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From The Morning Call

Forks Township residents fighting plan for bike path through their back yards

Trail would invite theft, off-road vehicles, homeowners say.

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Years ago, slow -speed freight trains ran the rails once or twice a week just behind the homes of Tom Gillen Jr. and his small group of neighbors along Bushkill Creek in Forks Township.

The rails are gone now, and a new kind of traffic — people on non -motorized transportation such as bicycles and skates, or simply on foot — is slated for a bike path on the old rail bed.

Gillen, who lives on Friendly Tavern Lane, would just as soon have the trains back. He and some of his neighbors have filed a suit in Northampton County Court to stop the bike path.

Neighboring Palmer Township, the lead in a consortium of communities, acquired unused rail lines in the Easton area from Conrail over the years. It plans to make the rail bed section by Gillen and his neighbors part of a new 3-mile bike trail, most of which will lie in Palmer on the west side of the Bushkill.

Gillen and his neighbors live on a small peninsula of Forks land in the path of the trail as it leaves Palmer near Penn Pump Park, crosses into Forks, then travels back into Palmer just east of Bushkill Park.

Gillen said the train tracks were removed about six years ago. Since then, he said, he and his neighbors have maintained the rail bed, occasionally clearing brush and tree limbs.

A Friendly Tavern Lane resident for 13 years, Gillen said removing the rails enticed more pedestrian and off-road-vehicle traffic next to his neighborhood's waterfront homes. That brought trespassers, occasional thefts from sheds and problems with motorcycles and all-terrain vehicles, he said.

With the recent snow, the problem has been snowmobiles, despite a sign forbidding motorized vehicles on the rail bed just off Bushkill Park Road. The prohibition is authorized by a Forks ordinance.

Forks Police Chief Greg Dorney said he hopes to patrol the rail bed in the spring with an enhanced bike patrol program on all township recreation paths. Still, with the fast pace of development, Dorney said allocating police resources is a "juggling act."

The Friendly Tavern group opposes Palmer's court effort to condemn any interest in the rail land. Palmer got the property from Conrail with a quit-claim deed, in which the railroad conveyed whatever title or ownership rights it had to Palmer.

However, the railroad could not say the property title was 100 percent clear, which led Palmer to move to condemn any remaining interests. To get state and federal grants for the path that includes the small Forks section, Palmer must show it has the property free and clear of anyone else's rights.

In a suit filed in Northampton County Court in late December, the Forks residents claim deeds show the rail property — originally sold to the Easton and Northern Railway in 1891 — was supposed to revert back to adjacent property owners if the rail line were abandoned.

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Easton attorney William P. Coffin, representing the residents, said the rail property became abandoned when the rails were removed.

Residents also are seeking an injunction against Palmer to prohibit public use of the property as a trail or bike path.

In its objections, Palmer contends the residents failed to file timely challenges to the condemnation. Palmer also argues there is insufficient legal basis for the residents' court claims and injunction request.

The legal battle could delay a proposed spring or early summer advertisement for bids, said Palmer solicitor Charles Bruno, who added he was unaware of objections on other former rail land along the Bushkill in Palmer being eyed for the new path.

Palmer Supervisor Vice Chairman Robert Lammi said the township has found that improved bike paths — with proper signs and patrols — do not have the problems Gillen and his neighbors say they are experiencing on the unimproved rail bed.

Lammi said he appreciates the residents' concerns, but he believes the path will be an asset.

"Based on experience with the existing bike path, I don't see a major concern," he said. "That is a beautiful walk. It can be enjoyed by a lot of people."

Supervisor Chairman Dave Colver said he thinks the situation will improve when the path is constructed, with posts erected to prevent motorized vehicles from having easy access.

"Our idea for 20-plus years has been to continue our bike path and connect to our neighbors," he said.

Planning Commission member Virginia Rickert, a former township supervisor, said when Palmer's bike path system was in its infancy in the 1970s, similar concerns were raised by some residents of the Old Orchard section.

"Those people came back to us years later and said their concerns were in vain," she said.

Gillen and his neighbors came to the Forks supervisors last year seeking assistance in their fight against the path, but Forks solicitor Karl Kline said then that the matter was between Palmer and the residents.

However, Kline said he believed that while Palmer could buy land, it didn't have the right to condemn land in Forks, a position not shared by Bruno. Kline said the bike path's location was a separate issue.

Gillen suggested other rail bed land along Tatamy Road in Palmer could be used instead of the land in his neighborhood.

Palmer public works director Tom Adams said the alternative promoted by Gillen, believed to be an old trolley line property, would not be practical because it's steeper and crosses roads.

Gillen said one of the main issues is the proposed path's proximity to his and his neighbors' homes. One home is about 10 feet from the path. Gillen's backyard pool is about 30 feet from the path.

"I just worry about my family's safety," he said. "It's just that it's so close, and it's creating a lot of problems anymore."

Residents say their privacy has been revoked and their safety taken away. "If it goes through, we're moving," Gillen said.

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