

MINUTES OF THE MEETING OF 31 AUGUST 1990

TIME: 9:10 AM - 11:50 AM
DATE: Wednesday, 31 August 1990
PLACE: D & R Canal Commission
Prallsville Mills
Stockton, NJ



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: Mark Perlin, The Trenton Times
Barbara Thomsen, D & R Canal Watch
Janet Fittipaldi, NJDOT - BEA
Lauralee Rappleye-Marsett, NJDOT - BEA
Miriam Crum, NJDOT - BEA
Arlene Weiss, DAG, Dept. of Law
Pam Stephenson, Office of NJ Heritage
Thomas J. Sadlowski, Preservation
Coalition of New Jersey
Mary Jane Post, Preservation Coalition
of New Jersey, Meadows Foundation
Mary C. Tanner, D & R Canal Watch
Mike Martynenko, NJ DOT - Region 3 Design
Richard S. Walling, Preservation
Coalition of New Jersey
Robert von Zumbusch
June Lynn M. Sadlowski, Preservation
Coalition of New Jersey
Frederick P. Bogden, NJDOT -
Region 3 Design
Larry and Kay Pitt, Canal Society of NJ
Gary Toth, NJ DOT - BEA

Mr. Jessen 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.

DEPARTMENT OF TRANSPORTATION'S PROPOSED ROUTE 129 AND
LAMBERTON ROAD CONNECTOR

Mr. Brower stated that he had a formal attorney general's opinion regarding the extent of the Canal Park's boundaries in the Lambertton Road/Duck Island area, and suggested that

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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. Jpnes <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*

the Commission decide whether to discuss it in executive session or to discuss it in open session. Mr. Jones moved staying in open session, Mr. Pauley seconded the motion, and it passed unanimously. Mr. Brower summarized the contents of the opinion, which was that the northern boundary line of the park in this area went through the north end of Lock #2, passing at right angles to that lock.

According to Mr. Amon, based on this Attorney General's opinion, it has been determined that no portion of Route 129 which is on the old canal is also within 1,000 feet of the Canal Park. Mr. Amon reviewed the issues and actions taken pertaining to this project. Although he stated that he repeatedly asked the DOT to allow for a path on their right-of-way in order to connect the abandoned section of the canal with the main canal, he was told by representatives of DOT that DOT cannot construct a path within the right-of-way. The shoulders of Route 129, however, will be permitted for bicycle use. Mr. Amon said that DOT personnel had told him that signs could not be placed along Route 129 indicating that it is a bikeway because it would be less safe to indicate that the shoulders are a bikeway than to simply let it happen.

Mr. Amon stated that the portion of Lock #2 and the former canal property between the lock and the proposed right-of-way for the Lamberton Road Connector which is owned by NJ DOT will be declared excess property and made available to NJ DEP for restoration. He also said that a landscape buffer will be planted between the Lamberton Road Connector and the former canal property that will be made available to the NJ DEP. In addition, Mr. Amon said that DOT has agreed to stockpile rip-rap, if suitable for re-use. Ms. Crum stated that DOT had an on-going commitment to educational programs; a construction monitoring program will be put in place, and any resources encountered will be made available. Mr. Jessen suggested moving lock stones to show the outline of a lock. Mr. von Zumbusch stated that the entire lock would have more impact. Mr. Jessen felt that the parking space and areas for scenic overlooks were a big service being provided by DOT.

Mrs. Thomsen asked whether or not there could be any compromise on the Lamberton Road connector, stating that the project was not conforming to the Master Plan, and that it was up to the Commission to see that conformance was made.

Mr. Guidotti asked what kind of buffer would be placed between Lock #2 and the road. Mr. Amon stated that a hedgerow of native trees and shrubs would be planted.

Mr. von Zumbusch stated that this last-minute mitigation is insignificant; in terms of the Master Plan, he felt that very little has been achieved. He stated that there was still a possibility for a trail connecting the abandoned

portion of the canal with central Trenton by using the railroad right-of-way, and that a link would also be good for the city of Trenton.

Mr. Pauley asked whether it would be possible to shift the road so that the potential railroad path could be made wider. Mr. Guidotti suggested that the path should be part of the New Jersey Trails Plan.

Mr. Bogden stated that although a bicycle path was considered, a lane was not available.

Mr. Walling asked how much this project cost, and whether the boundary issue was being considered by the courts. Mr. Bogden answered that the cost estimate is \$29.5 million. Mr. Brower stated that the boundary issue was not under court review.

Mr. Walling stated that the EIS for this project did not contain the Lambertson Road connector. Mr. Sadlowski stated that there were no public meetings; he recommended to the Commission that they not make any decision until all final plans are in writing.

Ms. Crum responded that the Lambertson Road connector is in the EIS, first under "Link 1", then under "Link 2".

Mrs. Nash asked if there was a sidewalk, and if there wasn't, was there any room for one. She also asked whether trees would be planted. Mr. Bogden stated that there was no room for sidewalks or trees--that the remaining five-foot area would have a guide rail, fence, signal poles, light standards, and overhead sign standards. Mrs. Nash then asked if there were any houses along the road; Mr. Bogden replied "no".

Mr. Guidotti stated that 1) the Attorney General's office would support Mr. Brower's opinion about the boundary, and 2) the issue under discussion should be what is in the Review Zone--that an inter-connection between the two park segments is achievable, and that Route 129 will not necessarily preclude the link.

Mr. Jones moved to approve the project with the stipulations stated in the staff report: [1) DOT will make available the previously-mentioned former canal property to DEP, 2) a landscape buffer will be planted, and 3) any canal rip-rap stone that will be displaced by the construction of the roads will be stockpiled for recovery by the NJ DEP if it is suitable for re-use.] Mr. Guidotti seconded the motion. Mr. Pauley questioned whether a condition could be added--that every effort be made by the DOT to move the center line of the road to maximize the potential path along the railroad right-of-way. Mr. Bogden stated that this would be

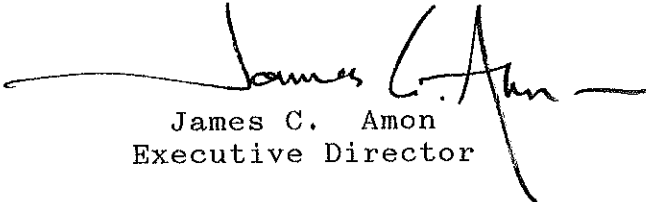
impossible. Mr. Walling asked whether the opinion about the boundary was formal--Mr. Brower replied that yes, it was a numbered opinion.

Mrs. Nash stated that if she voted against the motion, it would be because no one knows the traffic needs for the Lambertton Road connector in the future, and that it may have to be changed anyway.

Messrs. Guidotti, Jessen, Jones and Pauley voted in favor of the motion; Mrs. Nash voted against. The motion passed.

The meeting adjourned at 11:50 AM.

Respectfully submitted,



James C. Amon
Executive Director

Commissioners' Meeting 31 AUGUST 1990

<u>NAME</u>	<u>ORGANIZATION</u>
1. Mark Perkins	The Times
2. JANET A. FITTIPALDI	NJDOT - BEA
3. LAURALEE RAPPLEYE-MARSETT	NJDOT - BEA
4. Miriam Crum	NJDOT - BEA
5. Aileen Weiss, D.A.A.	NJ Department of Law
6. Pam Stephenson	DEP-ONJH
7. Thomas J. Sadlowski	PCNJ
8. Mary Jane Post	PCNJ + Meadow Foundation
9. Mary C. Tarnes	Canal Watch
10. Babs Thomsen	D&R Canal Watch
11. Mike MARTYNIENKO	NJDOT - Reg. 3 Design
12. Richard S. Walling	PCNJ
13. Robert von Zumbusch	-
14. Junelyn M. Sadlowski	PCNJ
15. Frederick P. Boylan	N.J.D.O.T. - Reg 3 Design
16. Kay and Larry Pitt	Canal Society of N. J.
17. Gary Toth	NJDOT - Environmental