



MINUTES OF THE MEETING OF 16 MARCH 1982

TIME: 12:00 Noon
 PLACE: The Canal House
 25 Calhoun Street
 Trenton, New Jersey 08625
 DATE: Tuesday, 16 March 1982

ATTENDING:

COMMISSIONERS: Messrs. Kirkland, Jones, Zaikov, Sayen, Torpey, Holland, Hamilton
 STAFF: Messrs. Amon, Kropp, Mrs. Perilli
 DAG: Mr. Gray
 GUESTS: Mr. Guidotti, State Park Services
 Mr. Kroeck, Water Supply Authority

Mr. Kirkland called the meeting to order and stated that all applicable provisions of the Open Public Meeting Law of 1976 had been properly met for the meeting of 16 March 1982.

It was moved by Mr. Jones and seconded by Mr. Zaikov to approve the minutes of the meeting of 16 February as submitted. The motion was carried unanimously.

Mr. Jones briefly reopened the discussion of acquisitions for the Canal Park. Upon reviewing the minutes he stated that it had been his intention to request then that a conservation easement be obtained on as much as possible of the property that had been a quarry near Smith's Mill. It was moved by Mr. Jones, seconded by Mr. Sayen and passed unanimously that such an easement be obtained.

Review Zone Action

The following projects were submitted to the Canal Commission for approval:

- 82-0106 HRR Associates
- 82-0108 Proposed Motel/ Restaurant Complex
- 82-0109 Union Camp Corporation
- 82-0112 Block 596.03 Lot 11 (Resch)

CN 402 25 CALHOUN STREET TRENTON, NEW JERSEY 08625 609-292-2101

**EXECUTIVE
 DIRECTOR**
 James C. Amon

COMMISSIONERS
 Benjamin B. Kirkland Martin D. Jessen Donald B. Jones Robert E. Hughey Stuart Zaikov James C. Sayen
Chairman *Vice-Chairman* *Treasurer* Bruce A. Hamilton Arthur J. Holland Frank J. Torpey

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Thomas H. Kean, *Governor* Robert E. Hughey, *Commissioner*

It was moved by Mr. Jones and seconded by Mr. Sayen to approve the projects as presented. The motion was passed without dissent.

Mr. Amon presented two projects that had already received a Certificate of Approval from the Canal Commission but that required amendments to the approval due to revisions in the plans.

Mobil Research and Development 80-0016

Mr. Amon explained that Mobil has an expanding campus in Hopewell Township and that the Canal Commission has approved several projects in the past for this campus. One project involved a loop road to be built around the complex with additional buildings and a separate detention basin system. The loop road has not been built and Mobil has presented a change in the stormwater management system for the loop road and the additional buildings, including the proposed Environmental and Health Science Lab. The changes are in accordance with the Canal Commission standards and Mr. Amon recommended approval.

Mr. Jones moved to approve the amendments proposed for the project previously approved on 7 October 1980; if revised municipal approval is required, the Canal Commission grants conceptual approval. The motion was seconded by Dr. Hamilton and carried with no dissenting votes.

Princeton Forrestal Center 81-0100

On 27 October 1981 the Canal Commission approved a project for a regional detention system for the Princeton Forrestal Center. The approval specified the lots and blocks included, but three lots were overlooked. The land for these lots was included in the original approval but was not designated by the proper lot numbers. The amendment therefore would resolve a technical problem while including no additional property.

The Commission approved the amendment to include lots 1.01, 1.02, and 1.05 as proposed in a motion made by Mr. Jones, seconded by Mr. Sayen and passed unanimously.

Hillsborough Square Associates

Mr. Amon explained that Hillsborough Township Planning Board approved the Hillsborough Square Associates project and sent notice of approval to the Commission. Since all required materials had not been received, a notice of incomplete application was sent to the project sponsor indicating the information required and stating that no further action will be taken until all information is received. There was no response from the applicant. Mr. Kropp later discovered that construction had already begun on the project. He notified the project sponsor by letter that there was a possible violation of the Canal Commission regulations, and, again got no response. Mr. Kropp then contacted the Township Engineer, the Planning Board, and the Building Inspector. It was explained to him that Hillsborough had granted preliminary approval in 1975 but revisions to the original plans required the project sponsor to resubmit the plans to the township for preliminary and final approval. At that time the project came under the jurisdiction of the Canal Commission.

Mr. Gray explained that the statute requires the Canal Commission to review municipal permits within 45 days of submission. The review zone regulations interpret this as 45 days from the time the application is accepted as complete. He said that, according to the Township Attorney, the Township assumed that the 45-day time period had elapsed without action from the Canal Commission, therefore approval was automatic, and a building permit was issued.

Mr. Gray went on to say that the Township Planning Board Attorney is willing to work with the Canal Commission and the developer through negotiations to resolve the problem. Although Mr. Gray feels that the Canal Commission has a strong case, he recommends that they settle the matter out of court if possible. He also recommended that in the future notices of incomplete application be sent to the municipality with a copy to the developer and the letter should indicate that unless the information requested is received the project will be rejected.

(Mayor Holland left the meeting at 1:25.)

Mr. Jones moved to negotiate with the decision to litigate dependant on the outcome of the negotiations. The motion was seconded by Mr. Zaikov.

Further discussion followed and Mr. Jones withdrew his motion.

Mr. Jones proposed another motion to authorize the Deputy Attorney General, the Executive Director, and the Engineer to negotiate with Hillsborough Township and the developer to the nth degree; if negotiations fail, the attorney is authorized to file suit to invalidate the municipal approval. The motion was seconded by Mr. Zaikov and carried unanimously.

D & P Industrial Park

Mr. Amon reminded the Commission of the D & P Industrial Park project in Franklin Township that involves the possible widening of Canal Road. Somerset County is requiring the developer to widen the road as part of the industrial park project. Mr. Amon wrote to Somerset County to express his opposition to the road-widening but pointed out that the Canal Commission, not he, had the power to make that decision. He also stated that, although the relation of the road and the canal is important, he felt that no action should be taken until the project is formally presented to the Commission with municipal approval, following the normal procedures.

Mr. Sayen felt that the Canal Commission should formally state that it is against any future plans to widen the road. Mr. Jones reiterated that this project must come before the Commission and that formal action will be taken at that time.

Leases

It was moved by Mr. Sayen and seconded by Mr. Jones to approve the Gulick lease as presented. The motion was carried unanimously.

10 Mile Lock Pumping Station

Mr. Amon reminded the Commission members that about a year ago a pumping station

was installed at the Raritan-Millstone confluence to supply water to canal customers in times of emergency. The Water Supply Authority was present to submit revised plans for the addition of a 4th pump and structure to house all of the pumps rather than the large pumping station previously planned.

Mr. Kroeck showed the site plan to the Commission and explained the project in detail. He explained that the pump house will be a wood frame structure on pilings with a wooden skirt to give the appearance of sitting on the ground. He estimated the cost of this project to be approximately \$450,000.

Mr. Amon recommended that the project be approved subject to the following conditions:

1. that an Office of Historic Preservation archaeologist supervise the digging; (Mr. Guidotti stated that this is required.)
2. the downstream pipe be accompanied with 30' of rip-rap upstream and downstream;
3. the steel plate on the towpath be covered with dirt; and
4. that more appropriate siding be used such as the siding on the locktender's house near the site.

Dr. Hamilton felt that weathered wood would be unobtrusive. Mr. Jones felt that a cedar or redwood cover should be used rather than plywood. Mr. Sayen suggested using the recommended siding with the Canal Commission choosing the stain to be used.

Mr. Jones moved to approve the project as presented with the conditions that: 1) the stain to be used will be selected by the executive director, and 2) that rip-rap be installed 30' upstream and downstream of the pipe in accordance with the specifications in the Design Guide. The motion was seconded by Mr. Zaikov and carried unanimously.

Perdicaris Place Waste Gate

Mr. Kroeck informed the Commission that stone on the upstream wing wall has been added to the plans and that the rip-rap specifications will be revised. He estimated that the project will get underway mid-May.

(Mr. Torpey left at 3:00.)

Watershed Designation in Somerset County

Mr. Kropp explained that areas of Franklin Township and Hillsborough Township were redesignated as Class I watersheds because these areas are affected by the pumping station at 10 Mile Lock. A designation of a watershed as Class II requires review for water quantity only. The change to Class I includes review for water quality as well. Mr. Kropp notified Somerset County, Franklin and Hillsborough Townships of the change after it was brought to the attention of the Commission at the

20 October 1981 meeting. Mr. Gray felt, however, that a formal resolution should be passed stating the Commission's policy and it should be determined whether or not this will apply to projects that have not received municipal approval, but are presently on our pre-application files.

Mr. Jones moved to establish as policy of the Commission that, as of this date, 16 March 1982, the Commission will exempt from water quality but not water quantity standards, any project that has received municipal approval prior to 16 March 1982 in those areas affected by the installation of the new pumping station in Somerset County. The motion was amended to include the fact that the watershed designation is changed in parts of Somerset County as a result of the installation of the pumping station. The motion was seconded by Dr. Hamilton and carried unanimously. It was suggested that Mr. Gray draw up a formal resolution.

Review Zone Officer Qualifications

Mr. Amon told the Commission that he had received a letter from the New Jersey State Board of Professional Engineers and Licensed Surveyors with a complaint that our Review Zone Officer is not a licensed engineer. Mr. Amon met with the board who strongly suggested that the Canal Commission employ a licensed engineer.

Mr. Amon spoke to General Whipple about using a licensed engineer from Water Resources to review and sign Mr. Kropp's work. The question of liability was raised and General Whipple said he would discuss the matter with the attorney at Water Resources.

Mr. Amon recommended that the job description of the Review Zone Officer be changed to include the requirement that the Review Zone Officer be a licensed engineer or under the supervision of a licensed engineer. The motion was made by Dr. Hamilton, seconded by Mr. Zaikov, and carried without dissent.

Executive Director's Report

Mr. Jones recommended that Commissioner Hughey be invited to our next meeting.

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