

MINUTES OF THE MEETING OF 18 OCTOBER 1989

TIME: 12:00 NOON - 2:25 PM
DATE: Wednesday, 18 October 1989
PLACE: D & R Canal Commission
Prallsville Mills
Stockton, NJ

ATTENDING:

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

STAFF: Messrs. Amon and Dobbs; Ms. Holms
Deputy Attorney General Stephen Brower

GUESTS: Bill McKelvey, Canal Society of
New Jersey/American Canal Society
Barbara Thomsen, D & R Canal Watch
John Kraml, Division of Parks & Forestry
Charles Wilson, Water Supply Authority
Charlotte Wengel, Blackwells Mills Canal
House
Ursula Buchanan, D & R Canal Coalition
Dolly Minus, D & R Canal Watch
Abigail Barrows
Adra Fairman, Rockingham Association
Paul Stern, D & R Canal State Park
Thomas Sadlowski, Preservation Coalition
New Jersey
Kay and Larry Pitt, Canal Society of NJ
Mia MacRae
David MacRae, D & R Canal Coalition
Robert von Zumbusch
Tom Wilkins
Leo J. Coakley, P.E., Killam Associates
Don Kroeck, NJ Water Supply Authority
Mary Jane Post

Mr. Kirkland opened the meeting by stating that all applicable provisions of the Open Public Meeting Law of 1976 had been met.

MINUTES

Mrs. Nash moved approval of the minutes from the meeting of 21 September 1989. Mr. Guidotti seconded the motion and it passed unanimously.

ACTION ON PROPOSED REVIEW ZONE RULES AND RESPONSE DOCUMENT

Mr. Amon summarized the status of the proposed regulations. New rules involving stream corridor buffers, traffic impact, and application for waivers were published in the New Jersey Register April 3, 1989. Public comment was received, the response document to the comments was prepared by Mr. Dobbs and Mr. Amon, and revised by the Office of Regulatory Affairs. The only change of note from this office was the deletion in the waiver rules that an applicant would be required to send notices or publish notifications of his proposed project. The final draft has been submitted to Commissioner Daggett. Mr. Amon recommended that the Commission pass a resolution advising Commissioner Daggett where the Commission stands.

Mrs. Nash expressed concern about the deletion of public notification; she felt that municipalities would not be receiving notices of the Commission's waivers.

Mr. Amon stated that the waiver regulations were based on those of the Coastal and Pinelands Commissions. Mr. Dobbs stated that notices were unnecessary because the Commission's concern in projects is on the project's impact on the Canal Park, not on an applicant's neighbors. Mr. Guidotti stated that the regulations need to be approved every five years; therefore, if there were any problems, they could be remedied.

Mr. Jessen expressed strong concern about the scope of the stream corridor regulations; he felt the Commission was going too far by preventing construction within 100 feet of the 100 year floodplain--especially for those streams that run underneath the canal. He also felt the proposed regulations unfair to those property owners who would be affected by them, because they were for the most part unaware of these proposals.

Barbara Thomsen questioned why the Commission could not adopt regulations regarding noise impact. Mr. Amon responded that there were no applicable standards for enforcing such regulations.

Mrs. Thomsen also expressed concern over the proposed Scudders Mills interchange, stating that traffic would impact the Canal Park in a negative way.

Mr. Amon stated that this was a good example for the need for the proposed traffic impact rules; they would help set design standards for roads that impact the park, and they would provide an opportunity for the Commission's staff to study site plans (of new roads), which would enable the Commission to address potential problems.

David MacRae, D & R Canal Coalition, stated that the proposed Scudders Mills interchange on Route One would be a serious breach of the integrity to the Canal Park. He showed the Commissioners a map of the proposed interchange, noting that it would be within a few miles of two other interchanges, thereby making the new interchange unnecessary; and the addition of a stoplight at Mapleton Road would increase noise and air pollution caused by starting and stopping trucks.

Mr. Amon agreed that the proposed interchange would have a negative impact on the Canal Park, and that he had met with officials from DOT at which time he expressed his disapproval of the proposal, but they had not yet gotten back to him with any alternative plans. Mr. Kirkland suggested this would be an issue to take up with the Commission's new liaison from DOT.

Mrs. Nash moved approval to recommend to Commissioner Daggett that the proposed regulations be adopted as published. Mr. Pauley seconded the motion. Mr. Guidotti, Mr. Kirkland, Mr. Jones, Mrs. Nash, and Mr. Pauley voted in favor of the resolution; Mr. Jessen voted against.

LEASES

Mr. Amon reviewed one permit application for a test well that DEP required Hydrocarbon to install on Canal Park property in Lawrence Township to make sure pollutants from their facility are not leaching. It would be capped at ground level, and filled with cement when the testing was done. Mr. Amon recommended the Commission approve a permit from WSA for installation. Mrs. Nash moved approval, Mr. Pauley seconded the motion, and it passed unanimously.

REVIEW ZONE PROJECTS

Mr. Amon presented the following A Zone projects:

- 89-1800 - Davidson and Easton Avenues Improvements
- 89-1829 - Munoz Swimming Pool
- 89-1497A - Gager Greenhouse

The first project includes widening of both roads and addition of center islands, with water quality treatment being provided by an underground detention facility. The Munoz swimming pool would be in-ground; a buffer of wooded area would shield the pool from the Park. The Gager Greenhouse would be a pre-fabricated structure surrounded by other agricultural out-buildings. Mr. Amon stated that none of these projects would have detrimental visual impact on the Canal Park and recommended approval.

Mr. Jessen moved approval of the A Zone projects, Mr. Jones seconded the motion, and it passed unanimously.

Mr. Dobbs presented the following B Zone projects:

- 89-1817 - Springland Estates Phase I and
 Beden Brook Estates Phase II
- 89-1823 - Honey Brook Estates at Elm Ridge
- 89-1828 - Bittinger
- 89-1050A - Middlebush Meadows Section III
- 89-1815 - Forsgate Industrial Complex Bldg. S-152

The first four projects involve single family houses; the first project will have 3 detention basins to provide for water quality, the other three will each have one detention basin. The Forsgate S-152 project is a one-story warehouse with one detention basin providing for water quality and storm water protection. Mr. Dobbs recommended approval of all five projects.

Mr. Jessen moved approval of the B Zone projects; Mr. Guidotti seconded the motion, and it passed unanimously.

Mr. Guidotti left at 1:50.

REVIEW OF PROPOSED WSA PROJECTS

Mr. Donald Kroeck of the New Jersey Water Supply Authority presented three proposed projects:

1. The Raritan River Weir. Mr. Coakley of Killam Associates discussed the structure, to be built at the confluence of the Raritan and Millstone Rivers, abutting the canal approximately 500 feet from the Ten-Mile Lock. The time schedule is estimated at four years.
2. Dredging. Maintenance dredging has been scheduled for the canal from the Delaware River Intake to the Prallsville Lock and the Kingston Lock to the Route 18 Spillway in New Brunswick.
3. Trenton Storage Yard. This project is a maintenance facility for the Water Supply Authority, to be built near the area where the canal goes under Route 1. A ten-foot high fence would surround the structure. The railroad alignment that is presently a pedestrian walkway would remain so. The site plan allows for a ten-foot wide path, with arbovitae along the fence.

Mr. Jessen moved approval of the project with the recommendation that the planting of trees along the path be pursued. Mr. Jones seconded the motion, and it passed unanimously.

DISCUSSION OF LAMBERTON ROAD CONNECTOR

Mr. Amon stated that because of the possible loss of a quorum, Mr. Fred Bogden of the Department of Transportation agreed to postpone his presentation until next month. However, he also stated that it would be useful to review the issue. He stated that the Commission's position as of last June's meeting was: 1) that DOT search for alternative routes for the Lambertton Road Connector, so that it would not encroach so closely upon the Canal Park, and 2) that field work be done to locate Lock #2. According to Mr. Amon, this issue is more complicated than originally thought--although both lagoons (near the proposed road) are active right now, there is no way of knowing when they will be stopped. One of the lagoons will be used as a temporary ash landfill for the proposed resource recovery plant. The plans that DOT submitted to the Commission show alternate sites for the road, but DOT also states that these alternatives would be unacceptable. Mr. Amon said that he met with Parks and Forestry Director Marshall, and others from the Division, and their advice was to accept the DOT proposal.

Mr. Tom Sadlowski, Preservation Coalition of New Jersey, reviewed the research he had done about this issue. He stated that the proposed Route 129 would be subterranean, approximately 20-25 feet under the present level, which meant that any future archaeological work on the site would be impossible. According to Mr. Sadlowski, since the land where the road is being proposed is State land and contiguous to the park, the Commission has a lawful right to protect it, and his organization's attorneys are prepared to file an injunction against the DOT and the Canal Commission if they in fact do not review the project as one that is Canal Park property. He suggested the Commission ask Mr. Brower, Deputy Attorney General, if this land is Canal Park, if DOT is in violation of using federal funds without the Commission's review, and if it has been in the Commission's purview from the beginning.

Mr. Kraml said that he did not think it was part of the Park, but that a proviso of the Canal Park Law stated that surveys should be conducted to determine boundaries in this particular area.

Mr. Von Zumbusch stated that although the Trenton Complex had been approved by the Commission, the Lambertton Road Connector was specifically not a part of this approval.

Mr. Jessen recommended utilizing the Commission's liaison with DOT to ask more questions.

Mr. Stern said that there are parcels that are apparently in the Route 129 right-of-way which were never transferred from

the DEP, and that he is responsible for as parts of the Canal Park.

Mr. Brower stated that the boundary questions ought to be resolved as soon as possible because the DOT's review process was most likely well advanced.

Mr. Jessen moved approval of a resolution to request that the Deputy Attorney General find out where are the boundaries of the Canal Park in the Lamberton Road area. Mr. Pauley seconded the motion and it passed unanimously.

Mr. Jones moved that the request also include a determination of the legitimacy of the 106 review which was done without Commission participation.

Mr. Sadlowski recommended that the Commission take no action until these questions have been answered.

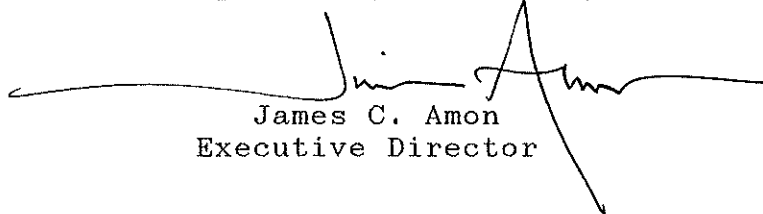
EXECUTIVE DIRECTOR'S REPORT

Mr. Amon discussed the possibility of trading space for secretarial services with a private non-profit organization, the Delaware & Raritan Greenway. It was the general agreement of the Commission that this is an idea worth pursuing. Mr. Amon said that he would bring it up again when he had details.

SUPERINTENDENT'S REPORT

Mr. Stern commented on the annual field mowing, repair on the roof of the maintenance shop, and cleaning up of flood debris from the recent floods.

Respectfully submitted,



James C. Amon
Executive Director