



MINUTES FOR THE MEETING OF 18 MAY 1982

TIME: 12:00 noon to 3:45 p.m.
 PLACE: The Canal House
 25 Calhoun Street
 Trenton, New Jersey
 DATE: Tuesday, 18 May 1982

ATTENDING:

COMMISSIONERS: Messrs. Kirkland, Jones, Jessen, Zaikov, Torpey, and Holland

STAFF: Mr. Amon, Mr. Kropp, Mrs. Perilli

DAG: Mr. Gray

GUESTS: Catherine Levine, DEP
 Louis Herald, Canal Park Headquarters
 Abe Shaikh, Donald Kroeck, NJWA
 Dorothy Bayliss, Lawrence Township Environmental Commission
 Peggy McNeil, Mercer County 208
 Barry Mandelbaum, Mr. Richards, D & P Industrial Park

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 18 May.

It was moved by Mr. Zaikov and seconded by Mr. Jessen to approve the minutes of the meeting of 20 April as presented. The motion was carried unanimously.

Review Zone Action

Mr. Jessen moved to approve the Montgomery Car Wash project (82-0110) with the condition specified in Schedule A. The motion was seconded by Mr. Zaikov and carried unanimously.

Mr. Jessen moved to approve the Worlds Fair project (80-0020E) with the condition specified in Schedule A and the Public Storage, Inc. project (82-0115). The motion was seconded by Mr. Torpey and carried with Mr. Zaikov abstaining.

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

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 James C. Amon

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

D & P Industrial Park

Mr. Amon reminded the Commission of the D & P Industrial Park project in Franklin Township and the problem resulting from Somerset County's request that Weston Canal Road be widened by the project sponsor as part of the project. Somerset County is now requiring that the industrial park have acceleration and deceleration lanes in both directions in front of the project and that the builder prepare the land for complete paving.

Mr. Amon pointed out that the county ultimately plans to have a 40 foot road from the point where I-287 crosses the canal to the Weston Causeway. He maintained that the widening of this road, albeit on the side away from the canal, will have a harmful impact on the Canal Park. He pointed out that the industrial park project is in accordance with the Canal Commission regulations and that his only concern was the widening of the road. However, Somerset County will not approve the project without the road improvements, leaving the project sponsor caught in the middle.

Mr. Mandelbaum, attorney for the builder, said that he was attending this meeting in hopes of receiving an informal statement of the Canal Commission's position.

Mr. Jones asked if the county has the power to obligate the builder to make these improvements and was told that the county claims that traffic will be increased as a result of this development, therefore the county claims the right to require these improvements. It was pointed out that the project's traffic will use Appgar Drive rather than Weston Canal Road.

Mr. Jessen suggested that another roadway be constructed with a 10 foot island between the new road and the old road, raising the new road with a buffer between the canal and the road. He also pointed out that the Canal Commission should be concerned about Somerset County's long term plans to widen that entire stretch of road, not just the section that is in front of the industrial park project.

It was suggested that the meeting enter executive session to hear from counsel regarding this matter.

Mr. Torpey presented the following motion: "Whereas the Open Public Meeting Act provides that under certain circumstances the Commission enter executive session; and whereas the Commission feels that the circumstances now exist, the Commission wishes to enter executive session to hear the advice of its attorney relative to this issue and will disclose the nature of this discussion under closed session when it acts on this project."

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

At the conclusion of the executive session Mr. Kirkland explained to the developer of the D & P Industrial Park that a subcommittee of the Canal Commission will meet with Somerset County and that the Canal Commission will have recommendations for the project by the June meeting. Mr. Kirkland pointed out that the Commission was not able to give its recommendations at this time because this involves a major policy decision involving more than just this project.

(Mayor Holland left the meeting at 2:10.)

Mr. Mandelbaum requested that a letter be sent to the Franklin Township Planning Board stating that the Canal Commission's concern is with the road widening, not the project itself.

Leases

The Bernard lease was unanimously approved in a motion made by Mr. Torpey and seconded by Mr. Jones.

Shipetaukin Creek Culvert

Mr. Kroeck told the Commission that plans were prepared for this project in 1974. The drawings and specifications have been finished but will be shelved until Site 7A, a proposed dam on the Shipetaukin, is resolved.

Mr. Amon recommended approval of the plans presented with the revision of the specifications to establish rip rap on both banks in accordance with the Canal Commission standards set forth in the DESIGN GUIDE the entire length of the disturbed area, not merely to repair the rip rap to its pre-development condition.

It was moved by Mr. Jones to approve the project as submitted with the inclusion of the rip rap work as recommended by Mr. Amon. The motion was seconded by Mr. Jessen and carried unanimously.

Black River and Western Railroad

Mr. Willard Knowlton of Lambertville told the Commission that his wife and a painter working on his house saw a vehicle on the railroad tracks spraying vegetation along the canal, into the canal, and on a duck on the banks of the canal.

The Commission discussed various modes of action and unanimously passed a resolution made by Mr. Jones and seconded by Mr. Torpey recommending that the Executive Director contact the Division of Water Resources and the Office of Water Pollution Control requesting their investigation and action, and to contact the Black River and Western Railroad to inform them that further such action will be met with a referral to the Attorney General's office.

Access Node --- Millstone Aqueduct

Mr. Amon said that there is no presentation for this project -- it was put on the agenda because he had expected the Division of Parks to discuss this for the past few months. He pointed out that conceptual approval had been granted for this project in June 1979, but final plans have never been submitted.

It was suggested that this and other problems relating to Canal Park improvements should be discussed with the new administration. Mr. Amon was directed to send a memo to Mr. Guidotti asking when the Commission can expect to see the plans for the Millstone Aqueduct access node.

Fiscal Year 1984 Budget

The FY 84 budget was unanimously approved in a motion presented by Mr. Jessen and seconded by Mr. Jones.

Executive Director's Report

Mr. Amon requested a 5% ingrade increase for Mr. Kropp and Mrs. Perilli effective 1 July 1982. It was moved by Mr. Zaikov and seconded by Mr. Jones to approve Mr. Amon's request. The motion was carried without dissent.

Mr. Amon reported on the meeting between the subcommittee of the Commission and PRC Harris that was held on 11 May. The main issue from the Canal Commission's standpoint is taking advantage of the opportunity to do great amounts of cosmetic work on the canal. Mr. Sayen, although unable to attend today's meeting, said he would not approve the dredging project if no attention is paid to these repairs. Mr. Amon pointed out that it was reported to him that General Whipple has been appointed to head a study of rip rap repair along the canal. General Whipple had not heard about it however.

Mr. Kirkland suggested that the Canal Commission should request that 1% of the total cost of the project be applied to cosmetic repairs. Mr. Amon felt that, rather than requesting a specified sum or percentage, a list should be drawn up stating the repairs needed, and he suggested that a resolution be passed stating that the cultural and environmental aspects of the project must be dealt with.

Mr. Jessen recommended that this topic be placed on the June agenda and that a resolution be drawn up to be acted on at that time.

(3:25 Mr. Torpey left the meeting. Informal discussed followed due to the lack of a quorum.)

Public Forum

Dorothy Bayliss of the Lawrence Township Environmental Commission told the Commission of a large project immediately adjacent to the canal known as Princeton South at Lawrenceville. She expressed her concern that this project will present certain environmental problems and wanted to alert the Canal Commission to this project.

The meeting was adjourned at 3:45 p.m.