

MINUTES OF THE MEETING OF 19 JUNE 1991

TIME: 12:15 PM - 3:40 PM
DATE: Wednesday, 19 June 1991
PLACE: D & R Canal Commission Office
Prallsville Mills
Stockton, NJ



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: Bill McKelvey, Friends of NJRR &
Transportation Museum
John M. Sheehan, Ewing Historic
Commission
Abigail Barrows, Franklin Citizens for
Orderly Planning
D. S. Schaeffer, Mansion Hill Estates
John Kraml, Division of Parks & Forestry
Kay & Larry Pitt, CSNJ
Babs Thomsen, D & R Canal Watch
Robert von Zumbusch
Bill Moss, Canal Society of New Jersey
Richard Goldman, Mansion Hill Estates
Nancy Haberle
Michael Kraus, The Stubbins Associates
Robert Hanna, Hanna/Olin Ltd.
William T. King III, Nassau Park Assoc.
Chris Baker, McCarthy & Schatzman
Gordon Keith, Port Mercer Civic Assoc.
Sam Surtees, Community Development
Director, West Windsor

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. Zaikov moved approval of the minutes of the meeting of 15 May 1991, Mrs. Nash seconded the motion, and it passed unanimously.

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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

LEASES

Mr. Amon announced that two leases were proposed for one-year extensions. The first is with people who own a home in Titusville that has a bulkhead/patio on the edge of the canal. The rental fee is \$150 per year. The other is for a small piece of land next to the Perdicaris waste race in Trenton which is used for a yard and for which the State charges \$50 per year. He recommended approval of both extensions. Mr. Jessen moved approval, Mr. Pauley seconded the motion, and it carried unanimously.

REVIEW ZONE PROJECTS

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

- 88-1263 - Princeton Metro Associates, Phases II & III, West Windsor. Two office buildings on 20 acres with 45% impervious coverage. Previous approval due to expire.
- 86-1095 - DCH, Phase III, North Brunswick. 1.7 acre parking lot for auto dealer. Previous approval due to expire.
- 88-1641 - Pretty Brook '85 Ltd., Princeton Twp. Forty single-family houses on 323 acres with 5% impervious coverage. Previous approval due to expire.
- 90-1926 - IMO Expansion, Lawrence. Office building addition. Total impervious coverage 44%.
- 90-1903 - Lenox Corporate Headquarters, Lawrence. New office building on 12-acre site. Impervious coverage will be 38%.
- 91-1983 - Peddie School Regional Basin, Hightstown. Regional detention basin constructed to accommodate several small school buildings.
- 90-1950 - Brandywine at Windsor, E. Windsor. Twelve single-family houses on 32 acres with 12% impervious coverage.
- 88-1688 - Alfieri Cranbury Campus, Cranbury & South Brunswick. Office and warehouse development on 267 acres with eventual 50% impervious coverage.
- 91-1979 - Forsgate Complex S-120F, South Brunswick. Office/warehouse on 12 acres with 42% impervious coverage.

Mr. Dobbs reported that all of these projects were in compliance with the Commission's stormwater management regulations, and he recommended approval.

Mr. Zaikov said that he was not satisfied with the information on several of the forms about project ownership. If a corporation is listed instead of individuals, it is impossible for him to know if he could be doing business with

people who are connected with projects on which he is supposed to vote. Mr. Dobbs explained that the Commission's policy is to require applicants to give the names of everyone with 10 percent or more ownership in the project. If no one has 10 percent, then the corporation is listed. Mr. Zaikov said that he did not feel comfortable with this policy and asked Ms. Blasi to find out what the Attorney General's office recommends under these circumstances. She was also asked to determine the proper procedure when a Commissioner has a conflict. Finally, she was asked if an abstention counts as a vote as far as determining the presence of a quorum.

Mr. Jones moved approval of the following "B" Zone applications:

- 91-1979 - Forsgate Complex
- 90-1950 - Brandywine at Windsor
- 91-1983 - Peddie School
- 90-1903 - Lenox
- 88-1641 - Pretty Brook
- 88-1263 - Princeton Metro Associates

Mr. Guidotti seconded the motion and it passed unanimously. Mr. Jones then moved approval of the following "B" Zone applications:

- 86-1095 - DCH
- 90-1926 - IMO
- 88-1688 - Alfieri Cranbury Campus

Mr. Guidetti seconded the motion. Messrs. Zaikov and Jessen abstained, all other Commissioners present voted to approve.

Mr. Amon then presented two "A" Zone projects with his recommendation for approval:

- 90-1948 - Griggstown Firehouse Addition, Franklin.
Two-story addition on the rear of the existing building.
- 91-1937 - Chemesco Facility, Trenton. Removal of chemically contaminated soil.

Mr. Jessen moved approval of these two projects; Mr. Torpey seconded the motion; and it was unanimously approved.

Mr. Amon then presented 91-1981 - Haberle Garage. He said that the applicant wants to put a garage three feet from the Canal Park property line. He reported that when he told the applicant that he could not recommend approval for a structure that close, the applicant would not change and simply threatened a lawsuit if the Commission would not approve. After a brief discussion it became apparent that the Commissioners were unlikely to approve the project, so

Mrs. Haberle requested permission to withdraw the application. She was advised to prepare a new application in consultation with Mr. Amon with a greater set-back and with some landscaping to buffer the visual impact.

MANSION HILL ESTATES

Mr. Richard Goldman, representing Renschler and Wilber, Inc., owners of Mansion Hill Estates, reviewed the history of the project with special regard to the loss of the quarry workers' houses. He explained that his client has met with the Ewing Historic Commission and with Mr. Amon in order to work out a historical interpretation display that would satisfy all parties. Mr. Sheehan, from the Ewing Historic Commission, stated that his group has approved the concept of interpretive display and made some recommendations regarding its form. There was general agreement among the Commissioners that this was an appropriate way to compensate for the loss of the quarry houses, and after extensive discussion about how to be fair to the applicant yet be guaranteed that the interpretive display would be built, Mr. Zaikov made the following motion:

The applicant will be given until the end of this calendar year to obtain the various state and municipal permits needed for the interpretive display and until 1 April 1992 to complete its construction. The applicant is also instructed to post a \$10,000 bond or letter of credit, at which time the Canal Commission will withdraw its notice to Ewing Township for holding all future permits to Mansion Hill Estates. In the interval between this meeting and the receipt of the bond or letter of credit, the Commission will notify Ewing Township that it agrees to the release of one building permit and one certificate of occupancy.

The motion was seconded by Mr. Torpey and passed unanimously.

NASSAU PARK

Mr. Amon told the Commissioners that a developer has proposed a major shopping center and office complex in West Windsor Township next to the Port Mercer section of the Canal Park. The applicant has made a sketch plat presentation to the West Windsor Planning Board and Mr. Amon invited him to do the same for the Canal Commission.

Mr. Chris Baker, representing Nassau Park, told the Commission that they propose a 650,000 square foot shopping center and approximately 1,000,000 square feet of office space on a 162-acre tract that is presently a sod farm. He introduced Michael Kraus, the architect and planner, and Robert Hanna, the landscape architect. Mr. Kraus and Mr.

Hanna explained the proposed site plan and emphasized their concern for protecting the Canal Park and the historic community of Port Mercer.

Mr. Amon then discussed the issues that the Canal Commission will consider in its review of the project:

1. Storm water management
2. Stream corridor protection
3. Traffic impact
4. Visual and natural quality impact.

He said that the first three items will have to be reviewed when more information is available. With regard to visual and natural quality, he reminded the Commissioners that the Review Zone guidelines "discourage" all major projects from the "A" portion of the Review Zone (1,000 feet from the canal) and that several buildings and parking structures are proposed for that area. He also said that the historic character of Port Mercer is, in his opinion, affected detrimentally by the proposed arrangement and recommended a denser concentration closer to Route One so that there could be more open space near the Canal Park and Port Mercer.

The Commissioners asked a number of questions regarding traffic, access to the Canal Park, the closeness of the buildings and parking areas to Port Mercer, and the desirability of various changes to give more open space.

Mrs. Nash said that she would like less surface parking and perhaps taller but fewer buildings to allow more open space.

Mr. Kirkland and others expressed the opinion that it might be better to have attractive buildings near the park and historic community than to have parking lots.

Mr. Zaikov left the meeting at 3:15 pm.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon said that he had discussed the Heritage Corridor concept with a number of people and had reviewed material that was sent by Congressman Zimmer's office at the request of Mr. Torpey. He suggested that he prepare an outline for the July meeting of what kinds of things in a Corridor Plan for the D & R would be desirable.

Mr. Jessen then asked about the traffic impact on Port Mercer from the Nassau Park project. He said that it would be better to have a new crossing than to add so much traffic to

the existing bridge. Mrs. Nash said that there is no way of knowing when the litigation on Yorkshire Village will clear or what will happen to the proposed housing development when the lawsuits are settled. It may, she said, be many years before the new bridge could ever be built. In the meantime, both she and Mr. Jessen expressed their concern that the traffic generated by Nassau Park could kill Port Mercer.

Mr. Guidotti said that he was quite concerned about the possibility that a high volume of Canal Park use would be generated but no facilities for it were being provided. He mentioned lavatories and a pedestrian bridge to the tow path as examples of what might be needed to accommodate the people who will be encouraged by Nassau Park to use the Canal Park. He added that he believes that it is the Canal Commission's responsibility to protect the Canal Park, and he does not see why the Commission should go along with any variances to its regulations at this time.

Mr. Pauley and Mr. Kirkland added that they felt it would be a mistake for the Nassau Park sponsors to conclude that the Commission is satisfied with the proposed densities near Port Mercer and the Canal Park. Mr. Pauley added that he believes the site plan can and should be rearranged to open more of the "A" Zone part of the site.

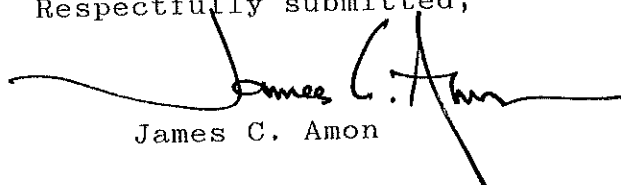
It was concluded that Mr. Kirkland should write a letter to the applicant expressing all of these ideas so that there would not be a misunderstanding.

PUBLIC FORUM

Ms. Thomsen said that Canal Watch would like to take on a demonstration project in the City of Trenton. They are considering a site at the corner of West State Street and Prospect Street and would like to remove a privet hedge and the chain-link fence. The Commissioners expressed support for the idea of removing the fence but cautioned Ms. Thomsen about the political difficulty. It was suggested that a good first step would be to obtain support from Trenton's Mayor Palmer.

The meeting was adjourned at 3:40 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is stylized with a large, sweeping initial "J" and a long horizontal line extending to the right.

James C. Amon