Opinion 3/3/2003 – note bene: the Pennsylvania Railroad Harsimus Branch Embankment is a contributing resource to this historic district;
2. New Jersey Railroad Bergen Cut Historic District – SHPO Opinion 5/21/1999 – note bene: the Pennsylvania Railroad Harsimus Branch Embankment is a contributing resource to this historic district;
3. Public School No. 5, 182-196 Merseles Street – SHPO Opinion 2/28/1991;
4. Pennsylvania Railroad Harsimus Branch Embankment – COE 2/17/1999, New Jersey Register listed 12/29/1999, DOE due to owner objection 3/16/2000;
5. Saint Anthony's Polish Roman Catholic Church and School Complex – SHPO Opinion 4/13/1994 – note bene: Saint Anthony's Polish Roman Catholic Church and School Complex contributes to the Immigrant Roman Catholic Church Historic District;
6. Saint Anthony of Padua Roman Catholic Church – New Jersey Register listed 12/24/2003, National Register listed 3/22/2004 – note bene: Saint Anthony of Padua Roman Catholic Church contributes to the Immigrant Roman Catholic Church Historic District;
7. Hamilton Park Historic District – New Jersey Register listed 4/27/1978, National Register listed 1/25/1979 – note bene: the Pennsylvania Railroad Harsimus Branch Embankment is a contributing resource to this historic district;
 - Hamilton Park Historic District Extension – New Jersey Register listed 10/1/1982, National Register listed 12/2/1982;
8. Harsimus Cove Historic District – New Jersey Register listed 10/15/1987, National Register listed 12/9/1987 – note bene: the Pennsylvania Railroad Harsimus Branch Embankment is a contributing resource to this historic district;
9. Albaniel Dye & Chemical Co., 88-92 Erie Street – SHPO Opinion 7/2/1980, DOE 8/27/1980;
10. Warehouse Historic District – SHPO Opinion 2/28/1991 *note bene: many of the resources in this historic district are also covered under the subsequent Multiple Property Documentation Form (MPDF) for the Terminal Distribution Warehouses of Hudson County, New Jersey, 1870-1945 – New Jersey Register listed 10/26/2015;
11. Hudson & Manhattan Railroad Powerhouse – COE 10/7/1999, National Register listed 11/23/2001 – note bene: also contributing resource in the Warehouse Historic District;
12. Great Atlantic & Pacific Tea Company Warehouse – New Jersey Register listed 6/2/1978, National Register listed 6/2/1978, National Historic Landmark designation 6/2/1978 – note bene: also contributing resource in the Warehouse Historic District;
13. Jersey City and Harsimus Cemetery Historic District – SHPO Opinion 7/14/2017;

14. Holy Rosary Roman Catholic Church Complex, 344 Sixth Street and 183 Brunswick Street (Blocks 9907 & 9803, Lots 9 & 6) – SHPO Opinion 7/14/2017 – note bene: Holy Rosary Roman Catholic Church Complex contributes to the Immigrant Roman Catholic Church Historic District;
15. Immigrant Roman Catholic Church (St. Anthony's/Holy Rosary) Historic District – SHPO Opinion 7/14/2017 – note bene: the Immigrant Roman Catholic Church Historic District includes Saint Anthony's Polish Roman Catholic Church and School Complex, Saint Anthony of Padua Roman Catholic Church, and the Holy Rosary Roman Catholic Church Complex;
16. Jersey City Fire Department Engine 5 / Ladder 6, 355 Newark Avenue (Block 10901, Lot 129) – SHPO Opinion 7/14/2017;
17. Fifth Ward Savings Bank – SHPO Opinion 7/14/2017;
18. Pennsylvania Railroad Harsimus Right-of -Way Historic District – SHPO Opinion 7/14/2017 – note bene: the Pennsylvania Railroad Harsimus Branch Embankment is a contributing resource to this historic district; and
19. Italian Village Historic District – SHPO Opinion 5/13/2019 – note bene: the Pennsylvania Railroad Harsimus Branch Embankment is a contributing resource to this historic district.

Regarding the Jersey City and Harsimus Cemetery:

The reviewed report includes *Attachment 5 – Section 106 Technical Memorandum, Jersey City and Harsimus Cemetery Historic District Boundary Clarification*, dated November 12, 2019. Your staff has done an impressive amount of work to document the boundaries of the cemetery. However, in his December 4, 2019 comments Charles Montange raises some interesting questions. Further, it is my understanding that as an underpinning of the settlement agreement still in development, several of the consulting parties have engaged Dresdner Robin to perform a land survey of a number of properties including the Pennsylvania Railroad Harsimus Branch right of way west of Brunswick Avenue. I will defer comments on the issue of whether the railroad right of way overlaps any part of the cemetery until the survey work has been completed and can be reviewed by all parties.

On January 3, 2020, members of my staff and I were accompanied by Alan Tabachnick of your staff on a site visit to the Jersey City and Harsimus Cemetery Historic District. The primary purpose of the field visit was to enter the receiving vault and assess whether it had been constructed prior to the cemetery use of the property for the purpose of munitions storage during the War of 1812. Our field examination resulted in the conclusion that the receiving vault was most likely constructed for munitions storage related to the War of 1812. Despite the lack of any War of 1812 artifacts observed within the vault, the spatial arrangement is unusual for a receiving vault and is more consistent with a munitions bunker. This confirms our eligibility opinion which was previously issued on July 14, 2017.

800.5 Assessment of Effects

Four alternatives were reviewed for their reasonably foreseeable effects on previously identified historic properties. They are:

- Alternative 1 – a.k.a. Scenario 1 – Complete preservation of the Embankment as public park; assume that park is developed under NJHPO review and in conformance with the Secretary of the Interior's Standards for Rehabilitation
- Alternative 2 – a.k.a. Scenario 2 – Complete demolition of the Embankment and maximum redevelopment of the property in accordance with local zoning, including redevelopment on the railroad alignment west of the embankment (between Brunswick Avenue and the NJ Turnpike)
- Alternative 3 – a.k.a. Scenario 3 – Partial preservation of the Embankment as a public park with demolition and redevelopment on the easternmost segment with two 11-story buildings, and construction in the western right-of-way of a mixed use building fronting Newark Ave and backing onto the right-of-way of the NJ Turnpike extension,
- Alternative 4 – a.k.a. the No Action Alternative – abandonment would not occur.

1. **Pennsylvania Railroad (New York to Philadelphia) Historic District – SHPO Opinion 3/3/2003**

- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, adverse effect
- No Action Alternative – concur, no effect

2. **New Jersey Railroad Bergen Cut Historic District – SHPO Opinion 5/21/1999**

- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, adverse effect
- No Action Alternative – concur, no effect

3. **Public School No. 5, 182-196 Merseles Street – SHPO Opinion 2/28/1991**

- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no effect
 - Scenario 2 (Demolition and Development) – concur, no effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no effect
- No Action Alternative – concur, no effect

4. **Pennsylvania Railroad Harsimus Branch Embankment – COE 2/17/1999, New Jersey Register listed 12/29/1999, DOE due to owner objection 3/16/2000**

- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, adverse effect
- No Action Alternative – concur, no effect

5. **Saint Anthony's Polish Roman Catholic Church and School Complex – SHPO Opinion 4/13/1994**

- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect

- Scenario 2 (Demolition and Development) – concur, adverse effect.
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no adverse effect
 - No Action Alternative – concur, no effect
6. **Saint Anthony of Padua Roman Catholic Church** – New Jersey Register listed 12/24/2003, National Register listed 3/22/2004
- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect.
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no adverse effect
 - No Action Alternative – concur, no effect
7. **Hamilton Park Historic District** – New Jersey Register listed 4/27/1978, National Register listed 1/25/1979; **and the Hamilton Park Historic District Extension** – New Jersey Register listed 10/1/1982, National Register listed 12/2/1982
- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, adverse effect
 - No Action Alternative – concur, no effect
8. **Harsimus Cove Historic District** – New Jersey Register listed 10/15/1987, National Register listed 12/9/1987
- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, adverse effect
 - No Action Alternative – concur, no effect
9. **Albaniel Dye & Chemical Co.**, 88-92 Erie Street – SHPO Opinion 7/2/1980, DOE 8/27/1980
- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect.
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no adverse effect
 - No Action Alternative – concur, no effect
10. **Warehouse Historic District** – SHPO Opinion 2/28/1991 *note bene: many of the resources in this historic district are also covered under the subsequent Multiple Property Documentation Form (MPDF) for the Terminal Distribution Warehouses of Hudson County, New Jersey, 1870-1945 – New Jersey Register listed 10/26/2015
- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no effect
 - Scenario 2 (Demolition and Development) – concur, no effect

- Scenario 3 (Partial Preservation/Partial Development) – concur, no effect
- No Action Alternative – concur, no effect
- 11. **Hudson & Manhattan Railroad Powerhouse** – COE 10/7/1999, National Register listed 11/23/2001
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no effect
 - Scenario 2 (Demolition and Development) – concur, no effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no effect
 - No Action Alternative – concur, no effect
- 12. **Great Atlantic & Pacific Tea Company Warehouse** – New Jersey Register listed 6/2/1978, National Register listed 6/2/1978, National Historic Landmark designation 6/2/1978
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no effect
 - Scenario 2 (Demolition and Development) – concur, no effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no effect
 - No Action Alternative – concur, no effect
- 13. **Jersey City and Harsimus Cemetery Historic District** – SHPO Opinion 7/14/2017
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – respectfully disagree, no adverse effect. It is reasonable to presume that development could occur on any buildable lots west of Brunswick Avenue, changing the setting of the cemetery.
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no adverse effect
 - No Action Alternative – concur, no effect
- 14. **Holy Rosary Roman Catholic Church Complex**, 344 Sixth Street and 183 Brunswick Street (Blocks 9907 & 9803, Lots 9 & 6) – SHPO Opinion 7/14/2017
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no adverse effect
 - No Action Alternative – concur, no effect
- 15. **Immigrant Roman Catholic Church** (St. Anthony's/Holy Rosary) Historic District – SHPO Opinion 7/14/2017
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no adverse effect
 - No Action Alternative – concur, no effect
- 16. **Jersey City Fire Department Engine 5 / Ladder 6**, 355 Newark Avenue (Block 10901, Lot 129) – SHPO Opinion 7/14/2017

- Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no effect
 - Scenario 2 (Demolition and Development) – concur, no effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no effect
 - No Action Alternative – concur, no effect
- 17. **Fifth Ward Savings Bank** – SHPO Opinion 7/14/2017
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no effect
 - Scenario 2 (Demolition and Development) – concur, no effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, no effect
 - No Action Alternative – concur, no effect
- 18. **Pennsylvania Railroad Harsimus Right-of -Way Historic District** – SHPO Opinion 7/14/2017
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect
 - Scenario 3 (Partial Preservation/Partial Development) – concur, adverse effect
 - No Action Alternative – concur, no effect
- 19. **Italian Village Historic District** – SHPO Opinion 5/13/2019 (see above)
 - Action Alternative
 - Scenario 1 (Preservation as Park) – concur, no adverse effect
 - Scenario 2 (Demolition and Development) – concur, adverse effect.
 - Scenario 3 (Partial Preservation/Partial Development) – concur, adverse effect
 - No Action Alternative – concur, no effect.

For the purposes of making a final effects determination for this project, the HPO has made the assumption that the Action Alternative, Scenario 3 is the agency's preferred alternative. This project will have an adverse effect on the following 7 historic properties because it will result in the demolition of the Embankment between Marin Boulevard and Manila Avenue:

- Pennsylvania Railroad (New York to Philadelphia) Historic District;
- New Jersey Railroad Bergen Cut Historic District;
- Pennsylvania Railroad Harsimus Branch Embankment;
- Hamilton Park Historic District and Extension;
- Harsimus Cove Historic District;
- Pennsylvania Railroad Harsimus Branch Right-of-Way Historic District; and
- Italian Village Historic District.

800.6 Resolution of Adverse Effects

I look forward to continuing consultation with you and consulting parties on methods to avoid, reduce, or mitigate adverse effects. It is my understanding that your consultant Richard Grubb & Associates has been charged with setting up a follow up public meeting in Jersey City on a date yet to be determined, I am looking forward to attending.

Additional Comments

Thank you again for providing the opportunity to review and comment on the assessment of effects on historic properties. Please reference the **HPO project number 08-0811** in any future calls, emails, submission or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Andrea Tingey of my staff at (609) 984-0539 or Andrea.Tingey@dep.nj.gov.

Sincerely,



Katherine J. Marcopul
Deputy State Historic
Preservation Officer

CC: Consulting and Interested Party lists (attached – Attachment A) (with attachment~~x~~)
KJM/AT

Attachment A - Consulting Parties

Advisory Council on Historic Preservation
Jaime Loichinger, Assistant Director
Federal Permitting, Licensing and Assistance Section
Advisory Council on Historic Preservation
Office of Federal Agency Programs
401 F Street NW, Suite 308
Washington DC 20001-2637

Sarah C. Stokely, Program Analyst
Advisory Council on Historic Preservation
Office of Federal Agency Programs
401 F Street NW, Suite 308
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Bike JC
Patrick Conlon
Bike JC
28½ Laidlaw Avenue
Jersey City, NJ 07306

Camden & Amboy Railroad Historical Group
John J. Kilbride
Camden & Amboy Railroad Historical Group
W-11 Avon Drive
East Windsor, NJ 08520-5647

City of Jersey City
Mayor Steven M. Fulop
City Hall
280 Grove Street
Jersey City, NJ 07302

Annisia Cialone
City of Jersey City
Historic Preservation Commission
30 Montgomery Street, 14th Floor
Jersey City, NJ 07302

Civic Jersey City
Ester Winter
Civic JC
64 Wayne St.
Jersey City, NJ 07302

Conrail

John K. Enright
Consolidated Rail Corporation
1000 Howard Blvd., 4th Floor
Mt. Laurel, NJ 08054

Robert M. Jenkins III
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Washington, D.C. 20006-1101

Jonathan M. Broder
Consolidated Rail Corporation
1717 Arch Street, Suite 1310
Philadelphia, PA 19103

Friends of Liberty State Park
Sam Pesin, President
Friends of Liberty State Park
580 Jersey Ave, Apt 3L
Jersey City, NJ 07302

Sam Pesin, President
Friends of Liberty State Park
P.O. Box 3407
Jersey City, NJ 07303-3407

Friends of the Historic Jersey City and Harsimus Cemetery
Eileen Markenstein, President
Friends of the Historic Jersey City and Harsimus Cemetery
435 Newark Avenue
P.O. Box 8026, Five Corners Station
Jersey City, NJ 07038

Hamilton Park Neighborhood Association
Shannon Pennock
Hamilton Park Neighborhood Association
344 Grove Street, PMB #166
Jersey City, NJ 07302

Harsimus Cove Association
Jake Hudnut
Harsimus Cove Association
PMB #101
344 Grove Street
Jersey City, NJ 07302

Historic Paulus Hook Association
Andrew Macurdy
Historic Paulus Hook Association
121 Grand Street
Jersey City, NJ 07302

Hudson County
Thomas A. DeGise
Hudson County Executive
Justice Brennan Court House
583 Newark Avenue
Jersey City, NJ 07306

Hudson County Office of Cultural & Heritage Affairs
Daryl Harrison-Rand, Chair
Justice Brennan Court House
583 Newark Avenue
Jersey City, NJ 07306

Gina Hulings
Office of Cultural & Heritage Affairs / Tourism Development
583 Newark Avenue
Jersey City, NJ 07306

Hudson County Division of Planning
Francesca Giarratana, PP, AICP
Division Chief
Hudson County Division of Planning
Bergen Square Center
830 Bergen Avenue, Suite 6A
Jersey City, NJ 07306

Jersey City Landmarks Conservancy
Sanjay Chauhan, President
Jersey City Landmarks Conservancy
P.O. Box 3449
Jersey City, NJ 07303-0049

Jersey City Parks Coalition
Laura Skolar
Jersey City Parks Coalition
PO Box 17196
Jersey City, NJ 07307

Marin Blvd., LLC et al.
Daniel Horgan, Esq.
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300 Lighting Way, 7th FL
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Michele Donato
P.O. Box 145
106 Grand Central Avenue
Lavallette, NJ 08735

New Jersey Committee for the East Coast Greenway
Megan Massey, Co-Chair
Matt Johnson, Co-Chair
NJ Committee for the East Coast Greenway
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New Brunswick, NJ 08906

New York/New Jersey Baykeeper
Gregory A. Remaud
Baykeeper and Chief Executive Officer
NY/NJ Baykeeper
30 Washington Street
Matawan, NJ 07747

Newport Neighborhood Association
Robert Vivien
Newport Neighborhood Association
40 Newport Parkway, #604
Jersey City, NJ 07310

Pennsylvania Railroad Harsimus Stem Embankment Coalition
Stephen Gucciardo, President
Embankment Preservation Coalition
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Pennsylvania Railroad Technical & Historical Society
Jerry Britton
Pennsylvania Railroad Technical & Historical Society
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Etters, PA 17319

Andy Hart
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Bryn Mawr, PA 19010

Powerhouse Arts District Neighborhood Association

Jill Edelman, President

Powerhouse Arts District Neighborhood Association

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Preservation New Jersey

Barton Ross, AIA, AICP

President

Preservation New Jersey

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West Trenton, NJ 08628

Courtenay D. Mercer, PP, AICP

Director

Preservation New Jersey

P.O. Box 7815

West Trenton, NJ 08628

Rails-to-Trails Conservancy

Andrea Ferster, General Counsel

Rails to Trails Conservancy

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Washington DC 20037

The Van Vorst Park Association

Oona Jackson Moore, President

Van Vorst Park Association

The Barrow Mansion

83 Wayne Street

Jersey City, NJ 07302

The Village Neighborhood Association

Rob Crow, President

The Village Neighborhood Association

365 Second Street

Jersey City, NJ 07302

Charles H. Montange

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Seattle WA 98177

Interested Parties

East Coast Greenway Alliance
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East Coast Greenway Alliance
5826 Fayetteville Rd., Suite 210
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Jersey City Economic Development Corporation
Florence Baron
Jersey City Economic Development Corporation
298 Academy Street
Jersey City, NJ 07306

National Park Service
National Park Service
Northeast Regional Office
US Custom House
200 Chestnut Street, 5th Floor
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New Jersey Department of Transportation
Genevieve Clifton
Manager of Maritime Resources, Freight Services and Multimodal Grants
NJ Department of Transportation
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Paula Scelsi
NJ Department of Transportation
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