



MINUTES OF THE MEETING ON 15 FEBRUARY 1978

TIME: 12:00 noon - 4:25 p.m.
PLACE: The Canal House, 25 Calhoun Street
Trenton, N.J.
DATE: Wednesday, 15 February 1978

ATTENDING:

COMMISSIONERS: Mr. Jessen, Mr. Jones, Mr. Burns, Mr. Sayen,
Mr. Kirkland, Mr. Torpey, Mr. Picco

STAFF: Mr. Amon, Mrs. Max
DEP: Mr. Kraml, Mr. Garcia, Division of Parks and
Forestry
Mr. Galley, Mr. Gross, Mr. Myers, Bureau of
Water Facilities Operations

DAG: Mr. Gray

CITY OF TRENTON: Mr. Travisano, Mr. Weintraub

GUESTS: Gerald Haughey, Commission legal consultant
Mrs. Billie Moore, MSM Regional Study Council

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Chairman Kirkland brought the meeting to order and stated that the requirements for the Open Public Meeting Law had been properly met for the meeting of the Delaware and Raritan Canal Commission on 15 February 1978.

It was moved by Mr. Sayen and seconded by Mr. Torpey to approve the minutes of the 3 January meeting.

Old Business

a. Decision on Exchange of Lands

After extended discussion on the issue of equal property

EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Rocco D. Ricci	Joseph H. Burns	James C. Sayen
James C. Amon	Chairman	Vice-Chairman	Treasurer	Bruce A. Hamilton	Arthur J. Holland	Frank J. Torpey
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION						
Brendan Byrne, Governor			Rocco D. Ricci, Commissioner			

it was moved by Mr. Burns that the land now leased by Apex Lumber Company be found not essential to Canal Park purposes and declared surplus; further, that it should pass out of public domain with the proviso that equal land be exchanged for it. The motion was seconded by Mr. Jones and carried without dissent.

b. Franklin Sewer Pipe Construction

Mr. Amon reported that due to inclement weather, he had been obliged to cancel all appointments to visit the construction site. Mr. Myers stated that the developer had indicated that his willingness to restore any damage would be limited to disturbed sections of rip-rap. It was agreed by the Commissioners to inform the contractor that the Commission was not prepared to act without site inspection.

c. Smith's Mill

Mr. Jones stated that the group of citizens working on Smith's Mill is concerned that the ten-year lease issued by the State does not contain a renewable clause.

Mr. Gray pointed out that the reason the clause was omitted was due to the fact that the Commission opposed being bound for a longer period of time.

It was noted by Mr. Jessen that one of the Commission's objectives is to work closely with citizens' groups. Since this group is dedicated to the restoration of the Mill and is expending time and effort to this end, the Commission should show good faith by including a perpetuity clause in the lease.

It was resolved that Commissioner Jones would act as intermediary between the Commission and the Citizens' Group for Smith's Mill Restoration. He was instructed to relate to the group that it is the intention of the Commission to enter into a ten-year lease agreement with a ten-year renewable option, with the stipulation, however, that restoration and actions by the group meet with the Commission's approval.

Discussion of Review Zone Regulations

Mr. Amon introduced Mr. Gerald Haughey, Commission legal advisor. Mr. Amon explained the work done by each of the consultants to date and how the Review Zone Regulations were written as a result of this work.

Mr. Gray stated that the D.A.G. has many concerns and suggestions which will be expressed at a meeting with Mr. Amon and Mr. Haughey.

Mr. Picco objected to the review zone regulations which govern water quality. He was concerned that: 1) the program covered too great an area (e.g. the Millstone watershed) and 2) the regulations would overlap or conflict with those of other governmental agencies (#208 program, Soil Erosion and Sedimentation Law, Real Estate Law, etc.). He suggested that the Commission concentrate on the enforcement of existing regulations with regard to water quality and soil erosion.

Mr. Amon dissented, stating that permits issued by other agencies are not being enforced and do not cover all of the Commission's concerns. Pollutants are still running into the canal.

It was the opinion of Mr. Jessen and Mr. Burns that the stream corridor concept extended too far afield; the Commission would be out of its jurisdiction and would intrude on the powers of other governmental bodies (including Municipal and County Planning Boards).

Mr. Sayen disagreed, pointing out that these regulations serve to focus on problems for developers.

Mr. Haughey stressed that the function of the Commission is to evaluate impact on the canal. The Commission can not assume that municipal, county, or state review will be adequate. Drainage applications may be approved by a municipality, but may not be sufficient to protect the park.

Mr. Picco said that he must prepare a report for the D.E.P. and will send a copy to the Canal Commission. It was suggested that each Commissioner write a review of the regulations and state his view points.

Trenton's North 25 Program

Mr. Weintraub and Mr. Travisano presented plans for the proposed North 25 project which will be located on 16 acres of land adjacent to the canal and not far from the Battle Monument. The city project, funded by Green Acres, will contain 250 housing units, a health center, and recreation facilities which will include skating rinks and canoe launches into the canal.

Phase #1 of the plan calls for redevelopment along the edge of the canal, much of which presently is used for dumping purposes. Phase #2 will not be adjacent to the canal, but will connect the park to downtown Trenton.

Mr. Sayen moved to heartily endorse the concept and asked that the City of Trenton proceed forthwith. The motion was seconded by Mr. Jones and carried unanimously.

Mr. Travisano added that approval for funds should be received in June with construction beginning approximately 180 days thereafter.

Review of Municipal Ordinances

Mr. Kirkland introduced Mrs. Billie Moore, Researcher for MSM Regional Study Council. Mrs. Moore surveyed 37 municipalities which would be affected by the Review Zone Regulations and compared their ordinances to the Commission regulations, with specific regard to performance standards, flood control, zoning, requirements for preliminary plan approval, sub-divisions, etc. Her conclusions were:

1. The Commission is proposing standards more stringent than those of any affected municipality.
2. The Commission's visual regulations, although strict, would not be greeted with alarm.
3. 25 of the 37 municipalities have very general and loose drainage regulations. It is often left to the municipal engineer to decide upon methods of control. It is the opinion of MSM that this is not adequate protection for the Canal Park.

The detailed survey was presented to the Commission and will be kept on file in the Canal House.

Mr. Amon stated that a \$2000.00 ceiling had been placed on this study, but as the scope of work increased with time, actual expenses by MSM were \$2700.12. He asked that the Commission approve an additional \$499.00.

The Commissioners were in agreement that with future commitments, consultants should not be allowed to exceed contract limitations. If original estimates for the consulting prove to be inadequate, it will be the consultants' loss.

Mr. Picco moved that the additional \$499.00 be paid to MSM Regional Study Council. The motion was seconded by Mr. Jessen and carried without dissent.

(At 3:30 P.M., Mr. Kirkland turned the chair over to Mr. Jessen and left the meeting.)

Canal Park Development Projects

Mr. Amon explained that at the January meeting the Commission had approved the majority of projects, but had asked the Division of Parks to review designs for the bridge at Bogen Farm and all canoe docks.

Mr. Kraml stated that the design for the canoe docks was not yet complete. With regard to the bridge, Mr. Kraml had met with representatives from 2 companies and neither was able to construct a replica of a swing bridge. Therefore, the Division of Parks was asking the Commissioners to reconsider the original proposal of a simple pedestrian bridge. A model of the pedestrian bridge was shown to the Commissioners.

Mr. Jessen noted that he would prefer to have a pedestrian bridge raised to six feet above the towpath in order to allow for the possibility of future canal barge rides.

Mr. Garcia said that a long ramp would have to be constructed to accommodate the six-foot clearance and, that for the present, this was not needed. Should at any time in the future, the Commission wish to do so, it could instruct the Division of Parks to raise the level of the bridge.

With this understanding, Mr. Jones moved to accept the 70' arch bridge as presented. Mr. Torpey seconded the motion and it was carried without dissent.

Griggstown Acquisition Program

The proposed area of acquisition (part of the Millstone Acquisition Program and as such, part of the Canal Park Acquisition Program) extends from the Griggstown Causeway to a point three miles south. The State intends to buy 25' from each piece of property along this route.

Mr. Kraml stated that since 1973 there has been disagreement between the State and the property owners on whether the State should buy the property or obtain an easement for maintenance, and exactly how many feet of property would be needed.

Mr. Amon informed the Commission that the State was at the point of being only days away from condemning the property and made the following points:

1. the area in question is one of the few areas designated "natural environment".

2. the State has at 4 or 5 times sent 4 or 5 different letters to property owners in response to their complaints.
3. there is no need for a trail facility, as the towpath is there for use. If a new trail is opened, it should be on the river side.

Mrs. Davison commented that the tenants would be happy to give the State access across their lands for repair of the canal and are against property purchase.

Mr. Burns advised that verbal agreements are legally inadequate and that an easement agreement should be executed.

Mr. Galley stated that the Bureau of Water Facility Operations needs permanent access to the 10-mile culvert. With the exception of culverts, maintenance in that area is occasional; however, better access is obtained through the owners' properties.

Mr. Picco recommended that Mr. Amon inform Curt Hubert, Administrator, Green Acres, that all previous Commission resolutions with regard to this property are now withdrawn. Mr. Picco moved to instruct Green Acres to:

1. postpone condemnation of lands until the Commission makes a further resolution
2. send another letter to the property owners clearly articulating what use will be made of the land, the letter to be reviewed and approved by the Commission.
3. put in writing (after steps 2 and 3 are complete) to the Commission exactly why the State is condemning the lands. (The Commission may then entertain a motion to condemn.)

The motion was seconded by Mr. Burns and carried unanimously.

Bureau of Water Facilities Operations Landfill

Mr. Jessen read the following resolution from the Commission minutes of 23 November 1976:

The Bureau of Water Facilities Operations may fill up to the distance of the tree line as recognized by the sub-committee, or for up to one year's time. During this one year's time, further solutions should be sought.

Mr. Galley stated that approval had been received from every agency except that of Solid Waste and that he expected to have that approval by 16 February. He asked that discussion be tabled until the March Commission meeting.

Leases: East Millstone's Canal Park

A small parcel of land near the Turning Basin, Franklin Township, which is leased by the Township from the state for recreation purposes.

It was moved by Mr. Sayen and seconded by Mr. Torpey to approve this lease. The motion was carried without dissent.

Other Business

Mr. Amon stated that a parcel of land, approximately 5' x 25', near the canal had somehow been omitted from previous land sales to the Department of Transportation. It is the opinion of Green Acres that the value of this land is \$300.00 and that it should be sold to the Department of Transportation.

It was moved by Mr. Sayen and seconded by Mr. Burns to sell this property to the Department of Transportation for \$300.00. The motion was carried unanimously.

The meeting adjourned at 4:25 p.m.