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

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. Larcubba, 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.
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
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