

MINUTES OF THE MEETING OF 19 DECEMBER 1990

TIME: 12:15 NOON - 2:00 PM
DATE: Wednesday, 19 December 1990
PLACE: D & R Canal Commission
Prallsville Mills
Stockton, NJ



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

STAFF: Messrs. Amon and Dobbs; Ms. Holms

GUESTS: Paul Stern, D & R Canal State Park
Barbara Thomsen, D & R Canal Watch
Joe Bird
Larry & Kay Pitt, Canal Society of NJ
William McKelvey, Friends of NJRR and
Transportation Museum
Kris Bauman, DKM Properties
Gary Backinoff, Ridolfi, Friedman & Frank
John Kraml, Jr., Div. Parks & Forestry
Eugene Gross, NJ Water Supply Authority
Ed Buss, NJ Water Supply Authority

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

Mr. Pauley moved approval of the minutes of 19 November 1990, with the change that his name be removed from those listed in attendance. Mr. Jones seconded the motion, and it passed without dissent.

LEASES AND PERMITS

Mr. Amon presented one lease application to the Commission. A parcel of land in East Millstone near an old turning basin is currently leased to Franklin Township for use as a park for a nominal fee; he recommended that this lease be renewed. Mr. Jessen moved approval of the lease, Mrs. Nash seconded the motion, and it 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 projects:

- 89-1822 - Gerritse Residences - Trenton
- 90-1953 - Fence on GAF Property - South Bound Brook
- 90-1917 - North Brunswick Water Treatment Plant
Expansion - Franklin Twp., Somerset County

The Gerritse Residences are four 2-unit townhouses, not visible from the Canal Park. The GAF Corporation has an asbestos dump located in South Bound Brook between the Raritan River and the canal. This site has been on the state acquisition list since the 1970's, but has not been acquired yet because the dump has not been removed. A 6-foot chain link fence has been proposed to surround the dumpsite; it will not intrude on the operations of WSA or Parks. Mr. Amon recommended that a condition of the approval be that the fence be clad in black vinyl.

The North Brunswick Water Treatment Plant was partially destroyed by fire; a major expansion is proposed. Mr. Amon said that while he has suggested landscaping using native plants, he did not ask that the structure be completely hidden from the Canal Park, because he felt that the plant reflects a significant role that the canal plays in modern day society. He recommended as a condition to the approval that a sign be erected that would be visible from the park, describing the role of the canal and this treatment plant as a water supply system. Mr. Jessen moved approval of the "A" Zone projects, Mr. Pauley seconded the motion, and it passed unanimously.

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

- 89-1745 - Klockner Farms - Lawrence Twp.
7 houses on 25+ acres; 13% impervious surface
- 88-1676 - Pennington Hills I - Hopewell Twp.
14 houses on 52+ acres; 12% impervious surface
- 90-1929 - Exxon Biomedical Expansion - Franklin Twp.
two 2-story buildings on 62 acres; 9.5% impervious surface
- 90-1921 - Forsgate Industrial Complex S-135 - S. Brunswick Twp.
warehouse on 9 acres, 55% impervious surface
- 90-1925 - SM-1190 - Monroe Twp.
1-story office/warehouse on 16 acres; 60% impervious surface
- 90-1892 - Matrix SB-3 & SB-5 - S. Brunswick Twp.
7 industrial lots on 132+ acres, 55% impervious surface
- 90-1864 - Georges Road Corporate Park - S. Brunswick Twp.
6 buildings on 119+ acres with 33+% impervious surface

Mr. Dobbs stated that conditions for stormwater management and water quality protection had been met for all projects. In the case of the Georges Road Corporate Park, there will be a 100-foot buffer along the 100-year floodplain of Devil's Brook. He stated that the applicant did not wish to deed restrict this land, because it may impair the land's

development potential in the future, should the township change their ordinance and require subtracting deed-restricted land from total units allowed per acre. The applicant's attorney, Mr. Backinoff, stated that the Commission's regulations do not explicitly state that the buffer must be deed restricted or have a conservation easement placed on it.

Mr. Amon said that although the regulations require a stream corridor buffer on major projects, projects with under one acre of impervious surface do not require Canal Commission approval. Minor changes which do not require DRCC review could threaten the preservation of the stream corridor.

Mrs. Nash stated that if minor changes were proposed to a major site plan, those changes would still be required to be reviewed. She moved approval of the project without requiring a conservation easement or deed restriction on the stream corridor buffer. Mr. Jessen seconded the motion. Messrs. Jessen, Jones, Kirkland, Torpey and Mrs. Nash voted in favor of the motion, Mr. Pauley voted against. The motion passed.

Mr. Torpey then moved that he wanted it recorded in writing to the Attorney General's office that the Canal Commission is being constrained by the Deputy Attorney General's absence, resulting in a lack of legal services for the Commission. Mrs. Nash seconded the motion, and the motion was carried unanimously.

Mr. Jessen then moved approval of the remaining six "B" Zone projects; Mr. Pauley seconded the motion, adding that he noted that the Exxon project was reviewed for traffic impact, and that he was concerned about that issue. Mr. Dobbs responded that there was no alternative for re-directing the traffic. The motion passed without dissent.

Mr. Amon asked the Commission informally whether they would consider an exchange proposed by an applicant: in Franklin Township, an easement has been put on a steep bank next to the canal, along with two 20-foot channels for access. A prospective buyer would like to build one house on two lots (instead of 2 houses), and eliminate one of the channels. The Commissioners said that this was a reasonable exchange.

WATER SUPPLY AUTHORITY PROJECTS

1. Proposal for Fences and Rails

Mr. Amon stated that the Water Supply Authority is proposing to erect guard rails at 13 locations along the canal; 6 would be at locks, and 7 would be at "priority locations", for example, at spillways and culverts. He felt that it was a good idea to install guard rails at the priority locations, but he was not in favor of fencing the locks. He felt that the rails would destroy the historic character of the locks, that there is no canal or canal park in the world that has fenced its locks, and that a recommendation by WSA's insurance carrier was not sufficient argument to install these rails. He also stated that the only accident at a lock occurred in 1967.

Mr. Pauley felt that because of increased traffic, especially cyclists, at locks, guard rails could be an advantage. Mr. Torpey agreed, saying that locks tend to attract more people. Mr. Amon replied that the rails would totally destroy the sense of the canal and the canal lock. He also said that the Office of New Jersey Heritage did not approve the proposal.

Mr. Buss stated that ONJH was requiring WSA to pick the most dangerous areas of the locks, and fence those places. Mr. Jones asked Mr. Kraml if the Division of Parks and Forestry had an opinion. Mr. Kraml replied that while the division is aware of the potential danger at these locks, they are generally not in favor of fencing the locks, but that they are in favor of rails at the priority locations.

Mr. Torpey moved that due to the track record of accidents at locks, ONJH's denial of approval, and lack of precedent, the Commission reject the fencing of the 6 lock locations. Mr. Kirkland added that legislation has given responsibility to the Canal Commission for the preservation of the historic aspects of the canal. Mrs. Nash seconded the motion. Ms. Thomsen stated that as a representative of Canal Watch, she supported the motion. Mr. McKelvey said that, representing the American Canal Society and the Canal Society of New Jersey, he too supported the motion. Mrs. Nash, Messrs. Jessen, Jones, Kirkland and Torpey voted in favor of the motion; Mr. Pauley voted against. The motion passed. Mr. Jessen then moved approval of the fencing of the 7 priority locations; Mr. Pauley seconded the motion, and it passed unanimously.

2. Restoration of Culvert at Station 2344+17

Mr. Amon said that the Commission approved the repair of this culvert several months ago, by a method which uses gunnite to stabilize and seal the masonry walls. He said that ONJH rejected this method because it would impair historic rehabilitation in the future. They approved repair with a metal sleeve with a sand slurry between the stone wall and the sleeve. WSA requested the Commission amend their approval to accommodate this change. Mr. Jessen felt that this new design was potentially destructive because water would eventually cause the sand to be washed from its place, leaving a void between the stone and the metal sleeve, and thereby causing the collapse of the stone wall. Therefore, the proposal by ONJH to repair the culvert so that it may eventually be historically rehabilitated could result in the total destruction of the culvert, because it is a much poorer engineering design. Mr. McKelvey asked whether ONJH could come to a Commission meeting to give reasons why they are in favor of this proposal. Mr. Buss stated that because of the severity of the wall failure, the problem must be addressed soon, regardless of which design is chosen. Mrs. Nash moved to keep the original approval as stated, which was based on correct engineering needed to preserve the canal. Mr. Pauley seconded the motion, and it passed unanimously.

SELECTION OF MEETING DATE FOR 1991

The Commissioners decided to keep the meeting date on the third Wednesday of each month, at 12:00 noon.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon reported that as a result of last meeting's encounter with Senator Merlino, he called the senator in order to discuss Canal Park improvements in Trenton and to enlist his help. Senator Merlino told Mr. Amon that "he would not talk to him".

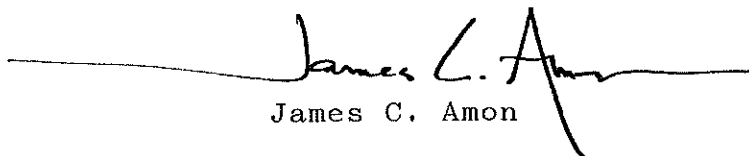
Mr. Amon also reported that Chairman Kirkland, Senator Stockman, Commissioner Yaskin, and he met to discuss the fiscal status of the Canal Commission, and that Commissioner Yaskin assured him that the necessary administrative expenses of the Commission would continue to be covered by DEP.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern reported that about 10 Sierra Club interpretive signs have been erected, and that a new roof is being placed on the Kingston locktender's station. He also stated that Ranger John Auciello was the initiator in getting GAF to fence their asbestos dump. He stated that he had been asked to cut 5-10% of operating expenses for 1991, and that all vacant positions had been abolished.

The meeting adjourned at 2:00 PM.

Respectfully submitted,


James C. Amon