

MINUTES OF THE MEETING OF 15 MAY 1991

TIME: 12:05 PM - 2:25 PM
DATE: Wednesday, 15 May 1991
PLACE: D & R Canal Commission
Prallsville Mills
Stockton, NJ



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: Barbara Thomsen, D & R Canal Watch
John H. Harrison, Jr., Ewing Twp. Historic
Preservation Commission
Robert B. Britton, Jr., Ewing Twp. Historic
Preservation Commission
Kay & Larry Pitt, Canal Society of New Jersey
Craig M. Lacaruba, CLA, Louis Berger & Assoc.
Claude Millet, Louis Berger & Assoc., Inc.
Mark Platz, Donald H. Stires Assoc.
Steve Osborne, Trap Rock Industries
Lynn Hunt, D & R Canal Watch
Ed Truscelli, Ewing Twp. Historic Preservation
Commission
Abe Shaikh, NJ Water Supply Authority
Carl Loutzenheiser, NJ Water Supply Authority
Ed Buss, NJ Water Supply Authority
Bill Moss, Canal Society of New Jersey
Paul Stern, D & R Canal State Park
John Kraml, Jr., Div. of Parks & Forestry
Ronald Weshnak, Highwood Conservancy
Joe Bird

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. Jessen moved approval of the minutes of 17 April 1991, Mrs. Nash seconded the motion, and it passed without dissent.

PRALLSVILLE MILLS P.O. BOX 539 STOCKTON, NJ 08559-0539 609-397-2000 FAX: 609-397-1081

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

REVIEW ZONE PROJECTS

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

- 88-0817A - Benenson Capital Company (Oxbridge), Montgomery Twp.
185 single family houses on 229+ acres with 8+%
impervious surface; previous approval due to expire.
- 90-1913 - Faculty Housing, Lawrence Township
30 single family units on 21+ acres with 18% impervious
surface.
- 91-1970 - Ewing Recreation Dept., Ewing Township
office, garage and parking on 1.81 acres, 61%
impervious surface.
- 90-1935 - BMI Educational Services, S. Brunswick Twp.
office/warehouse on 6 acres, 22% new impervious
surface.

Mr. Dobbs stated that stormwater management and water quality requirements had been met for all four projects. Mr. Jessen moved approval of the "B" Zone projects, Mrs. Nash seconded the motion and it passed unanimously.

Mr. Jones joined the meeting at 12:15 PM.

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

- 91-1977 - Ukrainian Church Sign, Franklin Twp.
replacement of 16-foot-long sign for church; no visual
impact on the Canal Park.

Mr. Jessen moved approval of the Ukrainian Church Sign, Mr. Zaikov seconded the motion, and it passed unanimously.

Trap Rock Industries Intersection (Route 518 and new County Route 603):

The original design which received Commission approval in 1988 for this intersection utilized a jughandle. Somerset County suggested a traffic signal at the intersection in place of the jughandle, which would have required extensive deforestation and filling of wetlands, formerly the site of a canal basin. Mr. Platz stated that the new design would be safer than the original plan. Mr. Jessen moved approval of the new intersection design and the granting of two easements across Canal Park property between the D & R Canal and the newly-built Somerset County Route 603. Mr. Guidotti seconded the motion, and it passed unanimously. These easements, for intake and outlet of water from the future reservoir, will be located with precision at a later time.

Mr. Amon reported on a problem involving a previously-approved "A" Zone project, Mansion Hill Estates, in Ewing Township. He reviewed the condition for approval which required the developer maintain three

quarry-workers' houses, provide an interpretive sign of the history of the former quarry, plus landscaping and a park bench. Since receiving the approval, one house burned down, one was bulldozed and the last has just recently "collapsed". The developer thus has an approval with a condition that cannot be fulfilled. Mr. Amon asked the Commissioners for suggestions. Mr. Britton of the Ewing Township Historic Preservation Commission asked that the Commission compel the developer to make restitution, possibly by reconstructing one of the houses. Mr. Amon and several of the Commissioners felt that this was impractical. Ms. Blasi was asked what powers the Commission had to compel the developer to make restitution; she answered that the Commission could go into court against municipalities if they did not act in accordance with the Commission's regulations; she also said that the statute states that the Commission Approval is binding on the applicant, even though no remedy is proscribed.

Mr. Torpey suggested that the Ewing Historic Preservation Commission come back to the Canal Commission with specific recommendations for making restitution.

Mr. Zaikov asked whether the Canal Commission could compel a developer to post a bond to preserve structures; Ms. Blasi replied that it might be possible, and she would look into it.

Mr. Zaikov moved approval of a resolution stating that the developer of the Mansion Hill Estates is in violation of an approved plan, and that any future actions by Ewing Township (e.g. issuance of building permits) must be in compliance with the D & R Canal Commission, and that no further action be taken until this problem has been resolved mutually by the Ewing Township Historic Preservation Commission and the Canal Commission. Mrs. Nash seconded the motion, and it carried unanimously.

The Commissioners requested that representatives of the Ewing Historic Preservation Commission return to the Canal Commission in June with their recommendations.

Mr. Pauley mentioned that two quarry-workers' houses in Griggstown . owned by Trap Rock Industries were equally if not more historically significant, and that he hoped measures would be taken to help preserve them.

Mr. Amon then reported on a request for modification of an approval given on an "A" Zone project in October of 1990. The Highwood Conservancy subdivision in Franklin Township was given approval with conservation easements to be held by the Commission and the Division of Parks and Forestry. A developer has requested that the easement between two lots be removed, in exchange for a larger easement on a border of one of the lots, so that one large house may be built on the two lots instead of two smaller houses. In addition, he asked that an

6 2 6

easement on the north border of the lots be removed (it protects what is believed to be the largest tamarack tree in Franklin Township) so that a driveway could be constructed nearby. Mr. Jones moved approval of a recommendation to the Division of Parks and Forestry that the easement between Lot 66.07 and Lot 66.08 be removed, in exchange for a larger easement on lot 66.08, but that the removal of the northern easement not be accepted. Mr. Torpey seconded the motion, and it passed unanimously.

WATER SUPPLY AUTHORITY PROJECT: REMEDIATION OF SEEPAGE AT SANHICAN SHOPPING CENTER

The New Jersey Water Supply Authority is seeking approval from the Canal Commission to build a French drain in this area to help prevent water leaking into the basements of the shopping center. (It cannot be proven that the water is groundwater, not canal water). For the construction to take place, all vegetation in the area must be removed; however, the plans indicate that a replacement landscape using native shrubs and trees will be planted. Mr. Jessen moved approval of the project, Mr. Zaikov seconded the motion, and it passed unanimously.

DISCUSSION OF NATIONAL HERITAGE CORRIDOR

Mr. Amon reviewed a report to the Commissioners about proposed legislation by Congressman Zimmer to designate the Morris and D & R Canals a National Heritage Corridor. Staff research indicates that the three previously designated corridors had backgrounds that were very different from the D & R, and that the proposed legislation would have to be carefully worded to avoid duplication of planning efforts that the Canal Commission has already executed.

Mr. Torpey suggested that he, Mr. Amon, and Congressman Zimmer's legislative aide meet to further discuss the possibilities. Mr. Zaikov agreed that it required more research.

Mrs. Nash suggested contacting the Pinelands Commission to learn more about how Commissions can function effectively, particularly in coordination with municipalities.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon reported that Princeton Township agreed to accept a loan from Green Acres toward the purchase of the Institute for Advanced Study property--this action does not commit them to the purchase, however.

Mr. Kraml requested the Commission give concept approval to a proposed expansion of parking facilities at the Scudders Falls access area. A minimum of 23 cars could park in the new area, which would be a stone and gravel surface. Five to eight trees would be removed; the

work would be done by DOT. Mr. Jessen moved concept approval of the project, Mr. Jones seconded the motion, and it passed unanimously.

CANAL SUPERINTENDENT'S REPORT

Mr. Stern stated that the large cleanup operation in Trenton was near completion; a new drainage ditch between Fowler and Calhoun Streets plus Prospect Street and the railroad bridge had been excavated. He said that there were two crews working from the "Clean Communities" program. Mr. Amon said that residents were delighted with the work that was done. Mr. Kirkland said that Mr. Stern was to be congratulated.

The meeting adjourned at 2:25 PM.

Respectfully submitted,

James C. Amon