



DELAWARE AND RARITAN  
CANAL COMMISSION

MINUTES OF THE MEETING OF DECEMBER 20, 2000

TIME: 12:15 P.M. – 2:53 P.M.  
DATE: Wednesday, December 20, 2000  
PLACE: Canal Commission Office  
Stockton, New Jersey

ATTENDING:

- COMMISSIONERS: Messrs. Herzog, Pauley, Marshall, and Torpey; Ms. Armstrong and Mrs. Nash
- STAFF: Mr. Amon and Ms. Wannemacher  
Mr. Lewin Weyl, Deputy Attorney General
- GUESTS: Rebecca Williams, Asst. Superintendent, D&R Canal State Park  
Sue Herron, Superintendent, D&R Canal State Park  
Joe Shepherd, NJ Water Supply Authority  
Linda Barth, Canal Society of New Jersey  
Barbara Ross, D&R Canal Watch  
Robert von Zumbusch, Friends of Princeton Open Space  
Larry Wohl, Esq. for KIN Properties

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.

LEASES AND PERMITS

Mr. Amon presented a permit application to install a fiber optic cable under the canal at West Hanover and Calhoun Streets in Trenton. Installation by jack and bore will not disturb the physical surface of the Canal Park. Staff recommendation is for approval. The Commission in the past has approved this technique, and Mr. Amon has a letter from Mr. Shepherd of the Water Supply Authority indicating no objection. Mr. Herzog moved approval of the permit application, Ms. Armstrong seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented an "A" Zone application to be removed from the agenda.

00-2356B – Route 29 Drainage Modifications

The applicant, NJ Department of Transportation, requested the project be placed on the agenda for Commission approval of project changes, however Mr. Amon said that according to his files there have been no changes submitted since the project was last approved. Mr. Amon therefore deleted the application from today's agenda.

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EXECUTIVE  
DIRECTOR  
James C. Amon

COMMISSIONERS

Frank J. Torpey <i>Chairman</i>	Martin D. Jessen <i>Vice-Chairman</i>	Winona D. Nash <i>Treasurer</i>	Sam Herzog R. William Pauley	Robert C. Shinn, Jr. Caroline J. S. Armstrong	Douglas H. Palmer Marfy Goodspeed
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Mr. Amon presented the following "B" Zone applications for approval:

99-0030C – Dow Jones Parking Addition – South Brunswick Township  
00-2648A – South Brunswick High School – South Brunswick Township  
00-2680 – Frito Lay Parking Expansion  
00-2661 – Showplace Farms Office – Milestone Township  
00-2153A – Eggerts Woods Apartments – Ewing Township  
00-2633 – Jain Center of New Jersey – Franklin Township  
99-2596 – Schenkman-Kushner Office/Warehouse – Franklin Township  
00-0926A – Plainsboro Plaza Shopping Center – Plainsboro Township  
00-2219 - Cranbury Warehouses – Cranbury Township  
00-2323A – Estates at Plainsboro – Plainsboro Township

Mr. Amon said that the "B" Zone projects were determined by staff to be in compliance with the Commission's regulations and recommended approval. Mr. Amon said that the project named Estates at Plainsboro has requested a stream corridor waiver to allow buffer averaging in addition to project approval. The applicant has requested intrusion into the buffer zone in three places in exchange for preserving a large wetland tract. He said that the Commission's regulations do not prohibit wetlands use in an exchange. He presented the site plan and indicated the stream buffer modifications. Concrete monuments will be required at the intersection of the corridor line and the property line. Mr. Amon said staff recommends approval of the project and a stream corridor waiver, conditioned upon receiving a conservation easement.

Ms. Armstrong moved approval of all the "B" Zone projects with conditional approval of the Estates at Plainsboro based upon receiving a recorded conservation easement prior to releasing a Certificate of Approval. Mr. Pauley seconded the motion, and it passed unanimously.

Mr. Amon then presented a request for a stream corridor waiver for approval.

00-2620 – Princeton Courtside Estates

Mr. Amon said that the applicant has requested stream corridor buffer averaging where the buffer line is too close to a proposed house. The intrusion will be compensated behind an adjacent house. He said that the proposed line follows the tree line and protects additional forest in exchange for cropland. Monuments will be installed to mark the conservation easement line for homeowner information. Mr. Amon said staff recommends approval of the stream corridor waiver from strict compliance. Mr. Amon confirmed that there is no municipal approval at this time and therefore Commission approval is non-binding. Mr. Weyl recommended that a "sense of the Commission" be asked rather than a resolution of approval. Chairman Torpey then asked the Commissioners for the record if there was a sense that the request met general requirements and the Commissioners agreed.

Mr. Amon then presented an "A" Zone project requesting a new decision.

#### 00-2383A – Swan Creek Retaining Wall

Mr. Amon said that this project, repair of a retaining wall along Swan Creek in Lambertville, was reviewed by the Commission in May 2000. At that hearing the applicant proposed to replace the entire stone wall with a gabion basket wall. The proposal was denied because the wall is within the canal's historic district and the gabion wall was found to be in violation of the Commission's visual impact standards. In August 2000 the applicant presented a new proposal to repair the wall using reinforced concrete with stone facing. The Commission approved this proposal. He said the applicant is now requesting a waiver from that approval based on extreme economic hardship. The applicant has submitted to the Commission two bids for construction of the stone-faced wall at \$621,929 and \$452,430 and has estimated the cost of a construction loan in relation to profit from leased property over a 10-year period. The applicant is now requesting a cheaper solution. Mr. Larry Wohl, attorney for the property owner/applicant, defended a 10-year period as reasonable to amortize the cost of the repair because standard commercial leases are 10 years. Ms. Nash asked if the property owner had set aside funds in the past for repairs and Mr. Wohl said not for repairs of this magnitude. Mr. Wohl said the City of Lambertville will not approve an occupancy permit until the wall is repaired. He suggested that the municipality is benefiting in their desire to acquire the property because of the bind the property owner is in regarding the wall. Upon questioning by the Commission, Mr. Wohl apologized for implying that the Commission was acting in collusion with the City and he withdrew the statement. The applicant is willing to spend an estimated \$100,000 to construct a gabion wall similar to the one across Swan Creek. Mr. Amon said the cross-stream wall is not tied to the historic structure system and was not built to replace a historic wall. The Commission proposed that Mr. Wohl's client look at other alternatives and that alternatives be considered by the Commission prior to their meeting in order to avoid another denial. Mr. Pauley said that he thinks the gabion wall looks alright and suggested that the applicant consider a wall that is stone near the Swan Creek aqueduct and gabions elsewhere.

Ms. Armstrong moved to deny the request for a gabion basket wall, Mrs. Nash seconded, and it was denied unanimously. Mr. Wohl then left the meeting.

#### PROPOSED PEDESTRIAN BRIDGE OVER US ROUTE 1

Mr. Amon distributed design drawings of the proposed pedestrian bridge which will be constructed by NJ DOT. He said that this is a major site for canal continuity and that the project has been in the works for some time, a coordinated effort of Dan Saunders, Al Payne, a DOT consultant and the Canal Commission with assistance from the Governor's office. Mr. Amon said the chain link fence along the approach ramps will be replaced with rail. Three other changes are still being discussed: pattern of stone facing on bridge piers; bridge color (probably black); and Canal Park wording on bridge visible from Route 1. No lighting is planned. Mr. von Zumbusch commented on the bridge design. He said pickets are not appropriate, mesh instead of chain

should be used on the bridge, signage should replicate historic railroad signage, ramp turns should be widened to allow for an interpretive site. Ms. Barth supported an interpretive site and suggested the Brooklyn Bridge model.

Ms. Armstrong moved to approve the general design as presented, Mr. Pauley seconded, and it passed unanimously.

#### CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that the Bulls Island bridge will be closed for repairs for 6 to 10 weeks starting in February. The bridge is unsafe according to DOT. State park operations will be diverted from the island. No campers will be booked this spring. Vicki Chirco has been hired as Historic Preservation Specialist. A clerk-typist has been hired for Bulls Island. Thanks to Joe Shepherd, restoration of the towpath at Alexander Road looks great. A man fell into the canal near Lambertville Station recently and experienced great difficulty getting out.

#### WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that two culverts at Prallsville Mills are being cleaned and that work on the canal wall is almost complete. New projects starting this winter are the Griggstown Spillway and the Work House Spillway. Contracts have been awarded. Crews are removing a tremendous load of trees and limbs from the Canal Park caused by storms. The Lockatong Spillway project is underway. Cornerstones are being set on the downstream side of the spillway. Mr. Amon suggested that Landing Lane Spillway needed repairs.

#### OLD BUSINESS

Mr. Amon asked if the calendar for Commission meetings in 2001 would be the third Wednesday of each month as in previous years. Everyone present found this schedule convenient. The calendar schedule was distributed.

Mr. Amon told the Commissioners that the R.C. Maxwell Company has requested an adjudicatory hearing on its application for a billboard along Route 1 in Trenton (denied by the Commission on May 17, 2000). Mr. Amon asked if the Commission wished to grant the hearing and was told that they did.

#### NEW BUSINESS

Ms. Armstrong announced that Mr. Amon has received an award for distinguished leadership from the New Jersey Chapter of the American Planning Association.

Mr. Torpey said Mr. Amon has completed walking the entire Canal Park in 2000 in commemoration of his 25<sup>th</sup> anniversary as executive director. Mr. Torpey suggested a press release on both the award and the walk. Mr. Marshall will take news to the DEP press office.

#### PUBLIC FORUM

Ms. Ross would like steps included in the Route 1 Pedestrian Bridge.

Mr. von Zumbusch objects to the Howell Farm billboard. It is located on a NJ Scenic Byway and on Mercer County park property. Mr. Amon recommended that he write to Mercer County Executive Purnetti.

The public meeting adjourned at 2:53 PM

#### EXECUTIVE SESSION

Mr. Herzog moved the following resolution:

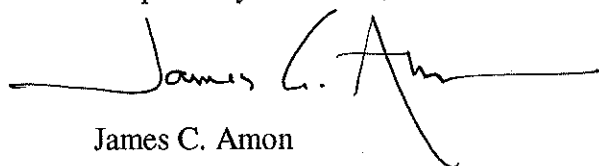
Whereas the Open Public Meeting Act provides that a public body such as the Canal Commission may meet in closed session to discuss personnel matters and matters subject to attorney-client privilege; and

Whereas the Commission desires to retire to closed session to discuss such personnel matters and matters subject to attorney-client privilege; now

Therefore be it resolved that the Commission shall at this time meet in closed session to discuss personnel matters and matters subject to attorney-client privilege, the substance of which will be disclosed publicly only if it does not constitute an unwarranted invasion of individual privacy and will not breach attorney-client privilege.

Mr. Pauley seconded the motion, and it passed unanimously. The Commission entered Executive Session at 3:00 PM.

Respectfully submitted,



James C. Amon