



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF 16 NOVEMBER 1988:

TIME: 12:10 - 3:40 pm
DATE: Wednesday, 16 November 1988
PLACE: Canal Commission's Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Kirkland, Torpey, Jones, Jessen, Zaikov,
Torpey, Marshall, Pauley, & Mrs. Nash

STAFF: Messrs. Amon, Dobbs and Mrs. Greenwald
Stephen E. Brower, DAG

GUESTS: Ursula Buchanan, D & R Canal Coalition
Paul Stern, D & R Canal State Park
Larry & Kay Pitt, Canal Society of N.J.
Gerald Jurrens, Kingston Resident
Eugene Gross, NJ Water Supply Authority
Babs Thomsen, Friends of Princeton Open Space
Abigail Barrows, D & R Canal Coalition
Peter Lanfrit, Lanfrit, Liscinski & Rosenwasser, Esq.
Paul Baerman, Snell Environmental Group
Ellen Ritchie, Planning Director, Franklin Township
James Pettit, Franklin Township Engineer
Robert Mettler, Councilman, Franklin Township
David MacRae, D & R Canal Coalition
Dolly Minis, D & R Canal Coalition
Frederick Brown
Milton Levin, Lawrence Historical Society
Mark R. Roby, Texas Eastern Transmission Complex
Bruce Cheek, Texas Eastern Transmission Complex
Mark Platz, Donald H. Stires Associates
Stephen Osborne, Trap Rock Industries, Inc.
George Conway, Trap Rock Industries
John Kraml, State Park Service

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

PRALLSVILLE MILLS

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**EXECUTIVE
DIRECTOR**
James C. Amon

COMMISSIONERS
Benjamin B. Kirkland
Chairman

Martin D. Jessen
Vice-Chairman

Donald B. Jones
Treasurer

Stuart R. Zaikov
Arthur J. Holland

Christopher J. Daggett
R. William Pauley

Winona D. Nash
Frank J. Torpey

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Thomas H. Kean, *Governor* Christopher J. Daggett *Acting Commissioner*

EXECUTIVE SESSION

Mr. Kirkland stated that the Commission would enter into executive session prior to the public meeting. He asked for a resolution to do so. Mr. Zaikov moved that the Commission enter into executive session in order to discuss an issue relating to attorney client relations and in order to discuss ongoing litigation in which the Commission is involved. The record on both issues would be made available to the public as soon as the issues are resolved. Mrs. Nash seconded the motion and it passed unanimously.

At 1:05 pm Mr. Kirkland reopened the public meeting by stating that the action taken on the pending legal matter would be made public at its conclusion. The other subject discussed in executive session relates to the presence of a quorum at the October meeting at the time of the vote on the Port Mercer's proposed bridge. The conclusion was that there was not a quorum and a new vote will be taken later in this meeting.

MINUTES

Mr. Torpey moved approval of the minutes of 19 October 1988. His motion carried unanimously following Mr. Pauley's second.

LEASES AND PERMITS

Mr. Amon reported that he had one lease and one permit that required Commission approval. The lease is for a small strip of land that Faherty's Pub in Washington Crossing leases from the State. Mr. Jessen moved approval of the Faherty lease. His motion carried unanimously following Mr. Jones' second.

Mr. Amon then presented Texas Eastern's request for a pipeline crossing of the Canal in Franklin Township. Following some discussion Mr. Pauley moved approval of the request. His motion was seconded by Mr. Kirkland and passed with affirmative votes from Messrs. Torpey, Jones, Zaikov, Pauley, Kirkland, Marshall and Mrs. Nash. Mr. Jessen abstained.

REVIEW ZONE PROJECTS

Mr. Amon presented the following A Zone Projects to the Commissioners with his recommendation for approval:

88-1697 - Faherty's Pub

Faherty's Pub is requesting permission to install an outdoor deck for eating purposes on an existing pub. After some discussion, and the

realization that if they were not happy the Faherty lease would not have to be renewed in the future, Mr. Jessen moved approval of the project. Mr. Torpey seconded the motion and it carried with affirmative votes from Messrs. Torpey, Jessen, Zaikov, Pauley, Kirkland, Marshall and Mrs. Nash. Mr. Jones voted against the project.

Mr. Amon then presented the other A Zone project to the Commissioners with recommendation for approval:

88-1710 - Mather Residence

Mr. Jessen moved approval of the above project. His motion passed unanimously following Mr. Torpey's second.

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

88-1665 - Ettl Farm
87-1569 - Flemer Project
88-1670 - Franklin Town Center
88-1704 - Forsgate Industrial Complex S-114
87-1352 - Alard Realty
88-1686 - Stonegate
88-1620 - SUVA International

Mr. Jessen moved approval of the above projects with the exceptions of the two Hovnanian Projects 87-1569 - Flemer Project and 88-1670 - Franklin Town Center. Mrs. Nash seconded the motion which carried unanimously.

Mrs. Nash then moved the approval of the two Hovnanian Projects 87-1569 - Flemer Project and 88-1670 - Franklin Town Center. Mr. Pauley seconded the motion. The motion carried with yes votes from Messrs. Torpey, Zaikov, Pauley, Kirkland, Marshall, Jones and Mrs. Nash. Mr. Jessen abstained.

PORT MERCER CROSSING OF THE CANAL (YORKSHIRE VILLAGE PROJECT)

There was some discussion as to whether the vote was valid at the October meeting on the Port Mercer Crossing of the Canal. Mr. Zaikov then wanted it put on the record that he and his company had had past dealings with Mr. Herzog, applicant for the Yorkshire Village project, but that was in the past and would not influence his decision. Mrs. Nash stated that she was not at the October meeting but wanted to voice her concerns over the Commission's actions at that meeting. Mrs. Nash said that if the second choice of the Commission (as expressed in its October resolution) is selected by

Lawrence Township (as is certain to happen) it will mean that a traffic light will be erected right on the bank of the canal. She feels that this is unacceptable.

Mr. Jessen said that the worst possible result would be to leave the present situation as is. It is destroying the character of Port Mercer.

Mrs. Nash said that the Commission should say that the new development will not be permitted at all unless the kind of bridge we want is built.

There was considerable discussion about the various alternatives and the relationship between the township's authority and that of the Canal Commission.

Mr. Kirkland suggested that the Commission adopt a resolution that recommends a single solution which reflects what the Commissioners feel is the best thing for the Canal Park.

Mr. Amon reminded the Commissioners that the Canal Park Law of 1974 explicitly states that the Commission is given regulatory authority because the several municipalities along the canal often made land use decisions that reflect local expediencies that are harmful to the canal as a state-wide resource.

Mrs. Nash made the following resolution:

The Canal Commission prefers to close the existing [Port Mercer] bridge and road on the west bank (Province Line Road) at the intersection with the new bridge. Build a new two lane bridge at the proposed location with no intersection on the west bank.

Mr. Torpey seconded the motion and it passed unanimously.

TRAP ROCK

Mr. Peter Lanfrit and Mr. Paul Baerman presented the proposal of Trap Rock Industries to construct a new administration building, a very long private access drive from both Route 27 and Route 603, and to relocate a portion of Route 603 (Laurel Avenue) nearer the canal.

3:15 Mrs. Nash left.

The access drive and the administration building are B Zone projects and have been designed to comply with the Commission's standards for storm water management.

The relocated road, however, would be approximately 300 feet from the Canal Park so it was considered for visual impact as well. Mr. Baerman pointed out that berms with extensive stone outcrops would be built to screen the road and to mitigate noise from the road. The area would also be extensively landscaped to have a natural appearance.

Included in the amenities that Trap Rock will put into this area are:

1. A multi-use path on the railroad right-of-way between Rocky Hill and Kingston.
2. A 30 car parking lot.
3. A lavatory.
4. A reconstruction of the Canal House foundation to be used both for seating and to support display boards on the history of the canal and the quarry.
5. An easement on land near the end of the new road to restrict its use to conservation, agriculture, or historic structures.

There was some talk about the possibility of moving Rockingham to a property presently owned by Trap Rock. It was agreed, however, that this issue would require extensive study and should be separated from the present application.

Mr. Marshall said that he was not satisfied that all of the people in the Division of Parks and Forestry with an interest in this project were fully satisfied with the present proposal.

It was decided, therefore, to separate the A Zone portion of this project from the B Zone portions and to vote on the latter. This would allow the Division a month to complete its review.

Mr. Zaikov moved to approve the B Zone portions of this project. Mr. Pauley seconded the motion and it passed unanimously.

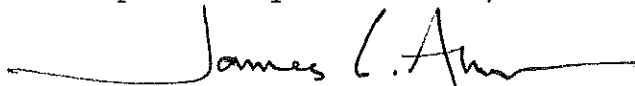
MASTER PLAN - SECOND EDITION

Mr. Amon then requested permission from the Commissioners to go to public hearings with the revised version of the Master Plan. Mr. Jones moved approval. His motion carried unanimously following Mr. Pauley's second.

ADJOURNMENT

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is written in a cursive style with a long horizontal stroke extending to the right.

James C. Amon
Executive Director

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