

MINUTES OF THE MEETING OF MAY 20, 1998

TIME: 12:10 P.M. - 2:15 P.M.
DATE: Wednesday, May 20, 1998
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

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

GUESTS: Paul Stern, D&R Canal State Park
Dr. Dan Pullen, KinderCare
Howard D. Crane, KinderCare
Stephen Atkins, Kenderian Zilinski
Henry Kent-Smith, KinderCare
Carl Loutzenheiser, NJ Water Supply Authority
Bill McKelvey, Friends of NJ RR & Transportation Museum

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 April 15, 1998; Mr. Herzog seconded the motion and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented one "A" Zone application for review and approval:

98-2446 Shamy Residence - Lambertville; enlargement of second floor of a single family home.

Mr. Amon said that existing structures would screen most of the house addition from the Canal Park and recommended approval. Ms. Goodspeed moved approval of the "A" Zone application; Mr. Herzog seconded the motion, and it passed unanimously.

PRALLSVILLE MILLS RO. 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.
Caroline J. S. Armstrong

Douglas H. Palmer
Marfy Goodspeed

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

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

- 97-2405 World 4 Kids, Phase I - Franklin Township, Somerset County;
Expanded parking and playground for a child care center. No detention basin is required for Phase I, however, Phase II (a new building and more parking) will require one.
- 97-2391A Bristol-Myers Squibb Child Care Center - Lawrence Township;
Proposed child care building with parking, using an existing retention pond for stormwater management. The project will require a Stream Encroachment permit.
- 95-2216 Grayson Estates III - Montgomery Township;
56 single family houses on 107+ acres; two detention basins will manage stormwater runoff.

Mr. Amon recommended waiving review of stormwater management for the Bristol-Myers Squibb Child Care Center because it will require a Stream Encroachment permit; he recommended approving the three "B" Zone applications. Mr. Herzog moved waiver of the Bristol-Myers Squibb Child Care Center from stormwater management review, and approval of the three "B" Zone projects; Mrs. Nash seconded the motion and it passed unanimously.

Mr. Amon then presented a fourth "B" Zone application for waiver from strict compliance with the Stream Corridor Impact Regulation, and approval:

- 97-2367 KinderCare Day Care Center - Hillsborough Township;
Proposed child care center on 3.12 acres; total impervious coverage is approximately 2.5 acres. The project will require a Stream Encroachment Permit.

The applicant's engineer, Mr. Atkins, explained that the plans proposed some parking area in the designated stream corridor, a tributary to Royce's Brook. He said that Hillsborough Township recommended that the applicant provide parking for both the child care center and the adjoining property, a dentist's office. Sanitary sewers would replace an existing septic field. Currently, the stream corridor is an open field--the applicant proposes to enhance the landscape by installing 25 native trees and 30 native shrubs. A conservation easement would preserve an additional 9,500 square feet outside of the designated stream corridor, which is about the same amount of land that would be encroached upon within the corridor. Ms. Armstrong suggested that more trees and shrubs be planted, especially in the stream corridor. Mr. Herzog moved waiving the project from strict compliance of the stream corridor and approving the project as presented with the condition that the Certificate of Approval not be released until a conservation easement for the stream corridor be submitted and recorded. He further stipulated that more extensive landscaping be installed in the stream corridor. Mr. Pauley seconded the motion and it passed unanimously.

REVIEW OF WSA REPAIR OF CULVERT AT STATION 2464+88

Mr. Loutzenheiser of the Water Supply Authority said that a culvert near Colonial Park in Franklin Township needed rehabilitation--the outlet headwall was completely gone and would have to be reconstructed; the inlet headwall was partially collapsed and would require repair, and the barrel was also partially collapsed--the Water Supply Authority proposed installing a steel liner. Mr. Amon mentioned that Superintendent Stern had concerns regarding maintenance of the towpath, and Mr. Loutzenheiser assured Mr. Amon and Superintendent Stern that their concerns would be dealt with satisfactorily. Ms. Goodspeed moved approval of the repair of the culvert at station 2464+88 with the condition that the issues raised by the Division of Parks be satisfied; Mrs. Nash seconded the motion and it passed unanimously.

DISCUSSION OF STATUS OF SAFETY STUDY COMMISSION RECOMMENDATIONS

Mr. Amon reviewed the memo he had distributed to the Commissioners regarding the status of Safety Study Commission recommendations, noting that the bulk of the recommendations must be implemented by the Department of Transportation. He suggested that the next quarterly meeting for agencies involved with the Canal Park include this issue as a topic, and inviting a representative from DOT to attend.

DISCUSSION OF DRAFT OF REVIEW ZONE REGULATIONS

Mr. Amon reviewed the draft, commenting that changes included re-wording the definition of a major project, and removing the requirement that detention basins built in floodplains have extra capacity. The Commissioners commented on several instances where language in the Regulations was vague or confusing; Mr. Amon agreed to clarify these cases. Ms. Armstrong suggested adding a definition of a general development plan; it was agreed that the definition in the Municipal Land Use Law be used. Ms. Goodspeed moved approval of publishing the proposed draft of the review zone regulations with the changes as discussed; Mr. Pauley seconded the motion, and it passed unanimously.

OLD BUSINESS

Mr. Amon said that the Division of Solid Waste sent a letter regarding the GAF remediation project in South Bound Brook, and agreed with Mr. Amon that capping 1,500 feet of canal bank with shotcrete was not necessary and that a less destruction solution is possible. They are working with GAF representatives on an alternative.

Mr. Amon said that he was waiting for Trap Rock Industries to submit a complete application for the demolition of the two historic houses in Franklin Township.

NEW BUSINESS

Mr. Marshall distributed a draft resolution supporting a stable funding source for open space preservation; the Commissioners all agreed that this was an important effort to support. Mr. Marshall moved approval of a resolution supporting a stable funding source for open space preservation; Ms. Goodspeed seconded the motion, and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

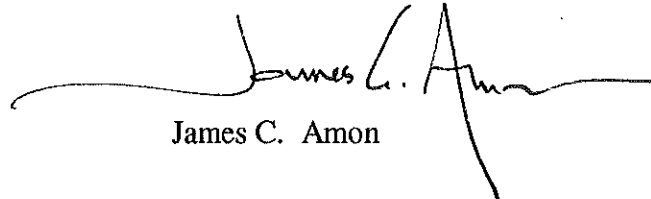
Mr. Stern reported that 250 runners took part in the annual D&R Canal Watch race. He said that the Six Mile Run Trail System officially opened April 26th, and that three benches donated by D&R Canal Watch were installed in the park.

PUBLIC FORUM

Mr. McKelvey asked about the status of the canal boat ride; Mr. Amon replied that nothing would be happening this year but they were still pursuing the idea. He said that Mr. Hoebel, a prospective concessionaire for the boat ride, was making a presentation to the Water Users Association.

The meeting ended at 2:15 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