

MINUTES OF THE MEETING OF 19 FEBRUARY 1992

TIME: 12:10 PM - 2:05 PM  
DATE: Wednesday, 19 February 1992  
PLACE: D & R Canal Commission  
Prallsville Mills  
Stockton, NJ



DELAWARE AND RARITAN  
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: Paul Stern, D & R Canal State Park  
Joe Bird  
Kay & Larry Pitt, Canal Society of NJ  
A. Gregory Chase, NJ Water Supply Authority  
Daniel S. Eubanks, R/C Flying Club  
Mrs. R.K. Fairman, Rockingham  
Bill Moss, Canal Society of New Jersey  
Fred Brown, D & R Canal Watch

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 the meeting of 15 January 1992; Mr. Jones seconded the motion and it passed unanimously.

LEASES AND PERMITS

Mr. Amon reviewed one application for a lease renewal: Finkel's Hardware in Lambertville is requesting to renew a lease for a small piece of land used as a driveway for \$75 per year. Mr. Pauley moved approval of the renewal, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Amon then reviewed two permit applications. The Elizabethtown Water Company proposes to build a pumping station near the 10-Mile Lock, and is requesting a permit to take soil samples in the canal bed and banks. These borings would later be filled with sand; the water company will inform the Water Supply Authority when the work will be done. Mr. Zaikov moved approval of this permit, 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

Mr. Amon then described a recent permit application by a construction company working on the I-295/I-195 complex. The company wishes to build a temporary roadway across the abandoned section of the canal in Hamilton Township, at the location where the future overpass will cross. A 48" pipe will permit tidal water to pass and fabric will protect embankment stone. Mr. Zaikov moved approval authorizing Mr. Amon to sign a permit prepared by the Division of Parks and Forestry; Mrs. Nash seconded the motion, and it passed unanimously. Superintendent Stern suggested that when the permit is drawn up, construction of a permanent pedestrian bridge near the outlet lock be requested as a part of the permit.

Mr. Amon presented one "A" Zone project:

90-1882A - Wynn Outbuilding/Hobby Shop  
Franklin Township, Somerset County

Mr. Amon stated that the applicant proposes to alter a small residence and shed for the purpose of restoring antique cars to be stored inside. The buildings are behind the main residence and would not have a harmful visual impact on the Canal Park. Mr. Pauley moved approval of this application, Mrs. Nash seconded the motion and it passed unanimously.

Mr. Dobbs presented two "B" Zone projects for approval:

91-1998 - Circuit City Stores  
Lawrence Township, Mercer County  
two 2-story retail stores on 8+ acres with  
68% impervious coverage.

90-1932 - Livingston Building Supply  
Franklin Township, Somerset County  
2-story office/warehouse on 2 acres with 67%  
impervious coverage.

Mr. Dobbs stated that stormwater management and water quality requirements of the DRCC had been met in both projects, and recommended approval. Mr. Zaikov moved approval of the new "B" Zone projects, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Dobbs then presented the following "B" Zone projects for reapproval:

88-1616 - North Hills Estates  
Montgomery Township, Somerset County  
25 single family houses on 54+ acres with 10+%  
impervious coverage.

88-1650 - Freedman Truck Center  
South Brunswick Township, Middlesex County  
1-story building addition and parking on 8+ acres  
with 48% impervious surface.

Mr. Dobbs stated that in the case of North Hills Estates, a conservation easement had been given to the township for a stream corridor buffer with the exception of three small areas which were waived by the Commission on 11/20/91. Mr. Zaikov asked for further information of ownership.

Mr. Dobbs then stated that the Freedman Truck Center also had a stream corridor onsite, but was granted approval before the stream corridor regulations were adopted. Construction has not taken place for financial reasons. Mr. Amon stated that the Commission considered government prohibition of a project (e.g., sewer bans) an appropriate reason for extending approvals that do not comply with the 1990 stream corridor regulations but no policy had been established in cases where the applicant's financial considerations were the cause of holding up construction. Mr. Jones stated that this policy implied that any other reason was not appropriate for granting approval. Mrs. Nash said that financial reasons were not permitted at a Board of Adjustment, that the applicant should not be granted an extension, and the Commission should insist on protection of the stream corridor.

The application for North Hills Estates was tabled due to lack of a quorum.

Mr. Jones moved denial of the Freedman Truck Center application, Mrs. Nash seconded the motion, and it passed unanimously.

#### PERMIT FOR MOTORIZED MODEL AIRPLANES IN THE CANAL PARK

Mr. Amon presented an application for a permit to use a field in the Canal Park south of Lambertville for flying model airplanes, and recommended not approving the permit. He stated that although the use of the field to fly airplanes would provide recreation for certain park users, the noise would detract from the enjoyment of many other park users who visit the park to find serenity and separation from the man-made world. In addition, he felt that the interference would also harmfully impact the role of the park as a nature preserve. Both principles are part of the Canal Park's Master Plan.

Ms. Holms presented data gathered from bird surveys conducted in 1990 and 1991 in this area; from a birdwatcher's point of view, this area provides much enjoyment because of species diversity. According to New Jersey Audubon Society, Washington Crossing Audubon Society, and Bucks County Audubon Society, the noise of model airplanes would have a negative impact on both nesting and migrating birds. She also stated that the area was very conducive to other passive recreation such as canoeing and walking, and felt that the noise generated by the airplanes would detract from the peacefulness of this section of the park.

Mr. Stern stated that this permit would provide recreation for New Jersey residents, that it was reasonable, and that its impact was not great, because it was away from people and houses. He

stated that traffic would be minimal, and that only two planes could be flown at any one time. He stated that he could also arrange for the permit to be applicable after 10:00 AM.

Mr. Eubanks, a model airplane flyer, stated that his club had to leave two fields because of zoning; that when complaints came in, they used zoning as the reason to leave. He said that there would not be more than 5 cars parked at the area, and that decibel levels are restricted.

Mr. Brown stated that as a birdwatcher and hiker, he felt that the ambience of that area would be violated by the noise of the airplanes.

Mr. Zaikov objected strenuously to the idea that the Canal Park should be closed to this kind of recreational activity. He suggested that there should not be restrictions to the kinds of activities that are permitted, that the welfare of birds or the pleasure of birdwatchers was less important than providing a place for this recreational pursuit, and that banning airplanes because they are noisy would be akin to banning radios or even talking in the Canal Park.

Mrs. Nash asked Mr. Amon to look into the noise level and to visit a site in use. Mr. Pauley asked about the opinion of the Somerset County Park Commission. Mr. Jones moved tabling the application until Mr. Amon could visit a site and discuss the issue with Mr. Torpey, a member of the Somerset County Park Commission. Mrs. Nash seconded the motion and it passed unanimously.

#### DISCUSSION OF OTHER STATE PROGRAMS

##### A. EASTERN RARITAN BASIN WATER SUPPLY

Mr. Amon reviewed the status of a study regarding proposed reservoir sites; the study concluded that if the Kingston Trap Rock Quarry becomes available in the future, this site would be least expensive for supplying water. The proposed Six-Mile-Run reservoir site would be the most expensive and have the worst water quality. Another alternative is the confluence of the North and South Branches of the Raritan River, which would use a low weir and pumping station for water supply. A final determination is still pending.

##### B. SEWER EXTENSION PERMITS

Mr. Dobbs reviewed a study by DEPE that is contemplating revision of sewer extension permits, and analyzed its relation to the Canal Commission's concerns. He stated that only one proposal, that of eliminating the approval program for direct industrial discharge, would have a possible negative impact on water quality in the canal. Mr. Amon suggested writing a letter expressing the Commission's concerns regarding this matter. Mr. Pauley

recommended including commercial dischargers as well as industrial dischargers to be under state regulation.

### C. FEDERAL SURFACE TRANSPORTATION ACT

Mr. Amon described elements of a new federal transportation law that would provide funds for recreational trails, and that this might be used for the completion of the multi-use path in the Canal Park. Federal funds would also be available for scenic road enhancement, and for rehabilitation of transportation-related structures.

### EXECUTIVE DIRECTOR'S REPORT

Mr. Amon said that the Canal Society of New Jersey recently purchased a "treasure trove" of canal-related artifacts. Mr. Moss, President of the Canal Society, said that for \$1400, the Canal Society received 700-800 deeds, construction contracts, and maps, some going back as far as 1808. He said that an intern with the State Archives will be analyzing and categorizing the material.

### CANAL PARK SUPERINTENDENT'S REPORT

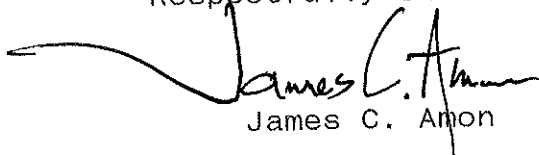
Mr. Stern said that the Carnegie Road parking area has been redesigned to discourage illegal dumping; that the maintenance crew was busy fixing equipment, that drainage ditches in the Millstone Valley were almost completed, and that the maintenance staff would be reduced by one.

### PUBLIC FORUM

Mr. Brown noted that dogwoods were being cut down for no apparent reason south of Blackwell's Mills.

The meeting adjourned at 2:05 PM.

Respectfully submitted,

  
James C. Amon