

MINUTES OF THE MEETING OF 18 APRIL 1990

TIME: 12:00 NOON - 2:50 PM  
DATE: Wednesday, 18 April 1990  
PLACE: D & R Canal Commission  
Prallsville Mills  
Stockton, NJ



DELAWARE AND RARITAN  
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: John H. Dumont, Hannoeh Weisman  
Richard Driver, Coastal Group  
Marc S. Weinroth, Princeton South at  
Lawrenceville  
Paul Stern, D & R Canal State Park  
Bill McKelvey, American Canal Society  
Kay and Larry Pitt, Canal Society of NJ  
Mark Platz, Donald H. Stires Assoc.  
John Kraml, Parks & Forestry  
Abe Shaikh, Water Supply Authority  
James Lydon, Bedford Properties  
Leena Walker, Bedford Properties  
Jean Brandes, Newark Star-Ledger  
Nicholas J. Valente, Kupper Assoc.  
Leanne R. Hoffman, John Truhan Eng.  
Barbara Thomsen, D & R Canal Watch  
Dolly Minis, D & R Canal Watch  
Eugene Gross, Water Supply Authority  
William Moss, Canal Society of NJ  
Robert Fullor, harding Hill Homes  
Frank L. Flood, Rogers, Golden & Halpern  
John W. Rogers, Rogers, Golden & Halpern  
Alan Johnson, Hunterdon County  
Teresa Martin, Hunterdon County

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

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<b>EXECUTIVE DIRECTOR</b> James C. Amon	<b>COMMISSIONERS</b> Benjamin B. Kirkland <i>Chairman</i>	Martin D. Jessen <i>Vice-Chairman</i>	Donald B. Jones <i>Treasurer</i>	Stuart R. Zaikov R. William Pauley	Judith A. Yaskin Frank J. Torpey	Winona D. Nash
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
James J. Florio, Governor Judith A. Yaskin, Commissioner

## MINUTES

Mr. Pauley moved approval of the minutes from the meeting of 21 March 1990 with the following correction: "Mr. Pauley stated that wooden railings are still being built in Somerset County" (page 5), changed to "Mr. Pauley stated tht wooden bridges are still being built in Somerset County". Mr. Jones seconded the motion, and it passed unanimously.

## LEASES AND PERMITS

The State clean-up review agency, ECRA, is requiring a Canal Park neighbor in Lawrence Township to install a monitoring well on Canal Park property. Because it has not yet been determined exactly where the well will be placed, Mr. Amon recommended the Commission pass a resolution authorizing Mr. Amon approve a permit for the well, with the stipulation that Mr. Amon and Superintendent Stern visit the site to make sure there will not be any harmful impact on the natural, cultural, and recreational resources of the park. Mr. Pauley moved approval authorizing Mr. Amon to sign a permit; Mrs. Nash seconded the motion, and it passed without dissent.

## REVIEW ZONE PROJECTS

Mr. Dobbs presented four B Zone projects:

1. 90-1863 - WSA Field Office, (Ewing Township);  
two 1-story buildings on 4+ acres.
2. 90-1866 - Scotch Road Business Center, (Hopewell Twp.);  
office building & office/warehouse on 14 acres.
3. 90-1868 - Main Entry Relocation, American Cyanamid Corp.  
(West Windsor Twp.);  
relocation of entry road, guard house and parking.
4. 88-1698 - Princeton Ridings, (Franklin Township);  
57 single family houses on 161 acres.

Mr. Dobbs stated that detention basins and water quality basins will either be installed or modified to provide for storm water management and water quality for all four projects, and recommended approval. In the case of Princeton Ridings, 100' stream corridor buffers will be placed, in accordance with the Commission's new regulations. There will be 50' conservation easements along the outside perimeter as well as stone trench swales along both sides of the roadways to provide additional water quality protection. Mr. Guidotti asked who owns the stream corridors; Mr. Dobbs replied that they will be deed restricted. Mrs. Nash asked who is responsible for stream cleaning; Mr. Amon answered that he didn't know; he thought each homeowner was

responsible. Mr. Jones stated that if each homeowner is in charge of the restriction, it is not much of an enforceable situation. He inquired whether D & R Greenway could perhaps take responsibility of enforcement. Mr. Amon replied that it was a possibility.

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

#### WATER SUPPLY AUTHORITY PROJECTS

Mr. Amon stated that the two projects up for approval were previously approved for conceptual review in December.

1. Edgewood Ave., Trenton: Because of water seepage, an existing culvert under the canal will be repaired (part concrete, part historic stone). The Authority proposes to patch the floor, extend it, and put a grout curtain around it. The work being done will not affect the historic stone portion.

2. Aqueduct at Parkside Ave., Trenton: The Authority proposes to build a system of trenched drains and a retaining wall, so that the water that comes into this area will flow into existing catch basins, eventually emptying into the Delaware River. The repairs will not harm the historic resources in the area, according to the archeological study.

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

#### DISCUSSION OF REPORT AFTER 15 YEARS

Mr. Kirkland started the discussion by saying that he felt that the report was very good, and that the public should know what we've been doing.

Mr. Jessen and Mrs. Nash made several suggestions pertaining to clarification of wording. Mr. Pauley stated that too much emphasis was placed on money--and not enough emphasis on the development of the park as a public resource. Mr. Kirkland suggested putting more emphasis on the fact that the staff size has stayed the same (for the most part). It was suggested that graphs be used to show the increase of the state budget and the cost of living compared to the stability of the Commission's budget. Mr. Jessen suggested that the report should be presented to legislators, newspapers, and the Governor. Mr. Guidotti suggested it be given to Commissioner Yaskin.

Mr. Amon presented the Second Edition of the Master Plan to the Commissioners and suggested asking \$10 per copy, (\$7.50 for large orders). Mr. Amon asked Mr. Guidotti if Mr. Kirkland could present a copy to Commissioner Yaskin in

person.

## DISCUSSION OF STREAM CORRIDOR REGULATION

Mr. Amon summarized the policies that guide the Commission's implementation of the regulations. The first application was a formal request for a waiver from the stream corridor regulation. It is a complete application for a waiver, but it does not fulfill one of the requirements of the waiver application, in that it does not present a complete project application. The applicant felt that if the waiver would not be available to them, then the project would be infeasible, and the applicant was unwilling to spend the money required in drawing up a complete project application. The second application has already received preliminary municipal approval, and although it does not meet the stream corridor regulations, it makes an attempt to comply with the spirit of the regulations.

### 1. Bedford Properties (Cranbury Township)

According to the township's master plan, the township wishes to relocate a road that currently runs through the applicant's property, to help traffic flow. According to the Commission's regulations, this would satisfy "public need", (a waiver provision) by improving traffic. The stream corridor (including the 100-year flood plain and 100-foot buffer) crosses the road and encroaches on the property by a considerable margin. By complying with the 100-foot buffer, the amount of developable land would be significantly reduced, creating economic hardship (another provision for waiver).

Mr. John Dumont, an attorney representing Bedford properties, and Mr. Nicholas Valente of Kupper Associates, both made presentations on behalf of the waiver application.

Mr. Dobbs stated that there were designated wetlands on the property, and inquired whether the applicant had pursued seeking any exemption from Wetlands because of the needed road. Mr. Dumont replied they were pursuing it.

Mr. Amon stated that he had a problem with waiving the project application as part of the submission. Mr. Jessen asked whether the Commission could give conceptual approval of the road. Mr. Dumont reiterated that he was looking for approval of the change in the stream corridor as well.

Mr. Brower joined the meeting at 1:30.

Mr. Amon reviewed the two requests: 1) that the Commission approves waiving the requirement that a complete project application be submitted for consideration of waiving the stream corridor regulations, and 2) that the Commission

approves waiving the stream corridor regulations for this project. With regard to the first request, Mr. Amon stated that Mr. Dobbs felt that the application does have sufficient information for consideration without it being a complete application. Mr. Amon recommended waiving the submission requirement. Mrs. Nash stated that she was concerned about what would be built below the road, and had reservations about the second request (waiver of stream corridor regulations).

Mrs. Nash moved to waive the submission requirement of a complete application; Mr. Guidotti seconded the motion and it passed unanimously. Mr. Jessen moved to waive the stream corridor regulations for this project based on compelling public need and economic hardship; Mr. Pauley seconded the motion. Messrs. Guidotti, Jessen, Kirkland, and Pauley voted in favor of the waiver; Mrs. Nash voted against, and Mr. Jones abstained.

Mr. Kirkland left the meeting.

## 2. Princeton South at Lawrenceville Phase V (Lawrence Township)

Mr. Dobbs reviewed the project's history; he stated that the project had met the Commission's standards for storm water management and water quality last year, but that the Township did not approve it until after the stream corridor regulations went into effect. In order to comply with the 100-foot buffer, a road and parking lot would have to be moved. The engineers have asked to change the 100-foot buffer; by moving it in one place so that it is over 200 feet from the 100-year flood line, and in another place only 42 feet from the 100-year flood line, so that it averages to 96.8 feet from the flood line. He also noted that there are designated wetlands, which in effect would produce a stream corridor varying in width from 600 to 1000 feet. If they complied with the 100-foot buffer, they would have to reduce some of the open space within the development.

Mr. Amon inquired whether the Commission was allowed to accept an average.

Mr. Guidotti expressed reservations in regard to accepting averages.

Mr. Mark Platz of Donald H. Stires Associates inquired whether the Commission would consider waiving the stream corridor regulations based upon 1) hardship--Mr. Dobbs had already committed to recommending approval for storm water management and water quality and it was only due to unfortunate timing that the township took so long to approve the project, and 2) public need--by keeping the buffer, other, perhaps more important, open space within the development

would be removed.

He also stated that it would be difficult for trucks to turn around if the road near the buffer was redesigned.

Mr. Platz emphasized that because the wetlands area was so large, the spirit of the stream corridor buffer had been realized.

Mr. Jessen asked whether his waiver request was based on economic hardship or public need; Mr. Platz discussed both elements, but implied that he had been directed to make his request for a waiver based on the unusual circumstances of the large tract of wetlands, along with the averaging of the 100-foot buffer.

Mr. Brower stated that economic hardship had not been adequately demonstrated. Mr. Weinroth, representing Princeton South, replied that he would like to come back with the application, because he was not aware that he had to demonstrate economic hardship.

Mr. Jones moved waiving the stream corridor provision for the project, based on public need. Mr. Jessen seconded the motion. Mr. Guidotti stated that he felt that public need had not been demonstrated. Messrs. Jones and Jessen voted in favor of the motion, Mrs. Nash and Messrs. Guidotti and Pauley voted against the motion; the motion was not carried. Mr. Jones then moved tabling the application until the next meeting; Mr. Pauley seconded the motion and it passed unanimously.

#### HUNTERDON COUNTY SOLID WASTE DISPOSAL SITE DISCUSSION

Ms. Teresa Martin of the Solid Waste-Recycling Department of Hunterdon County, gave an update on the proposed landfill. She stated that legislature has mandated that every county is required to have a solid waste landfill site, and based on their studies, the "Racetrack" site was the best. Mr. Alan Johnson, in charge of recycling for Hunterdon County, commented on the successful efforts that were taking place with regard to recycling. Mr. John Rogers, of Rogers, Golden, and Halpern described the design of the site. There would be 2 separate disposal areas--51% of the site would be buffered. Although the area drains to the Wickecheoke (which drains into the canal), state regulations require the necessary precautions to prevent seepage or leaks, according to Mr. Rogers. A double lining for the landfill is required, as well as a 5-foot separation between the liner and groundwater. Fill dirt would be brought in for daily cover, along with clay (which will need to be imported) for a 2-foot cap. The closest structure is 200 feet from the 100-year flood plain. Both areas are 15-20 acres, with a lifespan of 12-15 years. The landfill will be used for non-burnable

trash--ceiling tiles, construction rubble, metals, mattresses, etc.

Mr. Amon asked why the Commission should trust "good technology", when it has been proven that nothing is infallible. Mr. Rogers replied that the site location was in fact the most important criteria. Mr. Dobbs and Mr. Jessen both expressed serious reservations about the proposed site.

#### EXECUTIVE DIRECTOR'S REPORT

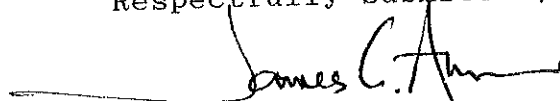
Mr. Amon asked for contributions to sponsor the Commission's World Series of Birding team, which raised funds last year that are now being used for the breeding bird survey.

#### PUBLIC FORUM

Mrs. Thomsen asked about the status of the Scudder's Mills extension; Mr. Amon stated that D.O.T. does not plan to build the extension at this time. The overpass, however, will still be built.

The meeting adjourned at approximately 3:00 P.M.

Respectfully submitted,



James C. Amon  
Executive Director