

MINUTES OF THE MEETING OF NOVEMBER 19, 1997

TIME: 12:25 PM to 2:55 PM  
DATE: Wednesday, November 19, 1997  
PLACE: Canal Commission Office  
Prallsville Mills, Stockton, NJ



DELAWARE AND RARITAN  
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Jessen, Marshall, Pauley, Torpey  
STAFF: Mr. Amon, Ms. Holms, Ms. Jones  
Mr. Lewin Weyl, Deputy Attorney General  
GUESTS: Bill McKelvey, Friends of NJ RR & Transportation Museum  
Ed Buss, NJ Water Supply Authority  
David Hojsak, NJ Office of State Planning  
Paul Stern, D&R Canal State Park  
Robert von Zumbusch  
Stephen D. Reid, The Munn Group  
Nelson Johnson, GAF  
Gary DiPippo, Eckenfelder Inc.

Mr. Torpey suggested that because of a lack of a quorum, Mr. Hojsak of the Office of State Planning give his presentation first since it did not require Commission action.

PRESENTATION ON REVISED STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Mr. Hojsak presented a slide show summarizing the activities of the Office of State Planning in regard to 1) the State Development and Redevelopment Plan (produced in 1992), 2) the "re-examination" of this document and resultant "preliminary plan", and 3) the cross-acceptance process by counties and municipalities to coordinate efforts with the state plan. Mr. Hojsak said that he expected the entire process to be completed by 1999, and encouraged the Commissioners to offer suggestions on matters that may relate to the Canal Park.

At 1:05, Mr. Torpey formally 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. Jessen moved the approval of the minutes of October 15, 1997; Mr. Herzog seconded the motion, and it passed unanimously. Mr. Herzog then moved the approval of the minutes of the special meeting of November 12, 1997; Mr. Jessen seconded the motion and it too passed unanimously.

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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.  
Caroline J. S. Armstrong

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 "B" Zone project applications:

96-2322 - Princeton Oaks - Princeton Township; assisted care living facility on 1 acre with a sand filter to manage stormwater runoff from the parking lot and an under-the-building chamber to control the rest of the 2, 10 and 100 year storms. A stream corridor will be protected by a conservation easement.

97-2361 - Goldstar - Franklin Township, Somerset County; 257 single-family homes on 139 acres with three detention basins. A stream corridor will be protected by a conservation easement.

97-2365 - Princeton Alliance Church - Plainsboro Township; church and parking on 25.2 acres with two detention basins; a stream corridor will be protected by a conservation easement.

97-2394 - Mount Rose - Hopewell Holdings - Hopewell Township; 18 single-family houses on 86 acres.

97-2393 - Colonial Lake Dredge Material Storage - Lawrence Township - storage of dredge materials from Colonial Lake in two locations.

With regard to Princeton Oaks and the Princeton Alliance Church, Mr. Amon recommended that the Commission approve the two applications with the condition that the Commission receives appropriately-executed easements for the stream corridors and maintenance agreements for detention facilities before releasing the Certificate of Approval. With that condition, Mr. Jessen moved approval of the "B" Zone applications; Mr. Pauley seconded the motion, and it passed unanimously.

Mr. Amon then presented three "A" Zone applications:

97-2074A - Devon Realty - Lawrence Township; conversion of a lumber yard to a self-storage site. The nearest structure would be about 250 feet from the park; an existing vegetative screen between the site and the canal will be increased with the planting of 34 additional trees.

96-2152A - Schwartz Garage Addition - Delaware Township; proposal to construct a 3-bay garage addition to an existing residential garage. The addition is several hundred feet from the Canal Park and is separated from it by Route 29.

97-2401 - Cristofori Deck - Hopewell Township; proposal to build a deck on the rear of a house in Titusville, about 75 feet from the Canal Park. Several trees on the property line buffer the visual impact.

Mr. Amon recommended approval for all three "A" Zone project applications. Mr. Jessen moved approval of the "A" Zone projects; Mr. Herzog seconded the motion, and it passed unanimously.

Mr. Amon presented an application for waiver from strict compliance with the Commission's Stream Corridor Impact regulation. The applicant for a housing project in East Windsor (97-2402- Zaitz Property/Calton Homes), along the Millstone River, has suggested that in exchange for 46,000 square feet of encroachment into the Commission's designated buffer area, 59,000

square feet of land that is presently not within the corridor be added to it. The land being considered is currently farm field. Mr. Amon recommended approving the waiver request. Mr. Jessen moved approval of the waiver of strict compliance with the Stream Corridor Impact regulation; Mr. Herzog seconded the motion, and it passed unanimously.

#### DISCUSSION OF REMEDIATION OF CONTAMINATION OF GAF SITE IN SOUTH BOUND BROOK

Mr. Amon described the proposal by GAF for remediation of a contaminated site adjacent to and on Canal Park property in South Bound Brook. He said that action was not required at this time on the proposal, but that he and the applicant would like to hear the Commissioners' viewpoints. He said that the site (1,300 feet of frontage on the canal) was used as a dump site for asbestos and asphalt. The DEP's Division of Solid Waste issued a permit for the remediation by covering the parking lot with asphalt and capping the canal bank with a 4" thick blanket of shotcrete that would extend to the water line. This solution would remove all existing vegetation from the site and assure that no vegetation would ever grow except in some planter boxes proposed by GAF. The Historic Preservation Office approved this permit with the condition that the shotcrete be colored and contain aggregate materials for texture. Mr. Amon said that he was not able to recommend approval for this remediation plan and that he had been told that the Division of Solid Waste would also accept remediation by placing two feet of dirt over the contaminated area and this solution would allow a vegetation screen to become re-established between the Canal Park and the GAF buildings and parking lots. According to GAF representatives, using dirt instead of shotcrete would cost an additional \$500,000 and they are unwilling to spend that much money. They suggested a compromise, using fill for 450 feet of the canal bank (upstream of the Main St. bridge), and shotcrete for the downstream portion of the site (about 900 feet).

Mr. Amon said that he felt that the shotcrete solution, in whole or part, was not consistent with the goals and objectives of the Canal Commission's Master Plan. Discussion ensued regarding the level of contamination of the canal bank. Mr. Herzog suggested a combination of fill alternating with shotcrete. Mr. Amon pointed out that the Canal Park should not have to accept a damaging solution to GAF's problem because the applicant did not consider the impacts on the park until after it received a solid waste permit. He also said that the assertion that a solution using dirt in place of shotcrete would cost \$500,000 has not been substantiated by any facts. Mr. Johnson, speaking on behalf of GAF, said that the estimate was in fact conservative. Mr. Herzog said that he could not vote in favor of the shotcrete alternative. Mr. Marshall encouraged greater communication between the Division of Solid Waste Management and the other regulatory agencies involved in this project. The Commissioners concurred that a meeting involving all relevant agencies and GAF should be convened. It was also suggested that designated Commissioners visit the site.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Amon reported that the two public forums were successful, if not that well attended. Two suggestions were made at the Prallsville meeting--one being that milestones be placed along the feeder canal, and another that a commemoration be made to the people who lost their lives digging the canal (presumably Irish immigrants struck by Asiatic cholera).

Mr. Amon then asked the Commissioners to consider approving a resolution of support designating the Delaware River an "American Heritage River." The designation would mean that

a federal riverkeeper would be appointed to coordinate all federal projects for the river. Mr. Jessen moved approval of the resolution to support the Delaware River's candidacy as an American Heritage River; Mr. Herzog seconded the motion and it passed unanimously.

Mr. Amon said that officials from Solebury Township, Pennsylvania (across the Delaware from Bull's Island) succeeded in getting the Pennsylvania Fish and Boat Commission to adopt regulations restricting jet ski use in the Pennsylvania side of the river. The Fish & Boat Commission, however, may rescind this regulation unless the New Jersey Marine Police adopts a similar rule. Solebury officials are asking various governmental agencies from New Jersey (including the Canal Commission) to send letters of support to the Marine Police supporting a low-speed, no wake regulation for this section of the Delaware River on the New Jersey side. Mr. Jessen moved approval of the letter of support; Mr. Herzog seconded the motion, and it passed unanimously.

Mr. Amon mentioned that he recently spoke with a historic boat connoisseur who has located a replica of a steam tug and is interested in a boat ride concession on the canal. Linda House of the Canal Society has located a 30' x 8' pontoon boat that would seat up to twenty people. Mr. Torpey suggested the Canal Boat Ride Committee meet to move ahead on this project.

The meeting officially adjourned at 2:55 PM.

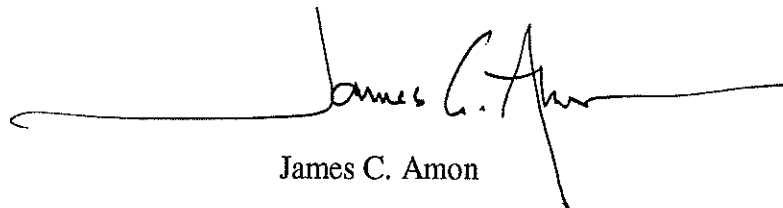
#### CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern reported that a walk from Alexander Road took place last weekend with one attendee. Canal Park staff is currently removing rails along the feeder section. Several parking areas and roadways have been re-oiled and stoned. With the use of a borrowed bulldozer and backhoe, staff will be installing a ditch between Kingston and Rocky Hill to improve drainage.

#### PUBLIC FORUM

Mr. McKelvey suggested that Fred Brown, along with Larry and Kay Pitt be recognized for their efforts toward improving the Canal Park.

Respectfully submitted,

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

James C. Amon