



MINUTES OF MEETING 21 OCTOBER 1980

TIME: 12:00 noon to 3:30 p.m.
PLACE: The Canal House
25 Calhoun Street
Trenton, New Jersey
DATE: Tuesday, 21 October 1980

ATTENDING:

COMMISSIONERS: Messrs. Jessen, Sayen, Burns, Jones, Holland, Torpey

STAFF: Mr. Amon, Mrs. Perilli, General Whipple

DAG: Mr. Gray

GUESTS: Mr. Galley, WSFE; Mr. Guidotti, State Park Services;
Mr. Greenberg, Mr. Russo, Trenton Planning Department,
Mr. Green, Mr. Troupman, Delta Engineers

Mr. Jessen called the meeting to order and stated that the Open Public Meeting Law had been properly met for the meeting of 21 October 1980.

It was moved by Mr. Jones and seconded by Mr. Burns to approve the minutes of the 19 August meeting and the special meeting of 7 October as presented. The motion was carried unanimously.

Review Zone Action

A. Approval of Projects:

1. 80-10-0027 CUH2A Sierra Park

At the special meeting of 7 October 1980 this project was voted on and approved conditional upon a ruling from the Deputy Attorney General on the validity of Mr. Graham's vote, since Mr. Graham is a representative of the DEP and the project is for a DEP lab and office building. Mr. Gray felt that this should be voted on again. Mr. Jones moved to approve the project, with the suggestion that the parking lot include the planting of trees in accordance with a design developed by the Landscape Architecture Department at Cook College. The motion was seconded by Mr. Burns and carried with Mayor Holland abstaining.

P.O. BOX 1390 25 CALHOUN STREET TRENTON, NEW JERSEY 08625 609-292-2101

EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Jerry F. English	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 Jerry F. English, Commissioner

2. 80-19-0028 North 25 Park

Mr. Amon explained that the Commission had granted conceptual approval of this project two years ago. Representatives from the Trenton Planning Department explained in detail the revision made since conceptual approval was given. Mr. Sayen moved to approve the project; the motion was seconded by Mr. Burns and was carried with Mayor Holland abstaining. Mr. Sayen congratulated Mayor Holland and his staff on their positive development along the canal. Mr. Amon pointed out that further approval of those portions of this project which use state-owned land will be required. That approval will be of a permit prepared by the DEP.

B. Peremptory Approval Status

1. Delaware Township

Mr. Amon explained that at a prior meeting the Commission voted to award peremptory approval status to Delaware Township, with Mr. Jones voting as the fifth member to make a quorum. Since Mr. Jones is also chairman of the Delaware Township Planning Board, Mr. Gray suggested that a vote be taken again. Mr. Sayen moved to award peremptory approval status to Delaware Township. Mr. Torpey seconded the motion and it was carried with Mr. Jones abstaining.

2. South Brunswick Township

Mr. Sayen moved to extend peremptory approval status to South Brunswick Township. The motion was seconded by Mr. Jones and carried unanimously.

Mr. Amon informed the Commission of a project in Princeton Township, known as Constitution Hill, that was approved by the township prior to the effective date of the Canal Commission regulations. The applicant is now trying to obtain a variance reducing the size of the detention basin which would not conform to the Canal Commission regulations. The question arises as to Canal Commission authority. Mr. Amon has sent a letter to the Zoning Board of Adjustment stating that if the variance is approved it may then require Canal Commission review. Mr. Gray was asked to check into the limits of the Canal Commission's authority. It was felt that since a letter has already been sent alerting the township of the Commission's authority, nothing more can be done until the township takes official action.

(At 1:45 Mr. Jones left the meeting.)

Mr. Amon told the Commission that Mr. Kirkland has guaranteed the purchase of an early 1800's report on the feasibility of the construction of the D & R Canal. The report is being sold by a rare book dealer for \$135. Mr. Sayen moved to purchase the book from Mr. Kirkland. The motion was seconded by Mr. Burns and carried unanimously.

C. Flood Plain Development Policy

Mr. Amon explained that the draft policy distributed to the Commission was also sent to various offices in DEP, Stony Brook-Millstone Watershed Association Director, Mr. Gaffney, and Mr. Hamill of MSM, for comments. Mr. Hamill felt the policy should be more stringent; more emphasis should be placed on restraining development.

Discussion followed with the point being raised that there is no regulatory backing for this policy. Mr. Amon would like to prepare for a public hearing to add this policy to the regulations.

(At 2:15 Mayor Holland left the meeting. At this point informal discussion follows, due to lack of a quorum.)

General Whipple pointed out that if this policy is not followed, developers in flood plains would be contributing to increased floods and pollution without having to compensate by using basins.

Mr. Gray pointed out that there would be problems implementing the policy while it is not part of the regulations. He stated that changes or additions to the regulations should appear in the New Jersey Register, but that a public hearing is not required.

It was suggested that Mr. Amon, General Whipple, Mr. Jessen, and Mr. Gray meet to put the policy in draft form as an amendment to the regulations.

Mr. Amon stated that he would like to continue implementing this policy in the meantime unless problems arise, and bring these problems to the attention of the Commission with his recommendations.

Water Operations' Capital Improvement Plans

Mr. Galley distributed a report to the Commission on planned commitment of funds for the D & R Canal Capital Improvement Program. He explained each project in further detail and stated that each project will come before the Commission for approval before put out to bid.

Five Year Report

It was the general consensus of those Commissioners present to have the Five Year Report printed. Mr. Sayen mentioned planning a 150 year celebration.

The meeting was adjourned at 3:30 p.m.