

MINUTES OF THE MEETING OF JULY 21, 1993

TIME: 12:05 PM to 2:00 PM
DATE: Wednesday, July 21, 1993
PLACE: Canal Commission Office
Prallsville Mills, Stockton, NJ



ATTENDING:

COMMISSIONERS: Messrs. Jessen, Jones, Kirkland, Marshall, Pauley; 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
Kay & Larry Pitt, Canal Society of New Jersey
Joe Bird
Robert A. Wayne, Attorney
Walter A. Seaman, Trenton Eng. Co.
Fred Brown, D&R Canal Watch
Bill Moss, Canal Society of New Jersey

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 the approval of the minutes of the Executive Session and regular meeting of June 23; Mr. Jones seconded the motion and it passed unanimously. Mr. Pauley then moved approval of the minutes of the meeting of June 16; Mr. Jones seconded the motion. Messrs. Jessen, Jones, Kirkland, Marshall and Pauley voted in favor of the motion; Mrs. Nash abstained. The motion carried.

REVIEW ZONE ACTIONS

Mr. Amon presented two "A" Zone project applications for approval:

92-2071 - Good Time Charley's Addition - Franklin Township, Somerset County.

Mr. Amon stated that the applicant is proposing a restaurant addition with additional parking. Part of the parking lot will be gravel; the restaurant cannot be seen from the Canal Park. He recommended approval.

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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

93-2099 - PSE&G Central Division Headquarters - Franklin Twp.,
Somerset County.

The applicant proposes to add to an existing building, add a building, increase parking, and construct a 196-foot tower. The tower will be approximately 600-700 feet from the Canal Park, and although it will be visible from the park, according to Mr. Amon, it will not be imposing. He recommended approval of this project as well. Mrs. Nash moved approval of the two "A" Zone projects; Mr. Jessen seconded the motion, and it passed unanimously.

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

93-2114 - FWG Office Building - Princeton Township.
one 2-story office building on 5+ acres with 28%
impervious surface.

92-2040 - Riversedge IV - Montgomery Township.
21 single family houses on 49+ acres with 9%
impervious coverage.

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

Mr. Amon then presented an application for a waiver from strict compliance with the Stream Corridor Regulations. Mr. Wayne, attorney for the applicant, stated that in 1988 Lawrence Township denied approval of a project consisting of 49 houses on 114 acres (Princeton Weald). The court then sent the project back to the township planning board to be reconsidered. Mr. Wayne felt that the Commission should "grandfather" the approval despite DAG Blasi's opinion that this was not appropriate for this case. He said that if the Commission did not grandfather the approval, then he would request a waiver from strict adherence to the stream corridor regulations, based upon economic hardship. He said that over 5 acres of development would encroach into the buffer area, but that over 5 acres in the site will be protected through a conservation easement. Mr. Seaman stated that three of the encroachment areas are detention basins, which are permitted as a conditional use in the regulations.

A discussion ensued about providing proper language in the conservation easement so that the protected acreage would remain in a pristine state. Mr. Jessen moved waiving the proposed project from strict compliance of the stream corridor regulations based on 7:45-11.4a, which states that the waiver can be considered if the project "will not have an adverse impact upon the stream corridor's present ability to function as a buffer for the stream's ecological health and as a natural area." He added the conditions that
1) the applicant must submit for Commission approval the terms of

the conservation easement that will be placed on the stream corridor land to the Commission, and 2) the Commission must be satisfied that the holder of the conservation easement on the stream corridor land is capable and willing to monitor and enforce the terms of the easement.

Mr. Pauley seconded the motion, and it passed unanimously.

DISCUSSION OF UPDATE OF CANAL COMMISSION'S REGULATIONS FOR THE REVIEW ZONE

Mr. Amon stated that the present regulations would expire in February, 1994, and that he has been working with staff and DAG Blasi toward re-adoption. He felt that only minor changes would be necessary. He suggested removing the section about "peremptory review", whereby the Commission could approve a project without review, if a municipality had adopted the Commission's standards and had conducted its own review. Mr. Amon said that in practice, municipalities have consistently relied upon the Canal Commission for review of stormwater management, and he felt that peremptory review would unlikely be undertaken in the future. He also said that there were several grammatical changes.

Mr. Amon stated that the traffic regulations were problematic, and suggested removing the word "on-site" from the rule that requires an applicant to use "feasible on-site planning techniques" to direct traffic away from the park.

Mr. Jones asked about the possibility of requiring applicants to pay for the Commission's own consultants--for example, traffic consultants. Mr. Amon said he would look into it.

Mrs. Nash asked whether the Commission could require more specific language in conservation easements of stream corridor buffers, to make sure the land is fully protected and kept in its natural state. Mr. Amon responded that the regulations might stipulate that any proposed conservation easement be written so that the Commission is satisfied that the corridor will be permanently protected.

Mr. Jessen suggested a check list at the beginning of the regulations.

DISCUSSION OF RESULTS OF THE CANAL PARK BIRD SURVEY

Ms. Holms stated that in 1990 and 1991, the Canal Commission coordinated a breeding bird survey involving forty-four volunteers to survey the Canal Park for nesting birds. The results were recently published in an article in Records of New Jersey Birds, written by Ms. Holms and Dr. Charles Leck, an ornithologist from Rutgers. She said that the survey produced a wealth of information concerning all aspects of bird life in the park, and that it will

be useful to the Commission staff in its review of projects in or near the Canal Park.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon said that applicants for Yorkshire Village will be coming before the Commission, and suggested that the Commission consider conducting a sketch plat review before receiving a presentation for final approval. Mr. Pauley said that he wanted to ensure that the possibility of a by-pass bridge, possibly a new wooden swing bridge at Port Mercer, will be discussed. The Commissioners agreed that a preliminary review would be a good idea.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern reported that demolition will begin on the Elizabethtown Water Company's building and bridge abutment near 10-Mile Lock. He said a new ranger will soon be hired, and that construction on the utility building at Bull's Island will start presently. He also reported that the tenants at the Kingston Locktender's House have left but that they vandalized the house before leaving. Three canal houses are in the process of being restored. The Weston House, Mr. Stern reported, will be stabilized but will not be restored for use. The problem is that a drainage ditch flows through the basement and stream encroachment regulations made it unreasonable to restore and comply with the conditions. Several of the Commissioners objected strongly to this circumstance and Mr. Marshall said that he would ask his staff to re-examine the situation.

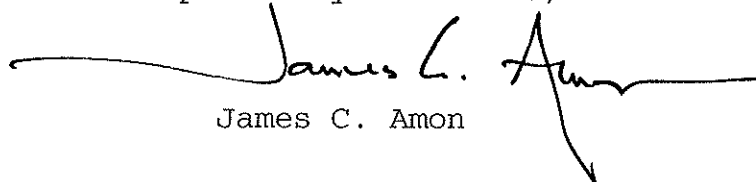
Mr. Stern said that a new "Carry In/Carry Out" trash policy is being initiated in the park.

PUBLIC FORUM

Mr. Pauley stated that the Bridge Safety Commission was actively investigating various aspects of bridges, and that DOT was being very helpful.

The meeting adjourned at 2:00 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is written in a cursive style with a long horizontal stroke extending to the left and a vertical stroke extending downwards to the right.

James C. Amon