

MINUTES OF THE MEETING OF APRIL 16, 1997

TIME: 12:00 P.M. - 2:20 P.M.
DATE: Wednesday, April 16, 1997
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: Kay & Larry Pitt, Canal Society of New Jersey
Ed Buss, NJ Water Supply Authority
Carl Loutzenheiser, NJ Water Supply Authority
Robert A. Elkins
Bill Goebel, Bohler Engineering
Peter Wisniewski, David Cronheim Co.

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

Ms. Goodspeed noted an error in the minutes of March 19, 1997. On page 3, she asked that the word "congressmen" be changed to "legislators." With that amendment, Ms. Goodspeed moved the approval of the minutes of the public meeting of March 19, 1997, as well as those of the executive session held that day. Mr. Pauley seconded the motion and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a permit application. The Water Supply Authority is seeking concept approval to rehabilitate a culvert near Colonial Park. He said they propose to replace one of the headwalls, and install a metal sleeve in the culvert. Mr. Kirkland moved conceptual approval of the rehabilitation of the culvert at station 2464+88; Mrs. Nash seconded the approval and it passed unanimously.

PRALLSVILLE MILLS P.O. BOX 539 STOCKTON, NJ 08559-0539 609-397-2000 FAX: 609-397-1081

EXECUTIVE
DIRECTOR
James C. Amon

COMMISSIONERS
Frank J. Torpey
Chairman

Martin D. Jessen
Vice-Chairman

Winona D. Nash
Treasurer

Sam Herzog
R. William Pauley

Robert C. Shinn, Jr.
Benjamin B. Kirkland

Douglas H. Palmer
Marfy Goodspeed

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Christine Todd Whitman, Governor Robert C. Shinn, Jr. Commissioner

REVIEW ZONE PROJECTS

Mr. Amon presented the following "A" Zone project:

96-1948B - Griggstown Fire Co. Telephone Pad - Franklin Township

The United Telephone Company is proposing to put telecommunication materials on a small concrete pad behind the Griggstown Fire Station. None of the equipment will exceed 8 feet in height; the pad is 700-800 feet from the canal. Mr. Amon recommended approval. Mrs. Nash moved approval of the "A" Zone application, Mr. Kirkland seconded the motion, and it passed unanimously.

Messrs. Herzog and Jessen joined the meeting at 12:15 PM.

Mr. Amon then presented the following "B" Zone projects:

97-2332 - The Square at West Windsor - West Windsor Township

96-2324 - Forsgate Villas at Monroe - Monroe Township

96-2308 - Airframe Hangars - Ewing Township

88-1651 - Brookside Estates - Hopewell Township

Mr. Amon said that the first three projects conform with the Canal Commission's stormwater management and water quality standards. In the case of Brookside Estates, the project will require a permit from DEP's Stream Encroachment Division, and so he recommended that the project be waived from review. Ms. Goodspeed moved approval of Forsgate Villas at Monroe, Airframe Hangars, and Brookside Estates; Mr. Kirkland seconded the motion. The motion passed unanimously. Ms. Goodspeed then moved approval of The Square at West Windsor; Mr. Kirkland seconded the motion. Ms. Goodspeed, Mrs. Nash, Messrs. Herzog, Kirkland, Marshall, Pauley and Torpey voted in favor of the motion; Mr. Jessen abstained. The motion carried.

DISCUSSION OF MUNICIPAL PLANNING REPORT

Mr. Amon reviewed the municipal planning report that he had previously distributed to the Commissioners. He said that although it was not a detailed report, it presented an overview from which the Commissioners could begin to address specific issues concerning municipalities. Mr. Torpey agreed and suggested the Commissioners discuss these concerns at the May meeting. The Commissioners then discussed several matters related to the report.

REQUEST FOR WAIVER FROM 200-FOOT SETBACK

Mr. Amon said that an applicant has requested that the Commission waive the 200-foot setback required in the "A" zone "suburban environmental type" for his project. Mr. Goebel, the engineer

representing the applicant, said that a muffler shop and gas station were being proposed to be built on Easton Avenue next to the Canal Park. He described the existing vegetation and spoke of the environmental and boundary constraints. He showed the Commissioners a plan which delineated the proposed buildings' intrusion into the Commission's 200-foot setback. He said that it would be unfeasible to build if the entire setback were adhered to.

Mr. Amon said that this proposal does not meet the Commission's standards for approving a waiver whereby the applicant must demonstrate that strict adherence to the setback would present economic hardship, or why the proposed intrusion into the setback would not present a harmful visual impact. He recommended that the Commission deny the waiver request without prejudice.

Mr. Elkins, the property owner, said that Amoco would agree to any clean-up of the property or plantings that the Commission would require. He said that by denying this waiver request the Commission would be taking the development potential of his property.

Mr. Weyl advised the Commission that a denial without prejudice would not mean a "taking" because the Commission may approve another proposal which provides more of a setback from the canal and/or the planting of native trees consistent with Mr. Amon's and Ms. Shaddow's suggestions. The denial without prejudice was also not a taking because the Commission might approve a reduced scale of development with more of a setback and the applicant had not submitted any documentation as to why both buildings were economically necessary.

Mr. Herzog suggested that the applicant needed to "shrink the project." He said that the project presently proposed was too much for a site with so many development constraints.

Mr. Kirkland moved denial without prejudice of the waiver request; Ms. Goodspeed seconded the motion. Ms. Goodspeed, Mrs. Nash, Messrs. Kirkland, Jessen, Marshall, Pauley and Torpey voted in favor of the motion to deny without prejudice. Mr. Herzog abstained. The motion carried.

DISCUSSION OF LONG-RANGE, LARGE-SCALE PROBLEMS

Mr. Amon reviewed a memo sent to the Commissioners addressing long-range problems of the Canal Park. With regard to traffic impact, Mr. Jessen suggested that the Commission re-establish communication with the Department of Transportation. Mr. Marshall said that Ms. Guzzo, Administrator for the Historic Preservation Office, would be meeting with D.O.T. representatives to discuss her office's concerns; he suggested that Mr. Amon join them. Mr. Marshall also added that with regard to long-range problems, the Canal Park needed more funding for interpretation and education. Ms. Shaddow said that maintenance in Trenton needed to be more regular; she said that the City's maintenance staff has been undertaking work in the Canal Park because it wasn't being done by the Canal Park's staff.

Mr. Amon said that Assemblyspeaker Collins has introduced a bill that would allow distribution of Green Acres funds geared toward park development previously approved by New Jersey voters. He said that \$1.5 million was earmarked for the Rockingham move, and \$1.8 million would be dedicated to the Canal Park for a new office at Bull's Island, a new maintenance building at Blackwell's Mills, new towpath surfacing, and parking lot improvements.

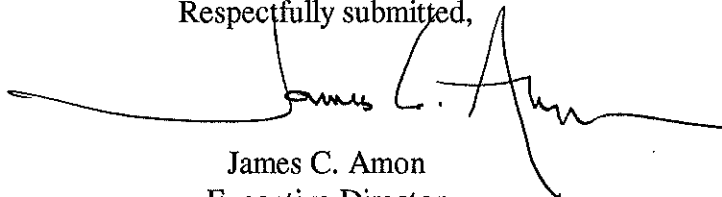
EXECUTIVE DIRECTOR'S REPORT

Mr. Amon said that the Commission's Annual Report should be printed and ready for distribution soon.

He reported that the City of Trenton is proposing to improve the Bel-Del path in Trenton between Hermitage Avenue and Calhoun Street, using federal funds. They will install piping to improve drainage, construct a path on top of the railroad track, and install landscaping. He recommended the approval of this project. Mr. Kirkland moved approval of the Bel-Del path improvements, Mr. Jessen seconded the motion, and it passed unanimously.

The meeting adjourned at 2:20 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", is written over a horizontal line. The signature is stylized and cursive.

James C. Amon
Executive Director