



MINUTES OF THE MEETING 2 MAY 1978

TIME: 12:00 noon - 5:25 p.m.  
PLACE: The Canal House, 25 Calhoun Street  
Trenton, New Jersey  
DATE: Tuesday, 2 May 1978

ATTENDING:

COMMISSIONERS: Mr. Kirkland, Mr. Sayen, Mr. Jessen,  
Mr. Light, Mr. Hamilton, Mr. Torpey,  
Mr. Jones

STAFF: Mr. Amon, Mrs. Max  
DEP: Mr. Herald, Mr. Barker, Division of Parks  
and Forests  
Mr. Myers, Mr. Gross, Bureau of Water  
Facility Operations

DAG: Mr. Gray

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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 2 May 1978.

It was moved by Mr. Jones and seconded by Mr. Jessen to accept the minutes of the 4 April meeting. The motion was carried unanimously.

Old Business

a. Wilbur Smith Property

It was agreed by the Commissioners that a dialogue was needed between the Commission and Green Acres on the subject of the Wilbur Smith transaction. Mr. Sayen moved that the Commission invite Curt Hubert, or a representative of his choice, to attend the June Commission meeting. The motion was seconded by

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			

Mr. Hamilton and carried unanimously.

b. Deep Lock

Mr. Jessen reported that he had investigated the matter of the lock. The D.O.T. does not have explicit plans with regard to the stones except that the stones, as well as the locktender's house will be removed. The site to which these items will be removed is as yet undetermined.

Mr. Jessen suggested that the Commissioners agree now as to what they want done with the stones for the following reasons:

1. if a period of more than 3-6 months elapses, the stones may be buried or not able to be retrieved.
2. it will be considerably less expensive to move the stones only once. When the contractor fills the canal, he can load the stones onto a truck and move them to any designated nearby site.

Mr. Kirkland said that he would contact Mr. Guido in order to explain the dilemma and once more discuss the possibility of placing the stones at Waterloo Village.

Mr. Hamilton recommended removing the stones to Bogen Meadows in the event that other sites are not available.

c. Bridge at Bogen Meadows

Mr. Kirkland read a letter from Dr. Bruce Newling. In the letter, Dr. Newling stated that since a fixed bridge was planned and that since the canal is a U.S. waterway, permission to span ought to be sought from the U.S. Coast Guard. The Commissioners decided to refer the letter to Frank Guidotti, Chief, Bureau of Parks.

d. Franklin Township Sewer Authority

Mr. Hamilton said that he had examined the site of the Franklin Township sewer lines and found the vegetation to be too excessive for the Commission to require restoration in kind. It is his recommendation that the restoration consist of evergreen screening, native small trees and a berm to absorb sound. It was moved by Mr. Hamilton and seconded by Mr. Jessen to require Bonner Associates to restore the original vegetation or to have a substitute plan which must be approved by the Commission. The motion was carried unanimously.

Acquisition Program

Mr. Amon explained that two pieces of property were being considered for acquisition by the Division of Parks:

1. The red mill and its surrounding property near Kingston Lock.  
Mr. Amon recommended that this property not be purchased since the owners maintain it in such excellent condition as to cause it to be an asset to the Canal Park. If, at some time in the future, the mill and property were allowed to deteriorate, the state might then consider acquisition.
2. A wooded hilly property near Lower Ferry Road in Ewing Township. This is ideally suited for hiking and picnicking.

Mr. Jessen moved that the Commission recommend that the red mill property be deleted from the acquisition program and the Ewing property be recommended for purchase. The motion was seconded by Mr. Sayen and carried without dissent.

Mr. Hamilton stated that the undeveloped lands which adjoin Bogen Meadows and extend south to the canal should also be considered for purchase. He moved that these lands (approximately 6 acres) be acquired by the Canal Commission. The motion was seconded by Mr. Sayen and carried without dissent.

I-95

The D.O.T. has requested that the Commission respond in writing to the proposed I-95 crossing of the Canal Park. It was agreed by the Commissioners that Mr. Amon's memo of April 19th summarized their opinions quite well:

1. that no matter where situated or how built, the bridge would be detrimental to the Canal Park.
2. that the crossing of the canal in that area would be in direct conflict with the Canal Park's Master Plan, which designates the site as "rural environment".
3. if the canal is to be crossed despite the thoughts expressed in numbers 1 and 2, then the Commission

would expect the following:

- compensation for the public lands taken from the park would not be in monies but in work of equal value. Preferred projects would be bike paths and hand-laid rip-rap.
- parking under the bridge near River Road.
- special architectural treatment for the piers.

Mr. Jessen recommended that, in the written response, Mr. Amon ask the D.O.T. not to use salt or other chemicals on the highway because drainage containing these elements severely pollutes the canal. In addition, the word "sand" should be deleted from Mr. Amon's memo.

It was moved by Mr. Jones that a letter be written to the D.O.T. which would be similar to the contents of the memo and which would note the above-mentioned points, but with emphasis on the Commissioners' opinion that the bridge would be damaging to the Canal Park. The motion was seconded by Mr. Jessen and carried unanimously.

#### Proposed Budget, Fiscal Year 1980

Mr. Amon stated that he had investigated the matter of Permit Fees for the Review Zone. It is the DEP policy to charge permit fees in order to recover 80 % - 90 % of the cost of processing. Since these fees go directly to the State Treasury, they would not affect the proposed budget.

It was moved by Mr. Jessen and seconded by Mr. Sayen that the budget be approved as presented. The motion was carried without dissent.

#### Leases and Permits

##### a. Land Leases

Leases numbers one, three, and four were recommended for approval by Mr. Amon as the operations are not in opposition to park use. The Commissioners expressed concerns about lease number two (Public Opinion Surveys, Inc.) as there have been reports that the lessees object to hikers and canoeists crossing the leased property. It was the opinion of the Commissioners that as this property belongs to the State it should remain open to passers-by.

Mr. Jessen moved to approve leases one through four with the stipulation that lease number two be subject to scrutiny. The motion was seconded by Mr. Torpey and carried without dissent.

Discussion on lease number five was tabled until further investigations are carried out.

b. Lambertville Flea Market

Discussion on this permit was tabled.

Review Zone

Mr. Amon reported that initial meetings had been held with the Division of Water Resources and that conflict had been reduced to one subject -- how the Canal Commission will deal with permits issued by Water Resources. Mr. Amon assured the staff of Water Resources that the Commission would not duplicate their procedures. Mr. Amon plans to carefully study the guide to Water Resources' regulatory programs.

Various aspects of the proposed review zone regulations were discussed at length by the Commissioners in order to prepare for anticipated public hearings:

Extent of Review Zone

It was agreed to accept the Review Zone as presented but to eliminate the Assunpink watershed.

Visual Review Zone

It was agreed to accept the 1/2-mile criterion and to modify the distance when necessary (e.g. a building which can not be seen from the Canal Park; urban areas).

Zone A, Zone B Concept

Mr. Jessen objected to the two-zone concept and suggested two alternatives:

1. three zones:
  - Zone A = review all projects
  - Zone B = review only major projects (1 acre)
  - Zone C = review only extra-large projects (5 acres)

2. logical progression (the number of units to be reviewed will depend on the distance from the canal)
  - 1 mile - review 5 or more units
  - 3 miles- review 10 or more units
  - 5 miles- review "x" units
  - 10 miles- review "x" units
  - etc.

Mr. Jessen urged careful review of any projects situated near streams which flow directly into the canal. He also stressed the necessity for all parking lots to have detention basins.

It was decided that Mr. Amon should discuss these new concepts with the consultants.

#### Pre-Application Conference

Fees for pre-application conferences will not be charged because the conference is not a required one, but merely suggested as being advantageous. Mr. Light pointed out that there should be only one encompassing fee which would take into account all aspects of the review zone permit.

The Commissioners disagreed on the subject of public hearings for applicants. Mr. Gray was directed to discuss this item with Mr. Amon and Mr. Haughey.

#### Fee Schedule

The fee schedule must be such as to produce revenue for the State of New Jersey. However, since permits can be requested for so small an item as a residential porch or as large a one as a five-million-dollar project, fees should be tailored to meet great differences. Mr. Amon said he would study the fee schedules of various agencies and present a suitable one to the Commission.

#### 1978 Maintenance Plans for the Canal Park

##### Division of Parks Presentation

Mr. Herald stated that for the summer of 1978 the Division of Parks will have two five-men crews from the C.E.T.A. program in addition to his regular staff. These men are scheduled to work on clearing the towpath for policing purposes. Mr. Herald regretted that these men are not sufficient in number nor trained well enough to have a great impact on the park.

Mr. Hamilton volunteered to hold training sessions for the men in order to instruct them in minor landscaping techniques.

It was observed by the Commissioners that this maintenance program allows only for maintaining the towpath in its status quo and never clearing new sections. This, however, is not the desire of the Commisioners. It is their immediate goal to have the towpath cleared for use for its entire length. Mr. Torpey asked Mr. Barker for a comprehensive plan in order to accomplish this goal. He asked for complete budget projections for equipment and manpower, length of time needed to complete the project, specific state of work to be done each year. On<sup>e</sup> the projects are know<sup>n</sup>, the Commissioners will aid the Division of Parks to obtain labor and funds.

[Mr. Jessen and Mr. Gray left the meeting.]

#### Bureau of Water Facility Operations Presentation

Mr. Gross explained that the Bureau's budget is divided into two parts: requests for recurring maintenance problems and requests for non-recurring (or emergency) maintenance problems. If the Bureau could successfully have its budget passed as presented, it would be able to accomplish preventive maintenance. This has never been possible and the Bureau has a shortage of equipment and staff.

Mr. Gross distributed lists of locations where trash and silt-bars constitute serious removal problems. He asked if ; on the behalf of the Bureau, the Commission would exert influence to obtain necessary funds for equipment.

Mr. Myers spoke on the ever-recurring problem of duckweed. He noted that it was especially prevalent in late summer in the eastern sector of the canal. Both for aesthetics and for water supply, it is necessary for the canal to be rid of it.

Mr. Myers said there are only two acceptable chemicals authorized by the N.J. Health Department for eliminating duckweed and the use of these chemicals is not recommended beyond I-295. If the chemicals enter the water supply, they may create an intolerable level for consumption.

The staff of Fish and Game, who are experts on the matter, can only suggest harvesting the duckweed on the eastern section. Since a new harvester would cost \$100,000 and since the old one is already scheduled for other sites, it will not be used for the canal this summer. The best to be hoped for is an addition of copper sulphate to the waters in the western section.

Mr. Amon suggested setting traps at the locks and manually scooping the duckweed. This should be done in early summer before the duckweed seeds.

Mr. Torpey stated that the time for frugality was past and that a dramatic request was in order for manpower and funds.

Mr. Amon said that he would prepare an outline for Commissioner O'Hern with regard to the entire situation, but would first send the draft to Mr. Torpey for comment.

#### Executive Director's Report

Mr. Amon stated that a bikeway is being proposed along the canal from the Battle Monument area to Washington Crossing State Park. A grant of \$600,000 will be made available under the auspices of the U.S. Government pilot program "Rails to Trails". The bikeway will follow the abandoned Bel-Del right-of-way for a distance of 8 miles. Mr. Amon feels it is vitally important to the Canal Park to have this trail. Mr. Torpey suggested that Mr. Hubert be invited to explain this program and the rationale behind the \$600,000.

Mr. Jones reported that he was unable to save the doomed trees along Rt. 29. He also said that the D.O.T. has indicated that it could not replace the trees for lack of land. Mr. Jones found that the owner (Archdiocese of Trenton) of the adjacent property would be willing to see enough land to the D.O.T. to make tree replacement possible.

The meeting adjourned at 5:25 p.m.