



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF MAY 17, 2000

TIME: 12:15 P.M. - 2:25 P.M.
DATE: Wednesday, May 17, 2000
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Barker, Jessen, Pauley; Ms. Armstrong, Ms. Goodspeed,
and Mrs. Nash

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

GUESTS: Rebecca Williams, Asst. Superintendent, D&R Canal State Park
Barbara Ross, D&R Canal Watch
Joe Shepherd, NJ Water Supply Authority
Portia Orton
Vincent J. Mangini, Law Offices of Alan Zublatt
Jeffrey Hall, Smith, Stratton, Wise, et al
David C. Maxwell, R.C. Maxwell Company
Robert von Zumbusch
Carl Loutzenheiser, NJ Water Supply Authority
Jan ten Broek, Millstone Valley Preservation Coalition
Linda Barth, Canal Society of New Jersey
Marilyn Kulik, Citizens to Preserve Griggstown
Lawrence Wohl, Kin Properties
Susan Grover
David Zimmerman
Donald J. Einhorn, Law offices, Gaetano M. DeSapio
Jim DeSapio, DeSapio Construction
Bill McKelvey, Canal Society of New Jersey
Ken Baill, Goldenbaum Baill Associates, Inc.
Mark Barry, Trenton Times

Mr. Jessen 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 moved the approval of the minutes for the two Executive Sessions held April 25, 2000, and the minutes for the public meeting of April 25, 2000, with the following correction:

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 Martin D. Jessen Winona D. Nash Sam Herzog Robert C. Shinn, Jr. Douglas H. Palmer
Chairman *Vice-Chairman* *Treasurer* R. William Pauley Caroline J. S. Armstrong Marfy Goodspeed

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

in the first paragraph, last sentence, of the 1st Executive Session minutes, the word "approval" be changed to "disapproval." With that correction, Mrs. Nash seconded the motion, and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a request to renew a lease by Franklin Township to use State Park property as a recreational park that has a handball wall, basketball hoop, paved area, and picnic bench. Mr. Amon recommended extending the lease for twenty years. Mrs. Nash moved approval of the lease extension, Mr. Pauley seconded the motion, and it passed unanimously.

REVIEW ZONE PROJECTS

Mr. Amon presented the following "A" Zone applications for approval:

- 00-2618A - Orton Deer Fence - Franklin Township, Somerset County
- 00-2309B - Monument Crossing Fence - Trenton
- 99-2552 - Fiber Optic Conduit/Scudders Falls I-95 Bridge - Ewing Township

Mr. Amon said that the three "A" Zone projects would not create a harmful visual impact on the Canal Park and recommended approval. Ms. Goodspeed moved approval of the 3 "A" Zone applications, Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon then presented the following "A" Zone application for approval:

- 00-2383A - Swan Creek Retaining Wall - Lambertville

Mr. Amon said that an historic stone wall had partially collapsed as a result of Hurricane Floyd, and the applicant was proposing to repair it by using gabion baskets. He said that the wall was within the D&R Canal National Historic District, and recommended that the wall be repaired using stone or reinforced concrete with stone face. He said the wall would be fully visible from the Canal Park in winter.

Mr. Wohl, attorney for the applicant, asked that the Commission consider waiving the project from review because repairing it with stone or stone face would be an economic hardship for the applicant. It was estimated that the gabion basket design would cost between \$90,000 and \$100,000, and the stone face design would cost between \$150,000 and \$160,000.

The Commissioners discussed the alternatives and concluded that the gabion baskets would not be acceptable in the historic district. Mrs. Nash moved concept approval of the design using reinforced concrete and stone face; Ms. Armstrong seconded the motion. It passed unanimously. Mrs. Nash then moved denial of the gabion basket design; Mr. Barker seconded the motion. It also passed without dissent.

Mr. Amon then presented the following "A" Zone application for approval:

99-2588 - R.C. Maxwell Company Billboard - Trenton

Mr. Amon said that the applicant was proposing to install a double-sided billboard, 14' x 48', on the east side of Route 1 (the canal is on the west side). Mr. Hall said that the billboard was 120 feet from the Canal Park, and the applicant would be willing to plant 50 red cedars on park property to help mitigate any visual intrusion. He said that although the proposal was not technically compliant with the Commission's regulations, he felt that the proposed tree planting would satisfactorily mitigate non-compliance. Ms. Goodspeed said that billboards were visually intrusive and destructive. Mrs. Nash said that exceptions should not be made just because the area is undesirable. Mr. von Zumbusch said that the gateway to the capitol city should be a parkway, not lined with billboards. Ms. Goodspeed moved denial of the application; Mrs. Nash seconded the motion, and it passed unanimously.

Ms. Armstrong left the meeting at 1:30 PM.

Mr. Amon then presented the following "B" Zone applications for approval:

95-2229 – Lori Gardens – Monroe Township

98-2497 – Fairways at Forsgate – Monroe Township

99-2593 – Marriott Towne Place Suites Hotel – Lawrence Township

Mr. Amon said that the Commission's engineer reviewed the projects for stormwater management and found them to be compliant with the regulations. Ms. Holms described a buffer averaging proposal for Lori Gardens, where the applicant has proposed preserving an area adjacent to the stream corridor in exchange for building a portion of a detention basin in a presently wooded portion of the stream corridor. Mrs. Nash moved approval of the three "B" Zone applications, Ms. Goodspeed seconded the motion and it passed unanimously.

Mr. Amon then presented a "B" Zone application for waiver from strict compliance of the Stream Corridor Impact regulation:

00-2631 – New Jersey State Police Facility – Kingwood Township

Mr. Einhorn, representative for the applicant, told the Commissioners that it appeared that the project would constitute less than one acre of impervious surface, which would make it exempt from the regulations. Mr. Amon asked that a plan be submitted which showed that this was the case.

BULL'S ISLAND NEW OFFICE

Mr. Amon presented plans depicting a proposed new office for Canal Park staff at Bull's Island.

Mrs. Nash moved approval of the office, Ms. Goodspeed seconded the motion, and it passed unanimously.

WATER SUPPLY AUTHORITY PROJECT: GRIGGSTOWN SPILLWAY AND CULVERT

Mr. Amon said that the Commission approved a conceptual plan to repair the Griggstown spillway and culvert, consisting of repairing two headwalls, cleaning out the culvert, and raising the front wall of the spillway, using existing stone. The spillway wall opposite the canal would also be restored. Ms. Goodspeed moved approval of the repair project, Mrs. Nash seconded the motion, and it passed unanimously.

DISCUSSION OF WIRELESS COMMUNICATIONS TOWER REGULATION

Mr. Amon said that he had requested advice about the draft regulation for wireless communications towers from the attorney general's office.

DISCUSSION OF DRAFT DRCC BROCHURE FOR MUNICIPAL OFFICIALS

Mr. Amon distributed a draft brochure describing the Commission's activities and regulatory procedures, and asked the Commissioners for their comments.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Williams reported that the Canal Park Naturalist was visiting elementary schools. She said that two corporations participated in Earth Day cleanups, and that towpath restoration from Blackwell's Mills to Kingston was taking place.

WATER SUPPLY AUTHORITY'S REPORT

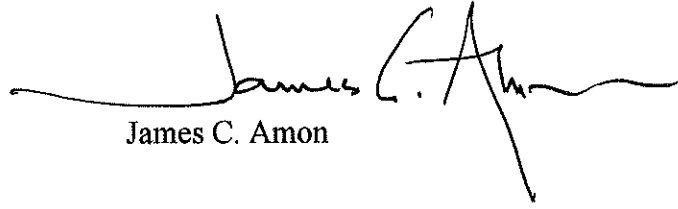
Mr. Shepherd said that the Water Supply Authority was researching new pontoon excavators for eventual acquisition. They plan to excavate the sediment bar at Port Mercer.

PUBLIC FORUM

Mr. von Zumbusch expressed concern about herbicide use on Mapleton Road next to the canal. Ms. Barth commended Elizabeth Dowd on her presentation at a recent East Coast Greenway event. Ms. Kulik expressed concern about the Division of Parks and Forestry's intention to buy the Griggstown general store when there apparently wasn't enough money to maintain the buildings that they currently own. Mr. McKelvey asked whether there would be any use for a steel railroad bridge that had originally spanned the canal in 1880 and was subsequently reinstalled over the Rancocas.

The meeting adjourned at 2:25 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is fluid and cursive, with a long horizontal stroke extending to the left and a vertical stroke extending downwards from the end.

James C. Amon