

MINUTES OF THE MEETING OF APRIL 21, 1993

TIME: 12:15 PM to 1:30 PM
DATE: Wednesday, April 21, 1993
PLACE: WSA Canal Field Office
Ewing, NJ



ATTENDING:

COMMISSIONERS: Messrs. Jones, Marshall, Pauley, Torpey,
Mrs. Nash, Ms. Shaddow (representative for
Mayor Palmer)

STAFF: Mr. Amon, Mr. Dobbs, Ms. Holms
Ms. Carol Blasi, Deputy Attorney General

GUESTS: Paul Stern, D&R Canal State Park
A. Gregory Chase, NJ Water Supply Authority
Fred Brown, D&R Canal Watch
Bill McKelvey, Friends of NJRR & Transportation
Museum
Joe Bird
Deborah Poritz, Jamieson, Moore, Peskin
Kay & Larry Pitt, Canal Society of NJ
Thomas G. Baxter, NJ Water Supply Authority
Thomas A. Price, NJ Water Supply Authority
Lea Kahn, Lawrence Ledger

Mr. Amon called the meeting to order and said that an election of a Chairman Pro Tem would be the first order of business. Mr. Jones moved to nominate Mr. Torpey; Mr. Pauley seconded the motion. Mr. Amon asked if there were other nominations; there being none, he declared nominations closed and Mr. Torpey was elected Chairman Pro Tem by acclaim.

Mr. Amon introduced Ms. Jean Shaddow, Mayor Palmer's representative. He thanked Mr. Baxter of the Water Supply Authority for hosting the Commission meeting.

Mr. Torpey 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 noted that the date of last month's minutes was incorrectly labeled February 17 and should be March 17; with that amendment she moved approval of the minutes of March 17. Mr. Torpey seconded the motion and it passed unanimously.

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EXECUTIVE
DIRECTOR
James C. Amon

COMMISSIONERS
Benjamin B. Kirkland
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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 AND ENERGY
James J. Florio, Governor Scott A. Weiner, Commissioner

LEASES AND PERMITS

Mr. Amon stated that there was one permit application for a maintenance building to be built on Bull's Island by the Division of Parks and Forestry. The building, a "pre-fab," would be metal-clad, but Mr. Amon said that the Division would be willing to put wood siding and asphalt shingles on it. Mr. Jones said that a steeper pitched roof would also enhance its appearance and recommended it be part of the approval. Mr. Jones moved the approval of the maintenance building with the conditions that wood siding and asphalt shingles be used, and a steeper pitched roof installed if practical. Mrs. Nash seconded the motion and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented three "A" Zone projects:

92-2035 - Millstone Valley Fire Dept. - Franklin Township,
Somerset County

Mr. Amon stated that the applicant proposes to put a one-story addition on the rear of an existing building; both building and proposed addition would be screened by a currently existing dense hedgerow.

86-1029B - Somerset Diner Expansion - Franklin Township,
Somerset County

This project was previously approved in 1992; the applicant now desires to change the location of the addition. A stockade fence and tree plantings will mitigate visual impact.

92-2048 - Taco Bell - Franklin Township, Somerset County

The proposal is for a restaurant to be built on an existing parking lot 350 feet from the canal. Landscaping onsite and an existing hedgerow will mitigate its visual impact. A discussion ensued about the litter problem in this area and whether it would be a good idea to require fencing to keep the litter out of the Canal Park. Mr. Stern noted that fencing just the Taco Bell area would not solve the problem, and that the entire shopping center would require a 4,000-foot fence. Mr. Torpey suggested that the Commission inform the applicant that litter is a problem in the area and that the area should be maintained. Mr. Jones moved approval of the three "A" Zone projects; Mrs. Nash seconded the motion and it passed unanimously.

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

- 89-1762 - Homestead - Kingwood Township.
8 houses on 22+ acres with 9% impervious surface.
- 93-2080 - Mount Airy Estates - West Amwell Township.
48 single family houses on 113 acres with 11% impervious coverage; stream corridor buffer along Alexauken Creek.
- 92-2070 - Parkway Elementary School - Ewing Township.
elimination of existing school and construction of a new 2-story school plus parking on 6+ acres with an increase in impervious surface from 31% to 50%.
- 92-2072 - Middle School Annex - Hillsborough Township.
1-story addition plus parking on 24+ acres with an increase of impervious coverage of 11%.
- 89-1713 - New Center Village Square - Hillsborough Township.
53,492 sq. ft. office-medical-retail building on 5.4 acres with 65% impervious coverage.
- 92-2077 - Police/Court Facility - West Windsor Township.
24,000 sq. ft. one-story building plus parking on 26+ acres with an increase of 6% impervious surface.
- 92-2066 - Princeton Water Storage Facility - Princeton Twp.
two 35,500 sq. ft. water storage tanks on 27+ acres with 6% impervious coverage.
- 91-2017 - Forsgate Industrial Complex S-154 - South Brunswick Township.
89,973 sq. ft. one-story office/warehouse on 9+ acres with 38% impervious coverage.

Mr. Dobbs stated that Commission requirements for stormwater management and water quality had been met for all projects and recommended approval. Mr. Jones moved approval of the "B" Zone applications, Mr. Pauley seconded the motion, and it passed unanimously.

REPORT FROM THE SUB-COMMITTEE ON PORT MERCER DEVELOPMENT

Mr. Pauley said that at the last meeting attended by the sub-committee, municipal and county officials, plus representatives from Wal-Mart, a new traffic study was presented that stated that with the new bridge construction, rush hour traffic at the Port Mercer bridge would drop to pre-1987 levels. The extension of Canal Pointe Boulevard was also discussed. Mr. Amon stated that Assistant Commissioner Hall attended the meeting and relayed the concern of Commissioner Weiner that whatever solution is selected, it should be an improvement over the existing situation. Mr. Amon also reported that a subsequent meeting between municipal and county officials took place; at this meeting, West Windsor representatives stated that they were planning to take the Canal Pointe Boulevard extension off their Master Plan; as a result of the meeting, MSM Regional Council would be hired to conduct an objective traffic study of the area.

Ms. Holms reported that MSM would most likely use the same traffic consultant that the Princetons and West Windsor used for their circulation plans to conduct the study, and that they may consider the Canal Pointe Boulevard extension as a possible alternative for data analysis.

Mr. Amon then reviewed the letter to the Commission from DOT Commissioner Downs, which indicated that the Commission does not have the authority to close a DOT-owned bridge. Mr. Amon suggested that he respond to the letter by requesting a meeting with the Commissioner. Mr. Jones moved approval of Mr. Amon's response, Mrs. Nash seconded the motion and it passed unanimously.

DISCUSSION OF WSA REGULAR MAINTENANCE WORK IN CANAL PARK

Mr. Baxter greeted the Commissioners and introduced Mr. Price, the Water Supply Authority's Facilities Manager, who summarized the regular ongoing maintenance work that the WSA does along the canal. Mr. Price stated that there are 25 full time employees involved in maintenance, 12-15 of whom regularly work in the field. Two types of crews are used--one for maintenance such as tree removal, painting structures, and mowing, and one that operates equipment for work such as restoring the towpath and stopping leaks. Due to last year's drought, an onslaught of aquatic vegetation necessitated more weed harvesting than usual, which in turn has delayed the maintenance dredging. The dredging should start in June.

A discussion followed about the lack of funding for more Parks maintenance employees. Several of the Commissioners asked whether more volunteer programs could be encouraged. Mr. Marshall noted that if volunteers are given responsibilities other than litter pickup, liability for accidents may not be fully covered by current insurance. Mr. Torpey recommended that the Commissioners come up with suggestions at next month's meeting.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon suggested that after the Canal Park Superintendent's Report and the Public Forum, the Canal Commission go into Executive Session to discuss the memo from Mr. Amon to Ms. Blasi that was circulated to the Commissioners.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern stated that seasonal mowing was beginning and Clean Communities crews were being organized.

PUBLIC FORUM

Mr. Brown thanked Mr. Stern for helping D&R Canal Watch with their fundraising Run--the funds raised may be used to design and install

interpretive signs about how canal locks work. He also announced that D&R Canal Watch's Annual Meeting will be held on May 18th in Lawrence Township at the Municipal Building. Richard Hunter will speak about mills along the canal.

Mr. Jones moved the following resolution, read by Ms. Blasi for the record:

Whereas the Open Public Meeting Act provides that a public body such as the Delaware and Raritan Canal Commission may meet in closed session to discuss "any pending or anticipated litigation...in which the public body is or may become a party";

Whereas the Commission desires to retire to closed session to discuss litigation matters or possible litigation matters;

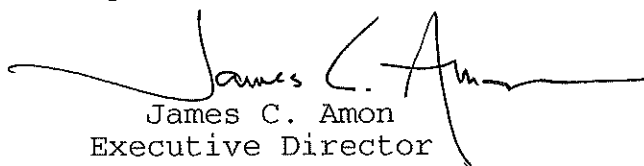
Now therefore, be it resolved that the Commission shall at this time meet in closed session to discuss the above mentioned matters. The substance of the closed session will be disclosed publicly only when it will not impede the State's ability to participate in the litigation or breach an attorney-client privilege.

The matter to be discussed will be the applications anticipated for the Port Mercer area/Nassau Park and the legal advice regarding the same.

Mrs. Nash seconded the motion and it passed unanimously. The Commission entered Executive Session at 1:35 PM.

At 1:50 PM, Mr. Pauley left the Executive Session. A quorum no longer existed but the discussion continued. No action was taken. The Executive Session ended at 2:30, and, without a quorum, no public meeting ensued.

Respectfully submitted,


James C. Amon
Executive Director