

MINUTES OF THE MEETING OF AUGUST 17, 1994

TIME: 12:10 PM to 2:50 PM
DATE: Wednesday, August 17, 1994
PLACE: Canal Commission Office
Prallsville Mills, Stockton, NJ



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: Paul Stern, D&R Canal State Park
Kay & Larry Pitt, Canal Society of New Jersey
Linda House, Canal Society of New Jersey
Frank J. Petrino, Wyndmoor Associates
Fred Brown, D&R Canal Watch
Gregg Chase, NJ Water Supply Authority
Raymond C. Liotta, Berson, Ackermann
John Vaccaro
Anthony Vaccaro
Robert Glover, Port Mercer Civic Association
Deborah Herzog, Yorkshire Village
Sam Herzog, Yorkshire Village
Denise Hall, Lawrence Historical Society
Frances McCarthy, Lawrence Historical Society
Gordon Keith, Port Mercer Civic Association

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 the approval of the minutes of July 20; Mr. Jones seconded the motion and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented one application for renewal to lease Canal Park land for use as part of a back yard of a private residence in Titusville for \$150 per year. Mr. Jessen moved approval of the

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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	Robert C. Shinn, Jr. Frank J. Torpey	Winona D. Nash Douglas H. Palmer
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY
Christine Todd Whitman, Governor Robert C. Shinn, Jr. Commissioner

lease renewal, Mrs. Nash seconded the motion and it passed unanimously. Mr. Amon then presented an application for a permit by PSE&G to allow a 16" gas pipe to be installed between Warren and Broad Streets in downtown Trenton for \$200 per year. The pipe would be installed next to the canal bridge but would not restrict clearance in the canal--the pipe would be slightly higher than the lowest part of the bridge. Mr. Jessen moved approval of the permit to install the gas pipe; Mr. Pauley seconded the motion and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented six "B" Zone applications:

- 93-2129 - Hickory Ridge - South Brunswick Township; 116 townhouse units on 39.9 acres with 29% impervious coverage; 7 acres of open space with a stream corridor dedicated to the township.
- 93-2094 - Brentwood Hills - Hillsborough Township; 82 single family houses on 101+ acres with 13% impervious surface; 48 acres of open space.
- 93-2128 - Six Mile Run Phase II - Village B - Franklin Township, Somerset County; 72 single family houses on 62+ acres with 3.6% impervious coverage.
- 90-1906 - Nob Hill at Chamberlin Farm - East Windsor Township; 300 single family houses on 95+ acres with 30% impervious surface; there will be a 100-foot stream corridor buffer along the Rocky Brook.
- 91-2002 - Rock Brook Estates - Montgomery Township; 39 single family houses on 115+ acres; a stream corridor along Rock Brook will be included in an easement to be held by the township.
- 94-2164 - Southfield Village Commons - West Windsor Township; shopping center on 15.55 acres with 60% impervious coverage.

Mr. Amon stated that with regard to Nob Hill at Chamberlin Farm, the applicant had not yet demonstrated to the Commission how the stream corridor would be preserved in the future, but still desired to have the project on the agenda. Mr. Amon suggested that the Commission approve the project with the condition that the Certificate of Approval not be released until the applicant has submitted materials that assure that the stream corridor will be preserved as required by N.J.A.C. 7:45-7.6. Mrs. Nash said that she was concerned about the path next to this stream corridor; she felt that the surface should not be macadam. Mr. Amon said he would speak to the township about it, because it was the township that required macadam surface.

Mr. Amon said that all of the projects had been reviewed by either Mr. Dobbs before he left or by Ms. Adapon for conformance with the Commission's stormwater management and water quality standards. He

recommended approval of all as presented. Mr. Jessen moved approval of the "B" Zone projects, with the condition stated previously for the Nob Hill at Chamberlin Farm application. Mrs. Nash seconded the motion and it passed unanimously.

A discussion about the scope of the Commission's regulatory authority ensued. Mr. Jessen expressed concern that the Commission's authority was too broad. Mr. Amon stated that the Commission's past experience has proven it to be an efficient and effective regulatory program.

Mr. Amon then presented four "A" Zone projects for review:

- 94-2162 - Princeton Motorsport Expansion - Lawrence Township; additions to existing building; another existing building will block or almost block the new construction.
- 94-2175 - Bell Atlantic Stockton Vault - Stockton; underground vault to be installed 20 feet from multi-use path; a 4' x 6' concrete hatch will protrude 18" above the ground; plantings will screen structure from view from the park.
- 94-2181 - Hartl Decks - Lambertville; 2nd and 3rd floor decks on rear of townhouse which is 35' from canal's edge.
- 94-2174 - Niece Lumber Reconstruction - Lambertville; storage building replacement (destroyed by fire).

Mr. Amon recommended approval of the "A" Zone projects. Mr. Torpey moved approval of the four projects; Mr. Pauley seconded the motion, and it passed unanimously.

Mr. Amon then presented an application for waiver from review of visual impact within the "A" Zone. He said that applicants have requested converting residential property in Lambertville to commercial use. There is no significant additional impervious surface and it cannot be seen from the Canal Park. Mr. Torpey moved waiving the Decker Project from review and approval of visual impact; Mrs. Nash seconded the motion and it passed unanimously.

NEW BUSINESS - RELOCATION OF THREE HOUSES

Representatives of Wyndmoor Associates, developers of Yorkshire Village in Lawrence Township, proposed to move three houses from their present locations in the proposed Yorkshire Village development. They suggested moving two nineteenth-century homes to the village of Port Mercer. They also suggested moving a house (built in 1955) so that the current tenant could remain living in it.

Mr. Glover, a resident of Port Mercer, expressed his desire that the historic integrity of Port Mercer be maintained; he also

expressed concern about more trees coming down in order to move the houses. Mr. Keith, also a resident of Port Mercer, felt there was too much potential for adverse impacts.

Mrs. Nash said that the Lawrence Historic Preservation Committee strongly desires that one of the historic homes, the Gordon house, not be destroyed.

Mr. Amon said that he spoke with the State's Historic Preservation Office's architect, who said that the HPO's first priority in regard to preserving historic structures is that the house be saved on site if possible. If this is not possible, the HPO would prefer the house be moved instead of demolished. The architect said that the issue of moving a historic house to another historic community was a difficult one but should not be ruled out.

Mr. Kirkland summarized the Commissioners' opinions by saying that they would like to see the historic houses relocated as long as they were moved in from the rear of the lots so that trees in front would not be cut down.

Mr. John Vaccaro suggested that, should the Gordon house be moved to the suggested new location, the front of the house should face the canal instead of the road. Mr. Amon and several Commissioners agreed.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern said that the new path construction in Lambertville was 90% complete. He said that representatives from several offices within DEP, including the Canal Commission, met to discuss habitat improvement at Bull's Island. The Five-Mile Lock house was being cleaned, and the Kingston Locktender's Station was being painted.

PUBLIC FORUM

Ms. House of the Canal Society of New Jersey invited the Commissioners and staff to attend a boat ride on the Lehigh Canal for the purpose of considering a boat ride concession on the D&R.

There being no other public discussion, Mr. Torpey moved the following resolution:

Whereas the Open Public Meeting Act provides that a public body such as the Canal Commission may meet in closed session to discuss matters subject to attorney-client privilege;

Whereas the Commission desires to retire to closed session to discuss such matters;

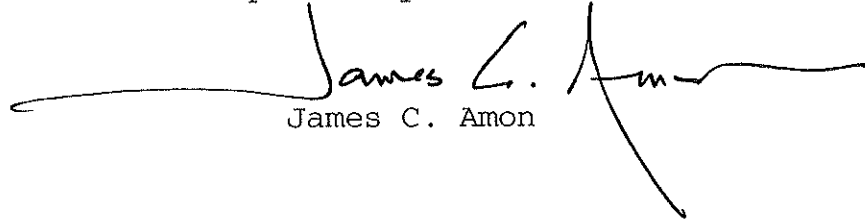
Now therefore be it resolved that the Commission shall at this time meet in closed session to discuss matters subject to attorney-client privilege, the substance of which will be

disclosed publicly only if it does not constitute an unwarranted invasion of individual privacy and will not breach attorney-client privilege.

Mrs. Nash seconded the motion, and it passed unanimously. The Commission entered Executive Session at 2:05 PM.

The open public session resumed and adjourned at 2:50 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is stylized with a long horizontal line extending to the left and a large, sweeping flourish on the right side that loops back down.

James C. Amon