

MINUTES OF THE MEETING OF JUNE 17, 1998

TIME: 12:10 P.M. - 3:30 P.M.
DATE: Wednesday, June 17, 1998
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Jessen, Marshall, Pauley, Torpey; Ms. Armstrong,

STAFF: Ms. Goodspeed and Mrs. Nash
Ms. Holms
Mr. Lewin Weyl, Deputy Attorney General
Ms. Barbara Conklin, Deputy Attorney General

GUESTS: David Goldberg, Drinker, Biddle & Reath
Steve Osborne, Trap Rock Industries, Inc.
Pamela Matereese, Esq., Franklin Township
Joan Bottcher, Franklin Township
Robert Mettler, East Millstone
Theodore Chase, Franklin Township
Walter Haby, Franklin Township
Jim Anderson, Franklin Township
John Hauss, Franklin Township
Tom Gale, Franklin Township
Kevin Moore, Jamieson, Moore, Peskin & Spicer
Rick Moralle, T&M Associates
Paul Stern, D&R Canal State Park
Rick Goeke, Franklin Township resident
Bill McKelvey, Friends of NJ RR & Transportation Museum
Robert von Zumbusch
Corrington Hwang, Kingston

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 May 20, 1998, with one correction: on page 3, under "Old Business," the word "destruction" should be changed to "destructive." With that correction, Ms. Armstrong seconded the motion and it passed unanimously.

PRALLSVILLE MILLS PO. 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

REVIEW ZONE ACTIONS

Ms. Holms presented one “A” Zone application for review and approval:

98-2452 – Mittnacht Residence Addition – Hopewell Township; a one-story addition on the rear of a house that is separated from the Canal Park by Route 29.

Ms. Holms reported that Mr. Amon had reviewed the plans and felt the addition would not present a harmful visual impact on the Canal Park and recommended approval. Ms. Goodspeed moved approval of the Mittnacht Residence Addition; Mr. Jessen seconded the motion and it passed unanimously.

Ms. Holms presented four “B” Zone applications for review and approval:

1. 97-2380 – Larken Associates – Lawrence Township; a 13,000 square-foot child care center with parking plus one single-family residence on 5+ acres.
2. 98-2439 – Chancellor Park of Pennington – Pennington; a 96-unit adult care facility in a 3-story 74,434 square-foot building with parking and roads; total new impervious surface is 1.7 acres. One detention basin has been designed to manage stormwater runoff and water quality.
3. 95-2255 – Remainder of Lot 3.01 – Millstone Township, Monmouth County; 17 single-family homes on 49.84 acres with one detention basin. A stream corridor will be protected by conservation easement.
4. 98-2420 – The Grande at East Windsor – East Windsor Township; 73 single-family homes with 3 detention basins discharging to on-site wetlands.

Ms. Holms said that the project known as “Remainder of Lot 3.01” would require a permit from DEP’s Stream Encroachment Division and therefore recommended waiving it from review of the Commission’s stormwater runoff regulations. She said that the Commission’s Review Zone Officer determined that the four “B” Zone projects conformed to the Regulations and recommended approval. Mrs. Nash moved approval of the “B” Zone projects; Mr. Jessen seconded the motion, and it passed without dissent.

Ms. Holms then presented an application for waiver from strict compliance of the Commission’s Stream Corridor Impact Regulation.

98-1263A – Princeton Junction Metro Office Center, Phase III – West Windsor Township.

Ms. Holms said that the applicant came before the Commission in March with the waiver request. In 1988, the Commission approved the construction of three buildings on this site, one of which was built. The entire site is within the boundaries of the Commission's stream corridor, but the project was approved before the Stream Corridor Impact regulation had been adopted. In March, the applicant presented a site plan that was less intrusive into the stream corridor than the previously approved project. The Commission suggested that the applicant look for more ways to further limit the intrusion.

Mr. Moralle presented a revised plan in which one of the buildings and associated parking were several hundred feet further from the stream than the plan presented in March. He also said that the retention pond would be deeper, and wetland vegetation would be planted in the pond and on its banks.

Mr. Moore said that the applicant has also agreed to protect open space not already in the township's greenway through an easement held by the Canal Commission.

The Commissioners agreed that the new plan was much improved over the plan presented in March in regard to limiting the impact on the stream corridor. Mrs. Nash moved approval of the waiver request with the condition that the Canal Commission hold an easement on designated land adjacent to West Windsor's greenway; Ms. Goodspeed seconded the motion and it passed unanimously.

Mr. Herzog joined the meeting at 12:30 PM.

DEMOLITION OF TRAP ROCK HOUSES

Mr. Torpey then reviewed an "A" Zone application for the demolition of two houses owned by Trap Rock Industries next to the canal in Franklin Township. He introduced Mr. Goldberg, the applicant's attorney. Mr. Goldberg questioned whether the Canal Commission had the authority to approve a demolition. He also suggested that the houses to be demolished are not historic—that there is no evidence that they were built in the 18th or 19th centuries.

Ms. Matteredese, an attorney for Franklin Township, said that the houses were unsafe because they were too close to the road and impeded motorists' sight, plus they encouraged vandalism. Mr. Anderson, a construction official for the Township, said that within the last four years he has had to visit the houses 12 times because of complaints regarding garbage, debris and vandalism. Mayor Bottcher said that the houses encouraged arson, which in turn could result in a fire of the surrounding woods. Franklin Township's Director of Health and Fire Inspector also expressed concern regarding public safety should the buildings remain in their present state.

Mr. Gale and Mr. Goeke, members of the Franklin Township Historic Preservation Commission, presented evidence that the two houses were in fact historic, and also said that there were people interested in leasing or buying the houses. Mr. Von Zumbusch said that these houses were extremely important to the character of this area near the Canal Park and if allowed to be demolished, the historic landscape would be severely compromised. Mr. Mettler said that early 20th century photos (c. 1907) of the houses show that they did not look new at that time—that they were at least 19th century houses, and most likely 18th century structures. He said that if the houses and/or foundations were removed, the possibility of widening or straightening the roads would be increased. Mr. Hwang, President of the Kingston Historical Society, said that these were excellent examples of "common" historical structures, of which not many remain.

Mr. Osborne, President of Trap Rock Industries, spoke of Trap Rock's support of historic resources in the Township, citing the \$2 million worth of Canal Park improvements that Trap Rock has made. He said that their engineer looked at the buildings and concluded that installing a viable septic system for either was impossible.

Mr. Stern said that the Canal Park does not have the resources to buy and maintain the buildings, but he also said that several houses in the Canal Park have been successfully secured, preventing vandalism. He said that the Zarephath Canal House was secured until funds became available to restore it.

In a memo to the Commissioners, Mr. Amon had recommended demolishing the houses with the condition that all or parts of the foundations remain and interpretive signage be installed. Ms. Matterese said she was not in favor of keeping the foundations because they would be too dangerous—children could hurt themselves either by jumping off of them or onto them.

Mrs. Nash felt that not enough serious historical research has been undertaken on the houses. She asked why Trap Rock owned the houses. Mr. Osborne replied that the quarry operation owns adjacent land in order to minimize development in the area surrounding the quarry, and that a former master plan for mining operations included that side of Route 518 for mining purposes.

Ms. Goodspeed spoke of her disappointment with Trap Rock in regard to their neglect of these houses—she said it is the responsibility of the private owner to properly upkeep their property. She said that if the properties were properly maintained they would be less attractive to vandals. She also felt that Trap Rock should retain a consultant to undertake further research on the history of the houses.

A discussion ensued about what type of conditions Trap Rock should be obligated to perform should the Commission approve demolition. Mr. Jessen moved approval of the demolition with three conditions: 1) that suitable historical research including a physical analysis of the buildings be undertaken. Once an agreement between the Canal Commission and Trap Rock representatives is reached as to the extent and cost of this research, the research shall be completed within 90 days. 2) The Commission's Executive Director shall meet with the Franklin Township Engineer to determine how much of the houses' foundations shall remain. 3) Signage acceptable to the Canal Commission and Trap Rock representatives shall be provided and installed at a location approved by the Canal Commission. Once the conditions have been met, demolition can proceed. Mr. Herzog seconded the motion and it passed unanimously.

OLD BUSINESS

There was a short discussion regarding canal boat rides along the canal. Mr. Jessen expressed disappointment with the Water Users Association's assertions that two mules pulling a canal boat would pollute the canal. He referred to the statistic that there are approximately 28,000 horse

visits to the Canal Park annually, and yet no one has expressed concern (regarding water pollution) about the amount of horses on the towpath.

NEW BUSINESS

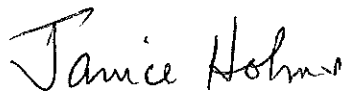
Mr. Torpey announced that Governor Whitman would be spending a day and a half on the canal in July and encouraged the Commissioners to join her.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern reported that the section of new path in Lambertville between the Alexauken Creek and Elm Street was completed, and that work was proceeding on the section between Delevan and Coryell Streets.

Mr. Stern announced that he had accepted a position as Assistant Regional Superintendent and would be leaving his post as superintendent of the Canal Park. The Commissioners congratulated him on his new position, and spoke highly of his many achievements as superintendent of the D&R.

Respectfully submitted,


Janice Holms