

MINUTES OF THE MEETING OF JANUARY 17, 1996

TIME: 12:10 PM to 1:45 PM
DATE: Wednesday, January 17, 1996
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Kirkland, Marshall, Pauley,
Torpey; Mrs. Nash, Ms. Goodspeed

STAFF: Mr. Amon, Ms. Holms
Mr. Lewin Weyl, Deputy Attorney General

GUESTS: Kay & Larry Pitt, Canal Society of New Jersey
Ed Buss, NJ Water Supply Authority
Fred Brown, D&R Canal Watch
Paul Stern, D&R Canal State Park
Joe Bird
Bill McKelvey, Friends of NJRR & Transportation
Museum
Mitchell Newman, Legal Counsel, K. Hovnanian
Richard Swain, EMJ Corp.
Lee Dellicker, EMJ Corp.
Ken Colgate, EMJ Corp.
Kevin Moore, Jamieson, Moore, Peskin & Spicer
Doug McMurray, Hendon Properties

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. Amon requested that the minutes of November 15, 1995 be amended as follows: on page 3, regarding the "Discussion of Issues Relating to a Canal Boat Ride," the sentence stating that the Water Supply Authority would "support a boat ride" should be changed to the Water Supply Authority "would have no opposition to a boat ride." Mrs. Nash moved approval of the minutes of November 15 with the suggested change; Mr. Pauley seconded the motion, and it passed unanimously.

Mr. Kirkland welcomed Mr. Sam Herzog to the Canal Commission. He then suggested the Canal Commission pass a resolution thanking Mr. Zaikov for his service to the Commission. Mrs. Nash moved

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EXECUTIVE DIRECTOR James C. Amon	COMMISSIONERS Benjamin B. Kirkland Chairman	Martin D. Jessen Vice-Chairman	Winona D. Nash Treasurer	Stuart R. Zaikov R. William Pauley	Robert C. Shinn, Jr. Frank J. Torpey	Douglas H. Palmer Marfy Goodspeed
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Christine Todd Whitman, Governor Robert C. Shinn, Jr. Commissioner

approval of the following resolution: the Commissioners express their gratitude for the fifteen years of service that Mr. Zaikov gave to the D&R Canal Commission. Mr. Torpey seconded the motion, and it passed unanimously.

Mr. Marshall joined the meeting at 12:15 PM.

MEETING SCHEDULE FOR 1996

Ms. Goodspeed moved approval to retain the current schedule of Canal Commission meetings--the third Wednesday of each month at 12:00 noon. Mr. Herzog seconded the motion and it passed unanimously.

ELECTION OF VICE-CHAIRMAN AND TREASURER

Mr. Torpey moved that Mrs. Nash serve as Treasurer of the Canal Commission in 1996, and that Mr. Jessen serve as Vice-Chairman. Mr. Pauley seconded the motion and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a lease application by J. Finkle and Sons Hardware in Lambertville for a narrow slice of land in Lambertville to be used for storage and parking. Ms. Goodspeed recalled that the Commission had approved a similar lease several months ago. It was determined that the former Finkle lease application was probably late for 1995. Ms. Goodspeed moved approval of the lease extension; Mrs. Nash seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented the following "A" Zone application for waiver:

95-2259 - Olsommer/McCann Residence Addition - Franklin Township

He stated that the proposed addition in East Millstone would not be seen from the Canal Park, and would therefore not harmfully impact it. Mr. Herzog moved approval of the waiver, Mr. Pauley seconded the motion, and it passed unanimously.

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

92-2044A - Exxon Station Tiger Mart - Franklin Township

Mr. Amon said the applicant proposes to replace an existing automobile service station with a convenience store; gasoline would still be sold on the premises. Although the building is 300 to 400 feet from the canal (on Easton Avenue), it will be blocked from view by existing buildings. Mr. Pauley inquired about

landscaping; Mr. Amon replied that a landscape buffer was already in place. Mr. Pauley moved approval of the "A" Zone project; Ms. Goodspeed seconded the motion, and it passed unanimously.

Mr. Amon presented two "B" Zone applications to be waived from stormwater management review:

95-2240A - New Montgomery Middle School - Montgomery Township

He said that DEP's Stream Encroachment Division would be reviewing this project for stormwater management and therefore recommended that this part of the review be waived. He also said that Back Brook flows through the property, and that intrusions had been made into the stream corridor. The applicant has offered to preserve other land adjacent to the stream corridor in exchange for the intrusion. Both the stream corridor plus the lands to be "traded" would be deed restricted.

Mr. Monti, representing the applicant, presented plans showing the intrusions into the stream corridor and the land to be preserved in compensation for the intrusions. Ms. Goodspeed moved waiving the project from stormwater management review as well as from strict compliance with the Commission's Stream Corridor Impact regulation on the basis that the project would not have an adverse impact upon the stream corridor's present ability to function as a buffer for the stream's ecological health, and moved approval. A condition that the Certificate of Approval not be released until proof of deed restriction is received was stipulated. Mrs. Nash seconded the motion and it passed unanimously.

95-2260 - RR Parking Site - West Windsor Township

Mr. Amon said that this application would also require a permit from DEP's Stream Encroachment Division, and recommended that it be waived from stormwater management review. Mrs. Nash moved approval of the RR Parking Site and that it be waived from stormwater management review; Mr. Torpey seconded the motion and it passed unanimously.

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

95-2241 - Forsgate S-109 - South Brunswick Twp.

95-2054A - Crestmont Hills Phase III - Hillsborough Twp.

95-2215A - Timberlane Middle School Expansion - Hopewell Twp.

95-2243 - Primrose Lane Village - Ewing Twp.

Mr. Amon said that Ms. Adapon had reviewed the four projects for conformance with the Commission's stormwater management and water quality regulations and had determined that they were in compliance. He recommended approval. Mrs. Nash moved approval of the four "B" Zone applications; Mr. Torpey seconded the motion, and it passed unanimously.

REQUEST FOR EXTENSION OF TIME FOR CONSTRUCTION OF PORT MERCER BRIDGE

Mr. McMurrain requested a time extension be granted by the Commissioners for the construction of the new Port Mercer bridge. The approval presently stipulates that the construction be completed by 12/31/95; Mr. McMurrain asked that it be extended to 6/1/96. Mr. Amon asked that the landscaping be completed by early spring. Mr. McMurrain replied that he would check with the landscaper about the planting schedule and said that there is a twelve-month guarantee on the plantings.

Mr. Torpey moved approval of extending the deadline for completing the Port Mercer bridge from 12/31/95 to 6/1/96; Ms. Goodspeed seconded the motion. Messrs. Kirkland, Marshall, Pauley and Torpey, Mrs. Nash and Ms. Goodspeed voted in favor of the motion. Mr. Herzog abstained. The motion passed.

Mr. Amon commented on the decision to use real stone as opposed to artificial stone facing on the bridge--he said that the contractor noted that the cost would not be greater. Mr. Herzog suggested that the information be put in writing for future reference.

ADOPTION OF DEVELOPMENT, ACQUISITION AND MANAGEMENT PLAN

Mr. Amon stated that the Somerset County Planning Department made two suggestions regarding the draft Plan: 1) the Plan should mention the East Coast Greenway, of which the D&R Canal is a link, and 2) a fuller explanation of how priorities were determined should be included. Mr. Amon recommended that the Plan be adopted with these changes. Mrs. Nash moved approval of adopting the DEVELOPMENT, ACQUISITION AND MANAGEMENT PLAN with the above-mentioned changes. Mr. Pauley seconded the motion and it passed unanimously.

Ms. Goodspeed complimented Mr. Amon on the Plan, stating that it was a very useful guide.

DISCUSSION OF 1995/1996 REPORT

Mr. Amon reviewed plans for Commission projects to be undertaken in 1996. Mr. Pauley suggested a Commission meeting be held at the Water Supply Authority building in Ewing so that a tour of Trenton sites could be held afterwards. Mr. Amon and the Commissioners then discussed the possibility of doing a tour of the entire canal.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon spoke of three Russian scientists who travelled on the multi-use path in a horse-pulled wagon for the purpose of advocating the use of horses as an environmentally sound method of transportation.

He mentioned that the Somerset County Engineering Department responded to a request by the Canal Commission asking the Department to address traffic and speed on Canal Road in Griggstown. He said the Department proposed to have a study of the issues completed by March.

Mr. Amon also updated the Commissioners on the staffing situation in regard to the position of Review Zone Officer. He said that the Commission would soon be hiring a second engineer to work one day per week to supplement Ms. Adapon's hours.

He then showed the Commissioners the construction escrow agreement from Hendon properties regarding the Port Mercer road and bridge project. He said that 10% of funds will remain in escrow until the Canal Commission and the County sign off.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern said that the maintenance staff had been pruning trees and spreading topsoil on Bull's Island before the ground froze. He commented on a drowning that took place in Franklin Township; the body had not yet been recovered.

Mr. Stern is looking for volunteers with snowmobiles to groom trails for hikers and cross-country skiers.

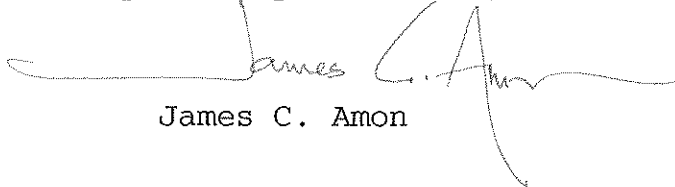
PUBLIC FORUM

Mr. Brown mentioned that the D&R Canal Watch fun run will take place again this April.

Mr. McKelvey said that the location of the NJ Railroad and Transportation Museum will be decided by September of 1996. He said several cities were being considered, including Paterson, Plainfield, Jersey City, and Phillipsburg.

The meeting adjourned at 1:45 PM.

Respectfully submitted,



James C. Amon