

MINUTES OF THE MEETING OF 20 MARCH 1991

TIME: 12:15 NOON - 3:15 PM  
DATE: Wednesday, 20 March 1991  
PLACE: D & R Canal Commission  
Prallsville Mills  
Stockton, NJ



DELAWARE AND RARITAN  
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Guidotti, Jessen, Kirkland, Torpey,  
Zaikov; Mrs. Nash

STAFF: Messrs. Amon and Dobbs; Ms. Holms  
Ms. Carol Blasi, Deputy Attorney General

GUESTS: Heidi Minuskin, Farer, Siegal & Fersko  
Abigail Barrows, Franklin Citizens for  
Orderly Planning  
Kevin Pentony, Handex Env. Mgmt.  
Bill McKelvey, Friends of NJ RR & Trans. Museum  
Kay & Larry Pitt, Canal Society of New Jersey  
Abe Shaikh, NJ Water Supply Authority  
Thomas G. Baxter, NJ Water Supply Authority  
Leo Coakley, Killam Assoc.  
John Kraml, Jr., NJ Div. of Parks and Forestry  
Joe Bird  
Barbara Thomsen, D & R Canal Watch  
David L. Lorimer, Somerset Co. Eng. Dept.  
Norman Mathis, Somerset Co. Eng. Dept.  
Joe Skupien, Somerset Co. Eng. Dept.  
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

Mrs. Nash moved approval of the minutes of 20 February 1991, Mr. Torpey seconded the motion, and it passed without dissent.

LEASES AND PERMITS

Mr. Amon presented one permit application: U.S. Eagle Corporation is requesting permission to place a second monitoring well in the park in Lawrence Township in order to comply with ECRA's requirements. Some brush clearing will be involved. Once the monitoring is completed, the well will be filled and capped. Mrs. Nash requested that the Commissioners review the results of the monitoring wells that are

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EXECUTIVE  
DIRECTOR  
James C. Amon

COMMISSIONERS  
Benjamin B. Kirkland  
Chairman

Martin D. Jessen  
Vice-Chairman

Donald B. Jones  
Treasurer

Stuart R. Zaikov  
R. William Pauley

Scott A. Weiner  
Frank J. Torpey

Winona D. Nash  
Douglas H. Palmer

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
James J. Florio, Governor Scott A. Weiner, Commissioner

placed in the Canal Park. Mr. Jessen moved approval of the permit, Mrs. Nash seconded the motion, and it passed unanimously.

#### REVIEW ZONE PROJECTS

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

91-1964 - Dailey Residence, Stockton  
addition on rear of house

The addition will be of the same material as the existing house.

91-1965 - Bodine House, Stockton  
aluminum siding to house

The house does not have distinguished architectural features that would be harmfully impacted by the siding, and is almost completely obscured from view from the Canal Park.

91-1939A - Sewage Treatment Plant, Hopewell Twp.

A previously-approved detention basin for expansion of the plant has been designed to handle the new plant.

91-1963 - Dome Salt Storage Building, Lawrence Twp.

A 72-foot-diameter dome-type salt storage building will be built on an existing DOT road maintenance site. Mr. von Zumbusch asked whether landscaping requirements should be part of the approval; he mentioned that the Route 1 corridor was one of the "gateways" to the park in the Development Plan. Mrs. Nash commented that visual impact on the Canal Park should include more than that which is just seen from the towpath. Mrs. Nash made a motion postponing the approval of the Dome Salt Storage Building, requesting that a landscaping plan be provided; Mr. Jessen seconded the motion, and it passed unanimously.

90-1940 - Atrium Interceptor Sewer Replacement, Franklin Twp.

A sewer line will be expanded and a manhole installed between Easton Avenue and the canal. The NJ Water Supply Authority requested two conditions: 1) any coffer dam or other work in the canal must receive the approval of the Water Supply Authority, and 2) the Authority must be notified 2 weeks in advance of the start of construction of the portion of this project that is located between Easton Avenue and the canal.

Mr. Jessen moved approval of the "A" Zone projects (excepting the Dome Salt Storage Building); Mr. Zaikov seconded the motion and it passed without dissent.

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

89-1730A - Willow Hill Square, S. Brunswick Twp.  
40 houses clustered on 1/4-acre lots on 44 acres with

- 12% impervious coverage; 20 acres of open space are comprised mostly of wetlands.
- 88-1700 - Terrace Industrial Park, Hillsborough Twp. subdivision of 23+ acres into 13 Light Industrial lots with 60% maximum impervious coverage.
- 90-1951 - Best Foods Technical Center, Franklin Twp. 2-story office-research building on 17 acres with 36% impervious coverage.

Mr. Dobbs stated that conditions for stormwater management and water quality protection had been met for all projects. Mr. Jessen moved approval of the Willow Hill and Terrace Industrial Park projects; Mr. Zaikov seconded the motion and it passed unanimously. Mr. Zaikov then moved approval of the Best Foods Technical Center, Mr. Torpey seconded the motion; Messrs. Guidotti, Kirkland, Torpey, Zaikov, and Mrs. Nash voted in favor of the motion. Mr. Jessen abstained; the motion carried.

Mrs. Nash asked that the staff prepare a more detailed presentation of landscaping requirements for project applications; she also felt that the Commission was taking too narrow a view toward landscaping requirements. She said that it was important that the whole park be considered when reviewing visual impact--not just the canal. Mr. von Zumbusch suggested that the Commission combine the park and the roads next to it as a corridor that requires visual review as a whole. He also suggested that the Commission design a plan or policy for these corridors that could be taken to municipalities.

Mr. Amon responded by saying that it has always been his assumption that the reason that the Commission has authority over a review zone is to protect the Canal Park, not the Canal Park and nearby roads or other valuable features. He asked Ms. Blasi if she could review the statute and other legal documents and give the Commission her advice.

Mr. Amon presented a project that received conditional approval recently. The demolition of the Landing Lane Bridge was approved with the condition that one of its spans be preserved and placed in a suitable location. The Middlesex County Engineering Department attempted to find a location, but discovered that liability was too difficult an issue to overcome, and therefore proposed saving some of the decorative ironwork including the handrail and plates for a memorial on the north side of the Raritan. Mr. von Zumbusch suggested the Commission keep one of the plates for a future interpretive display. Mrs. Nash moved acceptance of the new proposal with the stipulation that one of the plaques be presented to the Canal Commission. Mr. Guidotti seconded the motion; Messrs. Guidotti, Kirkland, Torpey, Zaikov, and Mrs. Nash voted in favor of the motion. Mr. Jessen abstained; the motion carried.

Mr. Amon then presented another demolition project that had received previous approval. Due to financial difficulties, the company in charge of the demolition was unable to fulfill the Commission's landscaping requirements and asked permission of the Commission to

scale down its landscape plans. Mr. Amon reported that there was already a 15-foot-thick hedgerow in place between the site and the canal bank. He recommended that instead of the several hundred trees previously required to be planted, an allee of trees along the road would suffice. Mr. von Zumbusch felt that the new plan should be on paper; several of the Commissioners agreed. Mr. Zaikov moved postponing approval until a formal plan was received. Mr. Guidotti seconded the motion and it passed unanimously.

#### SOMERSET COUNTY PROJECT: CANAL ROAD BRIDGE OVER 10-MILE-RUN

The Somerset County Engineering Department presented plans for a new bridge to replace the existing bridge on Canal Road over Ten Mile Run. The new single-lane bridge would have a 16'3" span between guide rails, the old trusses would be rehabilitated and replaced as decorative elements, and gabion blankets would be limited to an area surrounding the abutments. Two large old trees would be removed, in order to place safe abutments. Mr. Amon recommended the Commission approve the plans but suggested two changes: 1) the new abutments be constructed with an ashlar stone wall as opposed to fieldstone facing, and 2) according to the plans, the lay of the land upstream of the bridge would be changed and trees removed--Mr. Amon asked why this was necessary.

Mr. Lorimer replied that the ashlar-type wall would be used. Mr. Skupien stated that the stream bed required realigning because the stream does not meet the bridge head on.

Mr. Zaikov questioned Mr. Mathis whether he thought this was a safe bridge. Mr. Mathis felt that the previous plan which was not approved earlier by the Commission was safer. After further discussion about the safety factor of the new bridge design, Mr. Zaikov moved calling the question, Mr. Jessen seconded the motion and it passed unanimously. Mr. Zaikov then moved disapproval of the new bridge design; Mr. Jessen seconded the motion. Messrs. Zaikov and Jessen voted in favor of the motion, Messrs. Guidotti, Kirkland, Torpey and Mrs. Nash voted against it. The motion did not carry. Mr. Kirkland asked Ms. Blasi, Deputy Attorney General, what would the extent of liability be if the Commission approved a design for a bridge on which an accident occurred after approval. Ms. Blasi replied that she would need more time to research the issue. Mr. Torpey then moved approval of the new bridge; Mrs. Nash seconded the motion. Messrs. Guidotti, Kirkland, Torpey and Mrs. Nash voted in favor of this motion, Messrs. Jessen and Zaikov voted against; the motion carried.

The Somerset County Engineering Department then requested that the Commission approve a permit to improve drainage on Weston Canal Road by enlarging 2 culverts (this permit is required by the Water Supply Authority). Mr. Jessen moved approval of the permit, Mr. Zaikov seconded the motion and it passed unanimously.

Mr. Skupien reviewed the status of Somerset County's plans for a regional detention system. Changes in the state's freshwater wetlands regulations will now permit construction of the regional basins, with conditions. Mr. Skupien asked the Commissioners to support these

changes with two exceptions to the conditions; 1) that the provision of pre-treating all runoff be changed to pre-treating new runoff only, and 2) that the provision of not allowing the water level to rise above 5 feet be dismissed. Mr. Zaikov moved approval to support the proposed resolution in support of the changes in the wetlands rules with the two exceptions previously mentioned; Mr. Torpey seconded the motion and it passed unanimously.

#### WATER SUPPLY AUTHORITY PROJECTS

The Authority requested conceptual approval of improvements to the Brookville Waste Gate. Moveable gates that would either be an accurate or close historic replica of the original gates would be constructed and would function electrically. Mr. Amon said that he did not have any difficulty with the WSA proposal to change the gate but that he could not see any justification for doing this job. The risk of flooding is limited to the 50 year flood and the damage from flooding is either minimal or nonexistent. No other reasons that have been suggested have convinced Mr. Amon that this repair project is needed. Mr. Baxter replied that the new gate would be useful not only for controlling possible flooding during storms, but that it would provide more flexibility in changing water levels in the canal, and it would help to control sediment and discharge. Mr. Zaikov moved conceptual approval of the project, Mr. Jessen seconded the motion, and it passed unanimously.

#### CANAL SUPERINTENDENT'S REPORT

Mr. Stern reviewed the extensive maintenance work being accomplished in Trenton. He stated that six park employees were currently working full time in this area.

#### PUBLIC FORUM

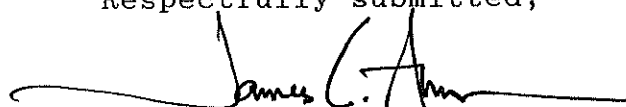
Mr. Torpey asked about the status of the National Heritage Corridor. Mrs. Thomsen stated that Congressman Zimmer's office had decided not to include the D & R Canal in the corridor proposal, instead proposing the route of the Morris Canal be used. Mrs. Thomsen felt that the D & R Canal should also be included--she said that the idea of a heritage corridor was much broader than the park itself; it would also include all historic structures and districts within the corridor.

Mr. McKelvey asked what priority did the Lambertville boat ride/lock have in development projects. Mr. Amon replied that after completion of the multi-use path from Lambertville to Trenton, restoration of 3 canal houses, and construction of the Freda Marden access area, it was next on the priority list.

Mrs. Thomsen stated that a new bill was currently being considered which would allow DOT to repair bridges across the canal without requiring consideration of historical aspects.

The meeting adjourned at 3:15 PM.

Respectfully submitted,

  
James C. Amon