

MINUTES OF THE MEETING OF APRIL 20, 1994

TIME: 12:15 PM to 2:00 PM  
DATE: Wednesday, April 20, 1994  
PLACE: Canal Commission Office  
Prallsville Mills, Stockton, NJ



DELAWARE AND RARITAN  
CANAL COMMISSION

ATTENDING:

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

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  
Joe Bird  
Fred Brown, D&R Canal Watch  
Bill Moss, Canal Society of New Jersey  
Abe Shaikh, NJ Water Supply Authority  
Thomas C. Faranda, The RBA Group

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. Zaikov noted an error in the minutes of March 16; he stated that in regard to the vote concerning Mr. Dobbs' continued employment, the vote was not unanimous as stated in the minutes, but that Mr. Zaikov had abstained. With that correction, Mrs. Nash moved approval of the minutes of March 16, Mr. Pauley seconded the motion, and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented three lease applications. The first is a lease with Franklin Township for a small piece of land in East Millstone, formerly a turning basin, and now used as a park. The second application is the Blackwells Mills Canal House Association's rental of the canal house. The Association has maintained the building for twenty years; the proposed lease is for ten years. The third lease is for property in Lambertville behind the Bridge Street Bridgetender's House, which is now an antique shop. The property would be used for parking. This five-year lease would be for \$525 per year. Mr. Jessen moved approval of the three leases, 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	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

## REVIEW ZONE ACTIONS

Mr. Amon presented four "B" Zone applications for approval:

- 89-1760 Rosewood Estates - Montgomery Township  
Nine single family houses on 22+ acres with 12% impervious surface.
- 92-2030 Somerset Valley YMCA - Hillsborough Township  
Two-story building plus parking on 7+ acres with 41% impervious surface. The site drains to the existing Royce Brook regional basin E.
- 93-2134 Plainsboro Acres - Plainsboro Township  
Eight single family houses on 14+ acres with 35% impervious surface.
- 94-2158 Campbell Woods - Princeton Township  
Ten multi-family residential units on 26+ acres with 18% impervious surface; there will be 18 acres of open space.

Mr. Amon said that Mr. Dobbs reviewed these projects and found them to be in compliance with the Commission's stormwater management regulations, and recommended that they be approved. Mr. Zaikov moved approval of the four "B" Zone applications; Mr. Jessen seconded the motion, and it passed unanimously.

Mr. Amon then presented one "A" Zone application for approval:

- 93-2090A Union Fire House Addition - Hopewell Township

Mr. Amon said that the proposed addition to the fire house is visible from the Canal Park, but that the existing building is too close to the road to allow trees or shrubs to screen it from the park, and that the addition is compatible in design with the existing structure. He recommended approval. Mr. Zaikov moved approval of the Fire House addition; Mr. Jessen seconded the motion, and it passed unanimously.

Mr. Amon presented two applications for waiver:

1. Jonsdottir Residential Addition - Lambertville

Mr. Amon said that the existing house and proposed addition is within 1,000 feet of the canal but cannot be seen from the Canal Park, and recommended that it be waived from review.

2. Franklin Township Sewerage Authority Pump Station

Mr. Amon said that the applicant is proposing to replace equipment at a pump house with new machinery. He said that the Regulations define any sewerage treatment plant project as a major project, but there are no Commission standards to review these applications. The DEPE and municipality also review these types of projects, and

therefore Mr. Amon recommended that the Commission waive this project from its review process. Mr. Zaikov moved waiving both the Jonsdottir addition and the pump station from review; Mr. Jessen seconded the motion and it passed unanimously.

#### REPAIR OF SULLIVAN WAY AND PARKSIDE AVENUE AQUEDUCTS

The Water Supply Authority is requesting approval to repair these aqueducts because both are leaking. The proposed repair consists of putting coffer dams at both ends of the aqueducts, removing the water, removing the concrete, installing a waterproof liner, putting concrete back in, and installing hand-laid stone at the ends. The Parkside Avenue aqueduct's facade would also be patched. Mr. Amon recommended that the patched concrete be dyed to blend with the existing color. Mr. Shaikh said that dying the concrete was feasible.

There was some discussion about the absence of the Parkside Avenue aqueduct repair on the meeting agenda. Mr. Zaikov moved approval of the two repair jobs provided that there were no objections from the public for not having received preliminary notice on the Commission's agenda. Mr. Jessen seconded the motion and it passed unanimously.

#### LAMBERTVILLE LOCK SINKHOLE REPAIR

The Water Supply Authority requests approval for correcting a problem that is creating a sinkhole in Lambertville. Wooden flooring at the bottom of the Lambertville lock is deteriorating, causing water to work its way through the walls of the lock and creating a sinkhole next to the lock. The Water Supply Authority proposes to take up some of the flooring, inject concrete, and replace the flooring. Mr. Zaikov moved approval of the project, Mr. Jessen seconded the motion, and it passed unanimously.

#### DISCUSSION OF DOT'S PLAN TO ALTER CANAL BRIDGES

Mr. Amon reviewed legislation that created the D&R Bridge Safety Study Commission. He said that the Safety Commission's mandate is to research and report on the safety of roads, bridges, etc. that are near or cross the canal. The legislation states that DOT projects are temporarily exempt from review by the Canal Commission and the Historic Preservation Office. Mr. Amon reported, however, that a preliminary draft of the Safety Commission's report recommends that the Canal Commission and Historic Preservation Office be reinstated as part of the regulatory review for DOT projects.

Mr. Amon also said that DOT has received \$300,000 from a federal grant to study the viability of a suitable wooden bridge design for canal bridges. This study will probably be completed in one year.

The DOT has determined that it does not have "design immunity" over canal bridges, implying that they would be vulnerable to lawsuits resulting from accidents. DOT has therefore proposed "interim action" for every bridge over the canal which does not meet present day standards. The design of this interim action has not been determined yet, but DOT representatives have said that it will most probably consist of installing W-shaped guide rail on these bridges, based on the Wilburtha Road bridge prototype that the Canal Commission approved as a one-time demonstration project.

Mr. Amon presented photos of the Wilburtha Road bridge and stated that the design was visually, historically and recreationally intrusive. He said that DOT was usurping the Safety Commission's study process by going ahead with this design before waiting for the Commission's report or for the federally-funded wooden bridge design study. He suggested that the Canal Commission inform Commissioner Shinn about the problem, and request that he request that the DOT inform the Canal Commission of the terms of any design contract, and that the Canal Commission and the Historic Preservation Office be involved in a meaningful way during the preliminary and intermediate design stages. He also suggested that DOT and DEPE conduct a public meeting that would provide the public an opportunity to comment on this proposal.

Mr. Jessen expressed concern about getting involved with safety issues. Mr. Pauley suggested establishing boundaries for Canal Commission review, limiting review to the bridges but not the approaches.

Mr. Zaikov suggested inviting Commissioner Shinn to a Canal Commission meeting to be held at the DEPE in Trenton.

Mr. Moss said that the guide rail should be designed from the viewpoint of canoeists and towpath users. He offered to write a letter of support on behalf of the Canal Society of New Jersey.

Mr. Jones moved approval of corresponding with Commissioner Shinn to inform him of the problem with the canal bridges, and to request a meeting with him. Mr. Zaikov seconded the motion and it passed unanimously.

#### CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern spoke about continuing problems with removing utility poles in the path at Lambertville. He said that the Water Supply Authority was beginning renovations at the Kingston Locktender's House, and that he hoped to involve the New Jersey Youth Corps to work on the Kingston Locktender's Station. He also reported that a consensus has been established that would keep railing from being installed around the locks.

Mrs. Nash 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 personnel matters and matters subject to attorney-client privilege; and

Whereas the Commission desires to retire to closed session to discuss such personnel matters and matters subject to attorney-client privilege; now

Therefore be it resolved that the Commission shall at this time meet in closed session to discuss personnel matters and 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.

Mr. Pauley seconded the motion, and it passed unanimously. The Commission entered Executive Session at 1:45 PM.

The open public session resumed and adjourned at 2:00.

Respectfully submitted,

  
James C. Amon