



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF 21 DECEMBER 1988:

TIME: 12:15 - 2:30 pm
DATE: Wednesday, 21 December 1988
PLACE: Canal Commission's Office
Stockton, New Jersey

ATTENDING:

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

STAFF: Messrs. Amon, Dobbs and Mrs. Greenwald
Stephen Brower, Deputy Attorney General

GUESTS: Paul Stern, D & R Canal State Park
Larry & Kay Pitt, Canal Society of N.J.
John Kraml, Division of Parks & Forestry
Eugene Gross, NJ Water Supply Authority
Babs Thomsen, D & R Canal Watch
Ursula Buchanan, D & R Canal Coalition
Milton Levin, Lawrence Historical Society
Jean Brandes, The Star Ledger
Bob Holst, NJ Builders Association
Kathleen Hogan, D & R Canal State Park
Adra Fairman, Rockingham Association
Peter Lanfrit, Trap Rock Industries
Mark D. Platz, Donald H. Sites Associates
Paul H. Baerman, S & G (Trap Rock Industries)
George M. Conway, Trap Rock Industries
Steve Osborne, Trap Rock Industries

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. Jessen moved to approve the minutes of the 16 November 1988 meeting. The motion carried unanimously following Mr. Pauley's second.

PRALLSVILLE MILLS P.O. BOX 539 STOCKTON, NJ 08559-0539 609-397-2000

EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Stuart R. Zaikov	Christopher J. Daggett	Winona D. Nash
James C. Amon	<i>Chairman</i>	<i>Vice-Chairman</i>	<i>Treasurer</i>	Arthur J. Holland	R. William Pauley	Frank J. Torpey

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

1989 MEETING SCHEDULE

Mr. Jones moved that the Commission continue to meet on the third Wednesday of each month at 12:00 Noon at the Canal Commission's Headquarters unless otherwise notified. His motion carried unanimously following Mrs. Nash's second.

REVIEW ZONE PROJECTS

Mr. Amon presented the following A Zone project to the Commissioners. He pointed out that the project site is within 1,000 feet of the canal but no part of the building can or will be seen from the park. He therefore recommended waiver of Commission requirements:

88-1717 - Mrs. Lee (Addition to existing home)

Mr. Jessen moved waiver of requirements for the above referenced project. His motion carried unanimously following Mr. Guidotti's second.

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

88-1723 - Oliver Exxon Service Station.

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

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

88-1677 - Kneisser Subdivision
88-1703 - Parkway Corporate Center
88-1218D - Town & County, Phase 4
86-1070A - Wyckoff Estates
88-0936B - Vantage, Buildings 5 - 8

Mrs. Nash moved approval of all the above projects. Mr. Jones seconded the motion which carried unanimously.

SOMERSET COUNTY PIKE RUN STUDY

Mr. Dobbs reported that Joseph Skupien of the Somerset County Engineering Department asked the Commission to allow two developments ("Simsbury West" and "Montgomery Meadows") to proceed without storm water detention basins. Water quality basins would be provided but calculations done by the county and their consultants, Killiam Associates, shows that there will be "no effect" downstream if these basins are not built. The county is concerned because they need contributions to their regional storm water fund and if we insisted on full basins the county would lose contributions.

Mr. Amon explained that the two developers wanted action and that he recommended that the Commission go along with Somerset County. Mr. Brower stated that you could run the risk of setting a prescient if these two projects proceed without the required detention.

Following some discussion Mr. Jones moved that the Commission ask the proper representatives from Somerset County to come to the January meeting to discuss the project in greater detail with the Commission. Mr. Pauley seconded his motion. The motion carried with yes votes from Messrs. Guidotti, Torpey, Pauley, Jones, Kirkland and Mrs. Nash. Mr. Jessen voted no.

TRAP ROCK INDUSTRIES

Mr. Paul Baerman, representing Trap Rock Industries, stated that the trees which Mr. Pauley expressed concern about at a recent field meeting would be saved. He showed the Commissioners where the trees were located on on the revised landscape plan.

Mr. Amon then distributed the following list of conditions for approval of project:

1. The final design of Route 603 as approved by Somerset County must be received and either conform with the preliminary design or be subject to approval by the Canal Commission.
2. All portions of block 1, lots 2 and 40 which lie between the right-of-way for County Route 603 and the Delaware and Raritan Canal State Park shall be dedicated to the State of New Jersey, Department of Environmental Protection, upon completion of all work approved as part of this application. Trap Rock Industries, Inc. agrees to pay for all legal fees and surveys involved in the transfer of these lands.
3. Detailed construction plans become part of this approval, specifically concerning the site outlined in 2 above. it is agreed that these plans may be revised based on further discussions by the Executive Director of the D & R Canal Commission, the New Jersey Water Supply Authority, the Division of Parks and Forestry, and the Trap Rock Industries, Inc., and agreed to and approved by all parties.

The following elements are considered as part of this plan and shall require approval.

- a. Landscape plan
- b. Comfort station structure and system
- c. Parking lot layout, surface, bumpers, and lighting
- d. Signing
- e. Park furniture, picnic tables, benches
- f. Information boards and interpretive signs

- g. Canoe launching details
 - h. Gates
 - i. Path treatment
 - j. Handicapped accessibility
 - k. Bridge tenders house, archeology, site location and plans
4. An easement shall be placed on those portions of block 1, lots 9 and 11 that lie between proposed County Route 603 and the Delaware and Raritan Canal State Park. This easement shall restrict use of this property to conservation, agricultural uses or for historic structures and their necessary facilities.
 5. All trees and shrubs planted as part of the "Delaware and Raritan Canal Landscape Plan" shall have a two year guarantee and shall be replaced with trees and shrubs of a similar size and of the same species at the applicant's expense if they are dead or dying within two years of their planting. All tree stakes, wire guys, or other material supporting the trees and shrubs shall be removed at the applicant's expense not sooner than one year nor later than two years after the trees and shrubs are planted.
 6. The applicant shall notify the Executive Director of the Delaware and Raritan Canal Commission and the Division of Parks and Forestry upon commencement of work on the site between proposed County Route 603 and the Delaware and Raritan Canal State Park. The Executive Director and the Division of Parks and Forestry shall have the opportunity to review the work as it progresses to assure compliance with the approved plans. They shall also review the completed work and notify the applicant in writing when it has been determined that the finished work is in full compliance with the applicable materials and terms of this approval.
 7. Trap Rock Industries, Inc. agrees to participate in the relocation of the Rockingham Historic Site. Trap Rock Industries, Inc., agrees to discuss with the Delaware and Raritan Canal Commission and the Division of Parks and Forestry the issues of moving, old site cleanup, new site foundation, utilities, landscaping, parking entrance and exit signs, the planning thereof, and possible land exchange.

Mr. Lanfrit, Legal Counsel for Trap Rock Industries questioned 3K and stated that it was unclear exactly what type or archeology, etc. would be required.

Mr. Amon explained that the foundation of the original bridgetender's house is not to be harmed in any way and that archeological investigation of the site is needed in order to assure its protection.

Mrs. Nash questioned why nothing is being done with the real ruin instead of putting in a replication.

Mr. Amon said that it was a way of indicating where the house was located and that the Office of New Jersey Heritage staff had explicitly stated that the new work was not to take place on the old foundation.

Mr. Jessen felt that it would be more reasonable to ask the applicant to repair an existing canal house.

Mr. Guidotti stated that this structure pertains to the Canal Park and to the site where Trap Rock is working.

Mr. Baerman asked if the need for archeological work could be fulfilled by having a State archeologist present during the process of creating the foundation.

Mr. Guidotti stated that this will not satisfy the requirement.

Mr. Jessen felt that it was unreasonable to request this.

Mrs. Nash suggested leaving the archeological requirement unresolved until the costs involved have been determined. If they are excessive, the issue will be reexamined.

Mr. Lanfrit then questioned item #4. He stated that they are presently involved in discussions with the county about putting this land in farmland preservation. They do not want to lock themselves into putting an easement on it now before their options have been looked into.

Mr. Baerman stated that Trap Rock has agreed to set this land aside as nondevelopable land.

Mr. Baerman questioned exactly what the word participate means in item #7. Mr. Guidotti stated that Parks would like a commitment by Trap Rock in the formal relocation of Rockingham. This could mean use of equipment, some funds, etc.

After lengthy discussion, Mr. Jones suggested the following amendment be added to item #4. Within 2 years from the date of approval Trap Rock will grant an easement restricting the use of this property to (at the option of the Canal Commission) conservation, agricultural or conservation purposes or a combination thereof. It is understood that the commencement of construction of the property shall not be conditioned upon the execution and delivery of such easement.

Mr. Torpey moved approval of the Trap Rock project as amended. Following Mr. Jessen's second the motion carried unanimously.

REVIEW ZONE REGULATIONS

Mr. Amon informed the Commissioners of the status of the regulations. He had delivered the final form of the Response Document and of the Review Zone Regulations (without the Stream Corridor Preservation and Transportation rules). He said that the plan is that Acting Commissioner Daggett will be asked to adopt this material and then to republish the other two rules.

Following some discussion Mr. Jones moved approval of the regulations as amended. His motion carried unanimously following Mrs. Nash's second.

CANAL WATCH

Mr. Amon introduced Mrs. Barbara Thomsen to the members of the Commission. Mrs. Thomsen has just formed a new watchdog organization called Canal Watch. She told the Commissioners that the basic difference between the Canal Watch and the Coalition is that Canal Watch will have a general membership and it will have representatives from all areas of the canal. She distributed a list of the members and a proposed agenda for their program for promoting and protecting the Canal Park. The Commissioners all expressed their great pleasure over the news of this organization's start and wished Mrs. Thomsen good luck.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon reported that public hearings had been held on the revised edition of the Commission's Master Plan. He stated that most of the people who attended the meetings were interested in issues that do not relate to the Master Plan.

Mr. Jessen asked if anything was done regarding the water in Trenton that goes directly from the storm sewers and is dumped directly into the canal, deadly contaminants and all. Mr. Amon stated that a letter had been sent to the Water Supply Authority stating the Commission's concerns.

Mr. Gross of the Water Supply Authority explained that the culverts are owned by the Department of Transportation and therefore it would be up to them to fix the problem.

Mr. Torpey felt that the Commission should pursue this problem further with DOT. Mr. Jones felt that the WSA should be pushed harder to get something done.

CANAL PARK SUPERINTENDENT'S REPORT

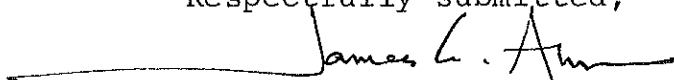
Mr. Stern told the Commissioners of the progress that has been

made in the Canal Park and the various jobs his people have been undertaking.

ADJOURNMENT

Following a motion by Mrs. Nash and a second by Mr. Torpey the meeting was adjourned at 2:20 p.m. The motion carried unanimously.

Respectfully submitted,


James C. Amon
Executive Director