



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 19, 1997

TIME: 12:15 P.M. - 3:05 P.M.
DATE: Wednesday, February 19, 1997
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

- COMMISSIONERS: Messrs. Jessen, Pauley, Torpey; Ms. Goodspeed and Mrs. Nash
- STAFF: Mr. Amon and Ms. Holms
- Ms. Lewin Weyl, Deputy Attorney General
- GUESTS: Kay & Larry Pitt, Canal Society of New Jersey
- Paul Stern, D&R Canal State Park
- Bill McKelvey, Friends of the NJ RR & Transportation Museum
- Ed Buss, NJ Water Supply Authority
- Abe Shaikh, NJ Water Supply Authority
- Fred Brown, D&R Canal Watch
- Joanne M. Christos, D&R Canal State Park
- J. Tyson, Bootstraps: Self Help Homes
- Linda House, Canal Society of New Jersey

Mr. Torpey 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 approval of the minutes of January 6, 1997 and January 15, 1997; Mr. Pauley seconded the motion and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented one lease application: the City of Trenton is proposing to restore and use the Hanover Street Canal House as one of its offices. The 24-year lease would cost the city \$5,100. Mr. Jessen moved approval of the lease application; Mrs. Nash seconded the motion, and it passed unanimously.

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

REVIEW ZONE PROJECTS

Mr. Amon presented the following review zone applications:

96-2303 - Mercer Trenton Addiction Science Center - Trenton

Mr. Amon said that this "A" Zone application was for a 2-story brick and stucco building located one block from the canal in Trenton. The intervening block is planned for residential development; Mr. Amon said that the building would not create a harmful visual impact on the Canal Park and recommended approval.

97-2330 - Kingston Hill - South Brunswick Township

96-2270 - Shallow Brook Estates - Plainsboro Township

Mr. Amon said that the Kingston Hill application met the standards of the Commission's stormwater management and water quality regulations. He said that Shallow Brook Estates requires a Stream Encroachment permit and therefore recommended waiving drainage review. The project also has a stream corridor which will be protected by a conservation easement held by the township and the Canal Commission. He recommended approval of all three review zone projects, with the condition that the Certificate of Approval for Shallow Brook Estates not be released until the Commission receives proof that a conservation easement for the stream corridor has been recorded with the County Clerk. Ms. Goodspeed moved approval of the three applications, Mr. Jessen seconded the motion, and it passed unanimously.

Mr. Amon then presented an application for waiver from strict compliance with the Stream Corridor Impact regulation. The applicant "Bootstraps Self-Help Homes" is proposing to build 29 single family homes on 15 acres (5.2 buildable acres) in West Windsor. Most of the project site falls within a Commission-designated stream corridor. The applicant is requesting a waiver from strict compliance of the stream corridor preservation regulation based upon N.J.A.C. 7:45-10.3(c), "compelling public need." Mr. Amon said that West Windsor does not have much land zoned for low-income housing, and that most of that land has environmental constraints. He said that the applicant is a non-profit organization that provides badly-needed low-income housing, and recommended the waiver. He said that the site was presently cleared and that 200 feet of remaining woodland would serve as a buffer for the stream.

Mrs. Nash said that there was plenty of available land in West Windsor for affordable housing, but that it was not zoned for it because residents did not want that type of housing in their neighborhoods.

Mr. Tyson of Bootstraps said that he hoped that this type of low-income housing would serve as a positive model to encourage the township to consider opening up other areas.

Mr. Weyl said that the application for waiver legally meets the criteria for "compelling public need."

Mr. Jessen moved that the application be waived from strict compliance with the stream corridor impact regulation based upon the following reasons: 1) it serves a compelling public need, 2) it is a relatively small project, 3) a detention basin will be built, providing better stormwater management than currently exists, and 4) a conservation easement will protect 200 feet of woodland abutting the stream. Mr. Pauley seconded the motion and it passed unanimously. Mr. Jessen also felt that the application should be waived because the proposal for 29 single family homes would have less impact than a previous proposal for townhouses.

WSA PROPOSAL FOR REPAIR OF CULVERT

Mr. Amon said that a culvert between Rocky Hill and Griggstown required repair because stones were falling out at the intake end. He said that the Water Supply Authority is proposing to replace the stones. Mr. Shaikh added that minor leaking has occurred. Mr. Jessen moved approval of the repair work, Ms. Goodspeed seconded the motion, and it passed unanimously.

DISCUSSION OF STRATEGIES FROM RETREAT

Mr. Amon told the Commissioners that he reviewed the land acquisition proposals from the 1996 DEVELOPMENT PLAN and chose eight of them to be given high priority. He described the eight areas and recommended that the Commission pass a resolution supporting them. Mrs. Nash spoke of a 2.5-acre lot with a warehouse in Lawrence Township that had just recently received a variance denial to turn the warehouse into an indoor skating rink. She thought that this lot would be a good addition to the list of acquisition projects; Mr. Amon agreed. Mrs. Nash then moved approval of the nine areas to be designated as high-priority acquisitions; Mr. Jessen seconded the motion, and it passed unanimously.

Mr. Amon then spoke of the memo that was distributed to the Commissioners listing legislators, their districts, and Canal Park projects in these districts. Mr. Torpey suggested that an informational presentation be given to legislators; Ms. Goodspeed suggested writing letters. Mr. Torpey suggested follow-up telephone calls, and sending them monthly reports. Mr. Jessen said that the Commission should have specific requests when writing to legislators; Mr. Torpey said that information is needed to support those requests. Mr. Pauley suggested that the relocation of Rockingham be considered as an issue to be brought before legislators. After further discussion, Mr. Torpey asked the Commissioners to think more about this issue in order to make a decision at next month's meeting.

Mr. Amon said that he was in the process of preparing an analysis of information obtained from the master plans of the 22 municipalities that the Canal Park falls within. He hopes to have that analysis by the March meeting.

The Commissioners discussed further ideas for an annual event or public forum. They agreed to talk at the March meeting about the mission of the Canal Events Committee comprised of Messrs. Jessen, Kirkland and Herzog, and Ms. Shaddow.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon spoke of the vision statement that was distributed to the Commissioners about the New Jersey Railroad and Transportation Museum. The Commissioners agreed that it was an excellent document and supported the choice of Phillipsburg as a location for the museum. Mr. Jessen moved approval of a resolution supporting the vision statement; Ms. Goodspeed seconded the motion and it passed unanimously.

Mr. Amon spoke of the Department of Transportation's designation of Route 29 as a Scenic Byway. He said that the Department was also looking for an endorsement from the Canal Commission for its Management Plan. He said that although the Plan makes specific recommendations for highway enhancement projects, those projects falling under the purview of the Commission would still require review and approval from the Commission. Mr. Jessen moved approval of a resolution in support of the creation of NJ Route 29 as a Scenic Byway and of the Management Plan which has been prepared to implement enhancements for the road corridor. Mr. Pauley seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern distributed a revised Canal Park spending plan to the Commissioners and discussed its contents. Ms. Goodspeed asked about the status of the budgetary process for Fiscal Year 1998; Mr. Amon said he would look into it.

PUBLIC FORUM

Ms. Linda House reported that she would be attending a meeting held by the newly-formed Raritan Millstone Heritage Alliance, an organization created to promote tourism in the region.

Mr. Fred Brown expressed his displeasure over the installation of new guard rails on the Washington Road bridge across the canal. He said that the ends of the rails extend three quarters of the way into the towpath. He said that the DOT was incorrigible and would like to write a letter to them on behalf of the D&R Canal Watch.

A long discussion ensued about problems with tenant farmers in the Six Mile Run Reservoir site. Mr. Torpey said he would like to speak to Assemblyman Kavanaugh about this issue.

Mrs. Nash then moved the following resolution:

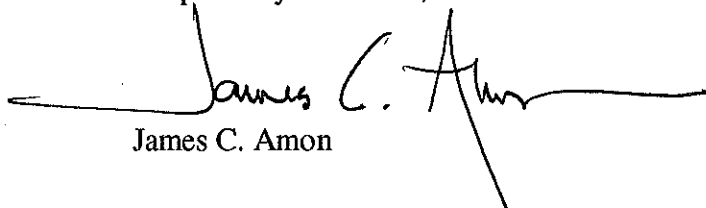
Whereas the Open Public Meeting Act provides that a public body such as the Canal Commission may meet in closed session to discuss personnel matters and matters subject to attorney-client privilege;

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. The Commissioners entered Executive Session at 3:00 PM. The public meeting resumed at 3:05, and adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", with a long horizontal line extending to the right.

James C. Amon