



MINUTES OF THE MEETING OF 28 JANUARY 1986:

TIME: 12:22 -2:40 pm
DATE: Tuesday, 28 January 1986
PLACE: Commissioner's Office
Labor & Industry Building
Trenton, New Jersey 08625

ATTENDING:

COMMISSIONERS: Messrs. Torpey, Zaikov, Kirkland,
Holland, Marshall and Mrs. Nash

STAFF: Messrs. Amon, Baill, Mrs. Greenwald
and Ms. Blomkvest
Mrs. Dorothy M. Highland, DAG

GUESTS: Ursula Buchanan, D & R Canal Coalition
Michael M. Baker, Buckeye Pipe Line Co.
Robert R. Pasdon, Sun Pipe Line Co.
Richard Famularo, Water Supply Authority
Margen Penick, D & R Canal Coalition
C. McKim Norton, D & R Canal Coalition
Denyse Reid, D & R Canal Coalition
Bill McKelvey, Canal Society of N.J.
Larry Pitt, Canal Society of N.J.
David MacRae, D & R Canal Coalition
Paul Stern, D & R Canal State Park
Linda J. Ditmars, Glen Afton Residents

Mr. Kirkland opened the meeting and stated that all applicable provisions of the Open Public Meeting Law of 1976 had been properly met.

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EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Robert E. Hughey	Stuart R. Zaikov	Winona D. Nash
James C. Amon	<i>Chairman</i>	<i>Vice-Chairman</i>	<i>Treasurer</i>	Bruce A. Hamilton	Arthur J. Holland	Frank J. Torpey

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

Glen Afton Fence Issue

Mr. Kirkland allowed representatives from Glen Afton to speak to the Commission ahead of other business matters at the request of Mayor Holland.

Ms. Linda Ditmars, whose property adjoins the canal in the Glen Afton section of Trenton, distributed copies of her letter and requested that the Commission reconsider its approval of a fence separating Glen Afton yards from the Canal Park. She asserted that the Glen Afton Civic Association does not represent her and many other residents and that their vote (which resulted in approval of a fence) of January 7th was irregular.

Mayor Holland stated that he has worked with the Civic Association President, Al Segal, for many years on this issue and he thought the solution was to erect a fence and allow homeowners to put gates on it at their expense if they so desire.

Mr. Marshall stated that this solution was unacceptable because it prevents a final satisfactory solution. He pointed out such complications as when homes change hands and pro-gate homes become anti-gate homes (or vice-versa), and that a residents safety may be threatened by a neighbor's gate.

Mrs. Nash stated her opposition to fences because the person on the towpath is trapped by them.

Mr. Zaikov expressed his belief that the State should not be erecting fences. He said that individual property owners should do that if they so desired.

Mrs. Penick stated that the D & R Canal Coalition has adopted a policy opposing fences but that where they are necessary they should be constructed of natural materials.

Mr. Zaikov suggested that the issue be re-opened.

Mr. Marshall pointed out that a long process of discussions with the Glen Afton community had been carried out and that the result of this was a promise by the DEP and Canal Commission to erect a fence if the Civic Association agreed. He stated that the Civic Association clearly voted for the fence.

Mr. Zaikov moved to reconsider the motion of April 1985 regarding the fence. This motion was seconded by Mr. Torpey with the following votes. Messrs. Zaikov, Torpey, Holland, Kirkland and Mrs. Nash voting in favor. Mr. Marshall voted no.

Mr. Holland wished to clarify his vote. He stated that he was strictly voting for reconsideration of the issue. He was not voting approval or disapproval of the fence.

Public forum was then closed.

MINUTES

Mr. Norton requested that the following sentence be added to the minutes of the meeting of 19 November 1985. "Mr. Norton said that the Coalition does not wish to make a specific statement about this plan [at this time] but that they would like to see trees on both sides of the towpath." After some discussion Mr. Marshall moved approval of the minutes with the amendment. The motion was seconded by Mr. Kirkland and unanimously approved.

ELECTION OF OFFICERS

Upon a motion by Mr. Zaikov and a second by Mr. Torpey it was unanimously voted that Mr. Jones would remain Treasurer and Mr. Jessen would remain Vice-Chairman.

MEETING DATE

Mr. Kirkland announced that the Commission must set its meeting schedule for 1986. Mr. Zaikov suggested that the date be kept the third Tuesday of each month except when holidays conflict.

Mrs. Nash said that she would like to see the meeting time changed to evenings. Mr. Holland said that evenings would suite him better also and he moved that the Commission alternate between day and evening meetings at various locations. Mrs. Nash seconded the motion.

Speaking from the floor, Mrs. Penick, Mr. Norton, and Mr. MacRae spoke strongly for evening meetings. It was stated that the Commission is suffering from a failure of confidence and this is partly because, virtually alone among State agencies, the Commission meets during the day instead of at night.

Mr. Torpey and Mr. Zaikov stated that evening meetings would be inconvenient for them. Mr. Torpey requested that the decision be post-poned until all of the Commissioners have a chance to comment.

Mr. Holland then withdrew his motion and Mrs. Nash withdrew her second.

LEASES AND PERMITS

Mr. Amon presented the following leases to the Commissioners for their approval:

PSE & G	Land
Faherty's Pub	Land

Upon a motion by Mr. Torpey and a second by Mr. Zaikov the above leases passed unanimously.

Mr. Amon stated that he had one permit for approval. The Water Supply Authority has obtained a stream encroachment permit to clear sediment from a stream in Lawrence Township. He said that this project will make amends for damage done in 1974 when emergency repair work was done on the canal. Mr. Torpey moved for approval, Mr. Zaikov seconded the motion and it passed unanimously.

REVIEW ZONE PROJECTS

Mr. Amon presented the following A Zone projects to the Commissioners for their approval:

85-0903	Carl & Elizabeth Price
85-0842	Joseph D'Angiolillo
85-0904	Maury Tome

Following a motion by Mr. Torpey and seconded by Mrs. Nash the above A Zone projects passed unanimously.

Mr. Baill then presented the following B Zone projects to the Commissioners for their approval:

82-0107	Triangle Road Associates
83-0238-A	Chronar Site
85-0897	Process Research Products Company
84-0314	Raider Blvd. Industrial Park, Inc.
85-0811	Meadow Road Retail Center
*85-0791	State Police Facility
85-0737	Vianney Convalescent & Day Care Center
85-0765	19 Schoolhouse Road
84-0336-A	Society Hill @ Somerset II
84-0572	Ashleigh Woods
84-0451	Rosedale Acres
85-0852	Susse Chalet
84-0417-A	Headquarter Park, Bldg. #2
85-0801	The Say Group

*85-0791 Condition: Details for embankment protection at the stormwater discharge outlet to the canal must be submitted to the Executive Director of the D & R Canal Commission. Approval is subject to acceptable historical and aesthetic criteria.

Following a motion by Mrs. Nash, seconded by Mr. Zaikov the above projects were unanimously approved.

BUCKEYE PIPE LINE COMPANY

Mr. Michael Baker from Buckeye Pipe Line Company explained to the Commissioners his company's request to have their pipe line right-of-way cleared so that it could be effectively surveyed by airplane. It was noted that no trees greater than three inches in diameter would be cut but that brush and some limb trimming would take place.

Mrs. Penick said that an unfortunate precedent is being set by allowing air planes to fly over the canal. She also stated that no trees whatsoever should be cut in the park including young growth. Mr. Amon pointed out that the flights have been going on for thirty years and would not be changed by this approval.

Mr. Zaikov moved that the Commission approve the request with the condition that Buckeye Pipe Line Company must make annual reports on the maintenance work they have performed during the past year and their plans for the year coming. Mr. Torpey seconded this motion and it passed unanimously.

SUN PIPE LINE COMPANY

Mr. Robert Pasdon from Sun Pipe Line Company explained that his company had a similar request. Mr. Amon stated that he had walked the pipe line right-of-way (West Windsor, Plainsboro, and South Brunswick Townships) with Mr. Pasdon and his memorandum to the Commissioners outlined his determination of what could be permitted to be cleared without causing a harmful impact on the Canal Park.

Mr. Amon pointed out that most of the right-of-way is either under roads (Canal Road and Mapleton Road) or runs through areas that are presently open and will require no cutting. In those areas where clearing will be needed the issue is one of slightly widening already existing clearings rather than cutting through forests. At no place will trees greater than 4 inches in diameter be cut.

Mr. Zaikov then moved approval with the same condition as held for Buckeye. Mr. Torpey seconded the motion.

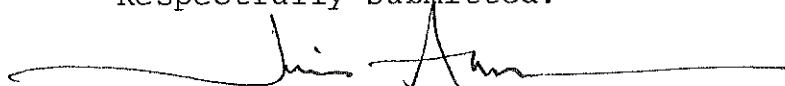
Several members of the Coalition spoke in opposition to the motion.

After a lengthy discussion Mr. Zaikov called the question and it passed unanimously.

The meeting was adjourned at 2:40 p.m.

Following the adjournment Mrs. Denyse Reed showed a number of slides she had taken along the pipe line right-of-way and of areas where the Canal Pointe development is causing siltation problems alongside the canal.

Respectfully Submitted:



James C. Amon
Executive Director