



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF AUGUST 19, 1998

TIME: 12:10 P.M. - 2:45 P.M.
DATE: Wednesday, August 19, 1998
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Jessen, Marshall, Pauley, Torpey; Ms. Armstrong,
Ms. Goodspeed and Mrs. Nash
STAFF: Mr. Amon and Ms. Holms
Ms. Barbara Conklin, Deputy Attorney General
GUESTS: James F. Wiles, State Park Service
George Michael
Bill McKelvey, Canal Society of New Jersey
Steve Osterbor, Hendon Properties
Gary Dahms, T&M Associates
Bob Bushar, S&S Investments
Tom Baxter, NJ Water Supply Authority
Allen Scheich, Pickering, Corts & Summerson
Lou Neely
Corrington Hwang, Kingston Historical Society

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 July 15, 1998; Ms. Goodspeed seconded the motion, and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a request to approve amendments to a 99-year lease from the DEP to the Water Supply Authority, for use of the canal and adjoining land. He said that he had suggested some changes but did not receive a response yet to his suggestions. The Commission agreed to table the lease amendment application until September.

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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 ACTIONS

Mr. Amon presented three "A" Zone applications for approval:

98-2419 - Hopewell-Trenton Sewer Project - Trenton

Mr. Amon said that this project was both in the "A" and "B" Zones, and involved construction of a sewer line from Trenton to Hopewell and a odor control facility to be built next to the Canal Park in Trenton. He said that the sewer line does not cross the canal. The pump station will be built of red brick and a Red Cedar hedgerow will be installed to screen it from the Canal Park.

98-2422 - Software House International - Franklin Township, Somerset County

Mr. Amon said that the proposed 1,432 square-foot building addition was on the other side of Weston Canal Road and would not create a harmful visual impact. Two existing detention basins will manage water quality and runoff.

97-2387 - Diamond Silver Complex - Lambertville

Mr. Amon said that the applicant was proposing to convert an industrial building to office and possibly retail/commercial use, resulting in approximately 38,000 square feet of additional impervious surface. The site is too small for an above ground basin, and underground chambers would be expensive. The applicant is requesting waiver from strict compliance of the drainage and water quality regulations, and approval. Mr. Amon said that some of the underground pipes will be enlarged and a control structure will be installed to control runoff underground. The building is not visible from the Canal Park.

Ms. Goodspeed moved waiver of strict compliance of the Commission's Storm Drainage and Water Quality Impact Regulations with regard to Diamond Silver Complex, and moved approval of all three "A" Zone projects. Mr. Jessen seconded the motion and it passed unanimously.

Mr. Amon then presented 16 "B" Zone applications:

98-2438 - Brunswick Bank & Trust - Monroe Township

98-2466 - Oak Woods - South Brunswick Twp.

94-2141 - Hightstown Route 133 Bypass - East Windsor Twp.

98-1733A - University Square - West Windsor Twp.

98-2450 - Windsor Business Park - West Windsor Twp.

97-2427 - Carnegie Center Phase II, Building 502 - West Windsor Twp.

98-2447 - Cranbury Elms at Sunnyfield - Cranbury Twp.

97-2391B - Bristol-Myers Squibb Building A3 - Lawrence Twp.

98-2060A - RushBrook Modifications - Princeton Twp.

98-2436A - Bristol Myers Squibb Buildings 8 & 11 - Hopewell Twp.

98-2436B - Bristol-Myers Squibb Building 21 - Hopewell Twp.
98-2436C - Bristol-Myers Squibb Temporary Contractor Parking - Hopewell Twp.
98-2463 - Embassy Suites Hotel - South Brunswick Twp.
97-2327 - Stults Road Center Addition- South Brunswick Twp.
98-2444 - Windsor Crossing - East Windsor Twp.
98-2451 - Rappaport Subdivision - Hopewell Twp.

Mr. Amon said that all sixteen "B" Zone projects conformed with the Commission's Drainage and Water Quality Impact regulations, and recommended approval with the following conditions:

- 1) that the approval for Oak Woods be conditioned upon receipt of an executed and recorded conservation easement for the stream corridor;
- 2) that review of stormwater management for Bristol-Myers Squibb Building A3 be waived because it will require a Stream Encroachment permit;
- 3) that strict compliance with the Stream Corridor Impact regulation be waived for Bristol-Myers Squibb Building 21 because an existing pond which is in the stream corridor was part of a Stormwater Management Master Plan designed well before the Stream Corridor regulation was in effect;
- 4) that strict compliance with the stormwater management regulations be waived for Bristol Myers Squibb Temporary Contractor Parking because the applicant has agreed to remove the crushed stone for the parking area and seed it once the 2-year municipal approval expires; and
- 5) that the approval for Windsor Crossing be conditioned upon receipt of recorded easements for the detention facilities and stream corridor, and the proposed 60-foot outlet channel in the stream corridor be reduced to 30 feet.

With those waivers and conditions, Ms. Goodspeed moved approval of the "B" Zone projects, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Amon then presented an application for an amendment to a formerly-approved "A" Zone project. He said that applicants representing Nassau Park Pavilion have heard from neighbors in Port Mercer expressing concern about the proposed path from the retail center to the Canal Park. The neighbors have told the applicants that they don't want the path, for safety considerations. The applicants have also requested changing the proposed ice-skating rink to an in-line skating rink. Mrs. Nash felt that not building the path would be taking away an opportunity for people to view the canal, albeit in a limited way. Mr. Jessen moved approval of the following changes to the Nassau Park Pavilion application: 1) changing the ice skating rink to an in-line skating rink and reconfiguring the area around the rink, 2) abandoning the path leading to the D&R Canal, and 3) reconfiguring the walkway leading to the rink. The approval is conditioned upon the proviso that should the Commission at any future date request to have a walkway to the D&R Canal, it will be built at the expense of the applicant or his successors in title. Ms. Goodspeed seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Wiles, Regional Superintendent for the central region of the Division of Parks and Forestry, reported that Sue Herron will be the new Canal Park Superintendent as of September 12th.

PATH DEVELOPMENT PROJECTS

Mr. Amon reported on the status of several path initiatives that the Canal Commission is working on with the Governor's office and the Department of Transportation. A combination of Federal "Transportation Enhancement" funding along with state funds will result in 22.7 miles of trail improvements, providing links within the Canal Park and complementary paths adjacent to the park. The Commissioners expressed their enthusiastic support for these great initiatives.

CANAL BOAT RIDE

Mr. Amon reported that Commissioner Jessen and he met with the Water Supply Authority's Executive Director, Tom Baxter, and Ed Mullen, Vice President of the Elizabethtown Water Company to discuss potential water pollution problems resulting from a mule-driven canal boat ride. Messrs. Baxter and Mullen did not support this proposal because of the problems associated with water quality and animal defecation. It was pointed out that adding one mule to the Canal Park path system seemed of minor significance when compared to the amount of horses that use the Canal Park.

Mrs. Nash said that the Commission should present the canal boat issue to DEP's Commissioner Shinn and let him decide. Mr. McKelvey felt that the boat ride should be located between Lock One and Lock Two, a section of the canal that is not part of the water supply. Mr. Neely, representing the Water Users Association, said that the Association would not support any additional use of the Canal Park by animals. Mr. Baxter agreed, saying that any more activity is too much. Mr. Wong, representing the Kingston Historical Society, also agreed.

Mr. Torpey suggested that the canal boat committee reconvene to discuss these matters.

NEW BUSINESS

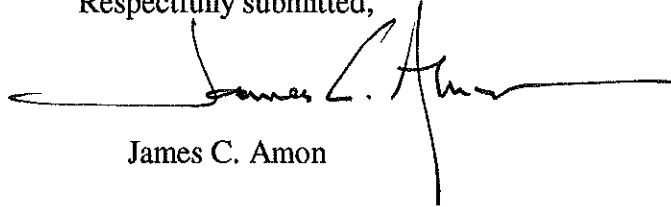
Mr. Amon said that October 10, 1999 is the 25th anniversary of the D&R Canal State Park Law which created the D&R Canal Commission. Mr. Torpey asked the Commissioners to consider ways to celebrate the anniversary, and suggested forming a subcommittee for the task.

Mr. Amon then referred to the previous discussion about the canal's water quality and said that the top priority of the Canal Commission has been water protection, and that through its regulatory program as well as working with land trusts to acquire adjoining lands, the Commission has been very successful in protecting water quality in the canal. Mr. Baxter

reported that the Water Supply Authority has recently funded a study of water quality in the canal's watershed.

The meeting adjourned at 2:45 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", written over a horizontal line. The signature is stylized with a large initial 'J' and a long horizontal stroke.

James C. Amon