



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF 20 APRIL 1988:

TIME: 12:15 - 3:10 pm
DATE: Wednesday, 20 April 1988
PLACE: Canal Commission's Office
Stockton, New Jersey

ATTENDING:

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

STAFF: Messrs. Amon, Dobbs and Mrs. Greenwald
Mrs. Dorothy M. Highland, Deputy Attorney General

GUESTS: William Pauley, Nominee for Commission
Richard Famularo, N.J.W.S.A.
Donald Kroeck, N.J.W.S.A.
Gene Gross, N.J.W.S.A.
Gary Stone, Office of Natural Resources
William McKelvey, Canal Society of N.J.
David & Mia McRae, D & R Canal Coalition
Larry & Kay Pitt, Canal Society of N.J.
Ursula Buchanan, D & R Canal Coalition
Dolly Minis, D & R Canal Coalition
Abaigail Barrows, D & R Canal Coalition
Dr. Joan Goldstein
Ken R. Hansen
Jessica Bills, Mansion Hill Project
Richard Goldman, Mansion Hill Project
Russ Wilbert, Mansion Hill Project
Debbie Rentschler, Mansion Hill Project
David Knights
Paul Stern, D & R Canal State Park

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

MINUTES

Mr. Jones made a motion to approve the minutes from the meeting of 16 March 1988. Mr. Jessen seconded the motion and it passed unanimously.

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EXECUTIVE	COMMISSIONERS						
DIRECTOR James C. Amon	Benjamin B. Kirkland <i>Chairman</i>	Martin D. Jessen <i>Vice-Chairman</i>	Donald B. Jones <i>Treasurer</i>	Stuart R. Zaikov Arthur J. Holland	Richard T. Dewling John C. Bullitt	Winona D. Nash Frank J. Torpey	

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Thomas H. Kean, *Governor* Richard T. Dewling, *Commissioner*

DEPARTMENT OF TRANSPORTATION - HARRISON STREET

Mr. Amon informed the Commissioners that the Department of Transportation is requesting that the Commission convey to them two bridge easements and two slope easements, of a permanent nature, encumbering 2,402 square feet and a construction easement, of a temporary nature, on 17,868 square feet for the construction and maintenance of a bridge and appurtenances over the Delaware and Raritan Canal in the Townships of Princeton and West Windsor, Mercer County. Following some discussion Mr. Jessen moved approval with the following condition:

The tree indicated as a 36" oak on the General Property Parcel map dated "January 1987" must be protected during the period of construction easement by parking construction trailer(s) under it, by constructing a four foot tall cyclone fence at the drip line plus 5 feet, or by some method proposed by the Department of Transportation and approved by the Canal Park Superintendent and the Canal Commission Executive Director.

Following Mrs. Nash's second, the above project passed unanimously.

REVIEW ZONE PROJECTS

Mr. Amon presented the following review zone projects to the Commissioners with his recommendation for approval:

88-1638 - Gary Wischner
88-1637 - Stuart Freedenfeld

Upon a motion by Mr. Jessen, seconded by Mrs. Nash, the above projects were unanimously approved.

Mr. Amon then presented a project which was both in the A & B Zone with his recommendation for approval:

87-1529 - Exxon (Lawrence)

Mr. Jessen moved approval of the above project. The motion passed unanimously following Mr. Jones' second.

Mr. Dobbs presented the following B Zone projects to the Commissioners with his recommendation for approval:

87-1262 - Willow Creek
N/A - DOT - College Road Overpass
88-1590 - Cranbury Walk
87-1467 - Bradgate Associates
87-1483 - Gateway Business Park

Mr. Zaikov moved approval of the above projects. Following Mr. Jones' second the motion carried unanimously.

12:40 - Mayor Holland arrived.

MANSION HILL PROJECT

Mr. Amon informed the Commissioners of the background of the Mansion Hill project with regard to the remaining quarry houses and the Certificate of Approval that was previously issued. Following some heated discussions Mr. Zaikov moved approval of the alteration of the Mansion Hill Certificate of Approval as follows:

1. Only one of the quarry workers' houses will be kept, the one which is presently sheathed in red asphalt covering. This house shall be moved to a location nearer the canal to be located in the field with the participation of the Canal Commission's Executive Director. The foundation of the house will either be moved with the house or dismantled and the stones used in the reconstruction of a new foundation. The restoration will be true to the architectural integrity of the building and final plans will be approved by the Canal Commission. A permanent deed restriction will prohibit future owners of the property from destroying the house and evidence of the filing of that deed restriction will be submitted to the Canal Commission.
2. Fifty red cedars of mixed sizes ranging between 3 and 9 feet in height will be planted along the towpath in a pattern selected by the applicant, the Canal Commission's Executive Director and the Canal Park's Superintendent. All trees will be staked, mulched, and carry a one year guarantee.
3. A bench and historical sign will be erected along the towpath with enclosing landscaping of white flowering dogwood and viburnum dentatum. The design, exact location, and details of the material to be on the sign will be approved by the Canal Park's Superintendent and the Canal Commission's Executive Director. All trees will be staked, mulched, and carry a one year guarantee.

Mr. Jones seconded the motion. The motion carried with the affirmative votes of Messrs. Kirkland, Torpey, Jones, Zaikov, Torpey and Holland, and the negative votes of Mrs. Nash and Mr. Jessen.

BUDGET FOR FY 1990

Mr. Amon presented the Commissioners with a budget request for FY 1990. Mr. Jessen moved approval of the budget as submitted. Mr. Torpey seconded the motion and it passed unanimously.

FIVE YEAR BUDGET PLAN

Mr. Amon distributed a 5 year budget plan for the Commission's needs. Following some discussion Mr. Zaikov moved approval with the change of the title of Community Action Officer to Community Liaison Assistant. Mr. Jessen seconded the motion which carried unanimously.

DISCUSSION OF DRAFT REVIEW ZONE REGULATIONS

Mr. Amon told the Commissioners that he and Mr. Dobbs were still in the process of reviewing the written comments on the proposed Review Zone Regulations but he wanted to discuss the procedure for adoption with the Commissioners. The first step is the preparation of a "Response Document", which consists of a written response to each comment received. The Response Document must be approved by the Commission and by the DEP's Office of Regulatory Services, then published in the New Jersey Register. Mr. Amon said that he and Mr. Dobbs would have a draft of the response document ready for the Commissioners to review and respond to at the 18 May meeting.

Mr. Zaikov said that he has grave concerns with the proposed regulations, particularly with the following matters:

1. He views the regulations as a property taking without compensation. The 100 foot buffer on stream corridors is arbitrary and will deprive developers the use of thousands of acres.
2. There should be a grandfather clause excluding projects that are in advanced planning stages.
3. He believes that there are already enough regulatory agencies in the State and this is a severe handicap to developers.

Mr. Zaikov stated that he is dead set against the proposed regulations and he would like to have the Deputy Attorney General review the regulations, the responses, and to prepare a legal analysis of the Commission's position.

Mr. Jessen said that he does not clearly understand the stream corridor provisions. He asked if we knew how many acres will be included in these corridors.

It was, however, decided that it would be best for the Commission to wait until the meeting of 18 May before addressing these matters.

2:15 - Mr. Marshall left.

WATER SUPPLY AUTHORITY PROJECT

Mr. Kroeck distributed material relating to the WSA's plans for the reconstruction of the Griggstown waste gate. He reviewed the elements of the plan and asked for conceptual approval from the Commission

2:25 - Mr. Zaikov left.

Mr. Jessen moved to approve the changes as proposed by the Water Supply Authority. This motion carried unanimously following Mayor Holland's second. A copy of this action should be sent to the Historic Sites Council.

3:00 - Mayor Holland left.

ADJOURNMENT

The meeting was adjourned at 3:10 pm.

