

MINUTES OF THE MEETING OF 15 AUGUST 1990

TIME: 12:15 NOON - 3:00 PM
DATE: Wednesday, 15 August 1990
PLACE: D & R Canal Commission
Prallsville Mills
Stockton, NJ



ATTENDING:

COMMISSIONERS: Messrs. Jessen, Jones, Kirkland,
Pauley, Zaikov; Mrs. Nash

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

GUESTS: Paul Stern, D & R Canal State Park
Barbara Thomsen, D & R Canal Watch
Mel Myers, NJ Water Supply Authority
Bill McKelvey, Friends of NJ Railroad and
Transportation Museum
John Kraml, Jr., Div. of Parks & Forestry
Kay and Larry Pitt, Canal Society of NJ
Joe Bird
Thomas J. Sadlowski, Preservation
Coalition of New Jersey
Maureen Stapleton, Lambertville Beacon
Richard S. Walling, Preservation
Coalition of New Jersey
June Sadlowski, Preservation Coalition of
New Jersey
Dolly Minis, D & R Canal Watch
Jane Wyckoff, Hunterdon County Democrat
Robert von Zumbusch

Mr. Kirkland opened the meeting and announced that this was a regular meeting of the D & R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met.

MINUTES

Two errors were noted in the Minutes of 18 July 1990; 1) on page 2, the words "fence in Titusville" (a typographic error) should be omitted, and 2) on page 4, #5, the sentence should read "...once the Redevelopment Corp. agrees on a plan, they may have the legal authority...". Mr. Jessen moved approval of the Minutes of 18 July 1990 with these two corrections; Mr. Zaikov seconded the motion, and the motion passed unanimously.

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EXECUTIVE DIRECTOR James C. Amon	COMMISSIONERS 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

REVIEW ZONE

Mr. Amon presented the following "A" Zone project:

- 90-1924 - DRJTBC Sewer Pipe - the Delaware River Joint Toll Bridge Commission proposes to hang an insulated sewer pipe from the underside of the Stockton Bridge Street bridge over the canal. The pipe will not be visible except from directly below the bridge. It will not affect clearance over the water level.

Mr. Amon recommended approval of this project. Mr. Jessen moved approval, Mr. Pauley seconded the motion and it passed without dissent. Mr. Amon then recommended that a waiver be approved for a project in Lambertville; on North Union Street, a private residence is being converted to a commercial establishment. The only visual change is a sign, which is not visible from the Canal Park. Mr. Jessen moved approval of the waiver, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Jones joined the meeting at 12:20.

Mr. Dobbs presented the following "B" Zone projects:

- 87-1505 - Sierra Office Park Expansion (Ewing Township)
3-story office building on 14+ acres.
- 84-0549 - Icote International, Inc. (Hillsborough Twp.)
industrial construction on 25+ acres.
- 87-1279 - Beefsteak Charlie Motel (Lawrence Township)
2-story motel on 1.48 acres.
- 86-1154 - Hunters Run (West Windsor Township)
132 clustered single family houses on 143+
acres.

The latter three projects have been submitted for re-certification because their approvals expired. Mr. Dobbs stated that provisions for storm water management had been met for all projects. Mr. Pauley moved to approve the projects, Mr. Jessen seconded the motion, and it passed unanimously.

Mr. Dobbs then recommended that the Commission waive requirements for stream corridor regulations on two projects. The first, Harmony Homes in West Amwell Township, consists of 57 houses on 113 acres. The applicant wishes to use some of the 100-foot buffer, and in exchange, deed-restrict land elsewhere, which would create an overall gain of 400 square feet of open space. The second, NCV Development in Hillsborough Township, is 235 dwelling units on 74 acres. A similar exchange of lands is being proposed; in this case, a net gain of 2.03 acres of open space would occur. Mr. Jessen moved waiving requirements for following stream corridor

regulations for Harmony Homes; Mr. Zaikov seconded the motion, and it passed unanimously. Mrs. Nash moved to waive requirements for stream corridor regulations for NCV Development; Mr. Jessen seconded the motion. Messrs. Jessen, Jones, Kirkland, Pauley and Mrs. Nash voted in favor of the motion, and Mr. Zaikov abstained.

DISCUSSION OF NEW ATTORNEY GENERAL'S OPINION AND ITS IMPACT ON DOT'S ROUTE 129 AND LAMBERTON ROAD CONNECTOR PROJECT

Mr. Amon stated that a revised attorney general's opinion regarding the Commission's authority on State projects in the Review Zone had been sent to the Commission, and asked the Commissioners about releasing it to the public. Mr. Zaikov moved releasing the opinion; Mr. Jones seconded the motion and it passed unanimously.

Mr. Brower joined the meeting at 12:40 PM.

Mr. Amon summarized the contents of the opinion; although the Commission does not have the authority to reject or modify State projects in the Review Zone, it does have the authority to withhold approval until the Commission is satisfied that a project conforms as closely as possible to the goals of the Master Plan.

Mr. Amon stated that because of the new opinion, the Commission should review DOT's Route 129 and Lambertton Road Connector project, and either reaffirm its decision of 18 July (approval of the project) or vote to reconsider. He said that of the 10,000 foot-long road, only 1,000 feet of it was in the Review Zone. He also stated that after discussing the number and widths of lanes with DOT representatives, he concluded that a path along the road would be infeasible. He also suggested that alternative sites for paths were still available. For these reasons, Mr. Amon recommended that the Commission reaffirm its decision to approve the project.

Mrs. Nash stated that she was still not convinced that an alternate plan for the road was not possible. Mr. Pauley said that the incinerator may not be built, and that the road could be moved.

Mr. Walling of Preservation Coalition reminded the Commission that on 6 June they voted to wait before considering this project until they had a formal attorney general's opinion on the exact boundaries of the Canal Park in this area, in addition to the Commission's authority on State projects.

Mr. von Zumbusch recommended keeping options open for the long term; also, that DOT has an obligation to provide access to pedestrians and cyclists. He also disagreed with Mr. Amon's suggestion of a river walk as a comparable alternative to a canal path.

Mr. Sadlowski asked the Commissioners to use their power, now that they have it.

Mr. von Zumbusch stated that the survey done by the DEP was incomplete because there was no formal recognition of the survey, and because there was no formal action by the Canal Commission.

Mr. Amon stated that the law does not require formal action for the survey.

Mr. Zaikov said that the DEP made a mistake, and that it should be corrected.

Mr. Pauley recommended insisting that DOT put in a path, and that the road be elevated over the locks.

Mr. Amon reminded the Commissioners that this portion of the canal was sold to the DOT over fifty years ago--that it was lost as parkland as far back as then.

Mr. Zaikov moved to rescind the June 20th motion approving this project; Mrs. Nash seconded the motion. Messrs. Kirkland, Jones, Pauley, Zaikov, and Mrs. Nash voted in favor of the motion; Mr. Jessen voted against.

Mrs. Nash then moved to notify DOT that the proposal is not in conformance with the Master Plan, and to request that they change their plan so that it will address the Commission's concerns, which are to uphold the objectives of the Master Plan. Mr. Pauley seconded the motion, and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

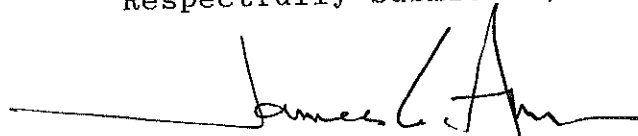
Mr. Amon announced to the Commissioners that the Commission had received very good press about the 15-year report, and that this would be a good time to contact Legislators about increasing the Commission's budget. He asked the Commissioners to write to Senators and Assemblymen in their districts.

PRESENTATION BY CAPTAIN MCKELVEY OF HISTORY OF BEL-DEL RAILROAD AND D & R CANAL

Mr. McKelvey showed historic and present-day slides of the course of the Bel-Del, and of the trains that traveled its tracks.

The meeting ended at 3:00 PM.

Respectfully submitted,



James C. Amon
Executive Director