



MINUTES OF THE MEETING OF MAY 17, 1995

TIME: 12:15 PM to 2:00 PM
DATE: Wednesday, May 17, 1995
PLACE: Canal Commission Office
Prallsville Mills, Stockton, NJ

DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Barker, Kirkland, Pauley, Torpey, Zaikov;
Ms. Goodspeed and Mrs. Nash

STAFF: Mr. Amon, Ms. Holms
Mr. Stephen Brower, Deputy Attorney General

GUESTS: Joe Bird
Kay & Larry Pitt, Canal Society of New Jersey
Tom Price, NJ Water Supply Authority
Fred Brown, D&R Canal Watch
Paul Stern, D&R Canal State Park
Kevin Moore, Jamieson, Moore, Peskin & Spicer
Linda House, Griggstown Mule Tenders Barracks
Robert P. Graham, D&R Canal State Park
John Auciello, D&R Canal State Park
Robert von Zumbusch

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 April 19; Mr. Pauley seconded the motion and it passed without dissent.

LEASES AND PERMITS

Mr. Amon presented a lease application by Finkles Hardware in Lambertville for the use of park property next to their store, to be used for storage and as a driveway. The lease is a one-year renewal for \$75. Mrs. Nash moved approval of the lease application; Mr. Torpey seconded the motion, and it carried unanimously.

REVIEW ZONE PROJECTS

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

- 95-2209 - Montgomery Athletic Complex - Montgomery Twp.
baseball fields and parking on 23.6 acres
94-2197 - Educational Testing Service - Lawrence Twp.
four new buildings with parking lots, roads and
sidewalks on the existing 355-acre ETS site.

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EXECUTIVE DIRECTOR James C. Amon
COMMISSIONERS
Benjamin B. Kirkland Chairman
Martin D. Jessen Vice-Chairman
Stuart R. Zaikov
R. William Pauley
Scott A. Weiner
Frank J. Torpey
Winona D. Nash
Douglas H. Palmer

95-1218G -Town & Country Estates Phases 6, 7, 8, 9 & 10  
Franklin Township, Somerset County  
209 houses on 707.3 acres; 411.5 acres will be  
preserved as open space.

Mr. Amon explained that the application for Town & Country Estates was lacking a small detail; the preliminary approval given by Franklin Township lists blocks and lots for the project before it was subdivided; the plans list new blocks and lots. Mr. Amon recommended that the Commission approve all three projects, with the condition that the applicant for Town & Country provide the Canal Commission with documentation showing that the old and new block and lot numbers reflect the same property. Mr. Zaikov moved approval of the three "B" Zone applications with the above condition for Town & Country Estates; Mrs. Nash seconded the motion, and it passed unanimously.

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

95-2214 - Hollosy-Carhart Fence - Hopewell Township  
94-2192 - US Route 1 New York Avenue Exit Ramp - Trenton

Mr. Amon said that the first application was for a 6-foot stockade fence to be installed on the back and side of a property on Route 29 across from the canal in Titusville. He said that although it would be visible from the park it would not have a harmful impact. Mrs. Nash moved approval of the Hollosy-Carhart Fence, Mr. Pauley seconded the motion, and it passed unanimously.

With regard to the New York Avenue exit ramp, Mr. Amon said that the proposed ramp would preclude building a path connection in an area that had been designated in the Development Plan. He said that an alternate route for the path was viable but less direct.

Mrs. Nash agreed with the opinion that the ramp would provide better access to that part of Trenton, but was concerned that Trenton planners did not take into consideration enough the future of the canal path. Mr. Kirkland suggested writing a letter to the Trenton City Council and the Department of Recreation, Natural Resources and Culture, expressing these concerns.

Mr. Zaikov moved approval of the US One New York Avenue Exit Ramp; Mrs. Nash seconded the motion, and it carried unanimously.

At 12:45, Mr. Kirkland announced that this part of the meeting would now be considered a Public Hearing, for the purpose of considering the nullification of an easement that was given to the Delaware and Raritan Canal Commission. (Minutes for the public hearing are attached.) The public hearing portion of the meeting ended at 1:00 PM.

Mr. Amon then presented an application to amend a previous approval. He said that the approval for Wal-Mart in West Windsor stipulated that the new Provinceline Road bridge must be built by July 1, 1995 unless circumstances beyond the applicant's control prevented it. Mr. Amon went on to say that permits from Freshwater Wetlands and the Historic Preservation Office were delayed, preventing the applicant from making the July 1 deadline. He also said that these permits have now been obtained. Mr. Moore, representing Wal-Mart, said that bids will be received by June 5th and construction will be completed by December 31, 1995. Landscaping will be completed by May. Mr. Amon distributed a draft resolution for an amendment to the original approval.

Mrs. Nash moved approval of the amendment of the Wal-Mart approval (DRCC #91-1986) which extends the time for construction of the realigned road and bridge until December 31, 1995, and extends the time for the installation of the accompanying landscape as shown on plans approved by the Commission until April 30, 1996; The amendment also extends the time for the construction of the recreational trail and parking lot until December 31, 1995. Mr. Zaikov seconded the motion and it passed unanimously.

#### DISCUSSION OF REVIEW ZONE PROCEDURES

Mr. Amon said that the Canal Commission's present budget only allows for a Review Zone Officer one day per week, and that this is not enough time to review incoming projects. He said that the DEP's Land Use regulatory program (formerly Stream Encroachment) recently adopted stormwater management regulations that are very similar to those of the Canal Commission. He said that in some areas, Stream Encroachment's regulations were more stringent than those of the Canal Commission, and in other areas, the Commission's regulations were more stringent. He added that the differences were not substantial.

Mr. Amon suggested that one way in which to deal with the lack of staffing would be to waive review and approval for those projects that required Stream Encroachment approval. He said that the Commission's regulations state that projects may be waived from review "if the applicant establishes to the satisfaction of the Commission that the project will not adversely affect the surface waters of the park under either storm or normal conditions, and the groundwater effects produced by the project are unlikely to measurably affect the quality of the surface waters or groundwaters of the Park" (N.J.A.C. 7:45-10.6). He said that review by Stream Encroachment would satisfy these conditions, and recommended that the Commission adopt this policy. He emphasized that this procedure would not change the Commission's current regulations. Mr. Zaikov moved approval of using the procedure to waive the need for compliance with the Commission's stormwater management regulations for those projects that require Stream Encroachment approvals, with the proviso that the policy be evaluated one year from now. Mr. Torpey seconded the motion and it passed unanimously.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Amon requested that the Commission change August's meeting date from the third Wednesday (August 16) to the fourth Wednesday (August 23). Mrs. Nash moved approval of the meeting date change; Mr. Torpey seconded the motion and it passed unanimously.

#### CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern announced that Bob Graham (previously in attendance) was recently hired as a new park ranger. He said that Linda House was training volunteers to be docents at the Mule Tenders Barracks in Griggstown. He complimented the Water Supply Authority on their work of restoring the towpath between Five Mile Lock and Landing Lane Bridge.

#### PUBLIC FORUM

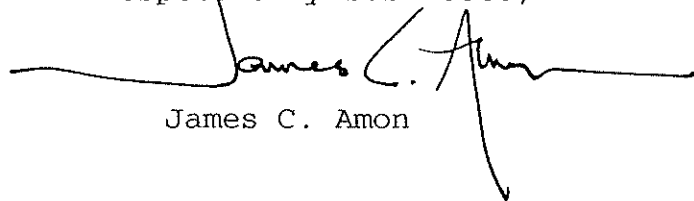
Mr. von Zumbusch spoke of the proposed US Route One New York Avenue exit ramp. He said that this part of the Canal Park was a big missing link in the completion of the path, which in turn is part of a larger east coast trail within the New Jersey Trail Plan. He said it would be desirable to acquire

land in that area where the path could be built--he suggested that PSE&G may have land nearby that could be used.

Mr. Brown expressed his disappointment over the second edition of the D&R Canal State Park brochure, which had several errors.

The meeting adjourned at 2:00 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 vertical line extending downwards from the end.

James C. Amon