



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF JANUARY 17, 2001

TIME: 12:15 P.M. – 2:20 P.M.
DATE: Wednesday, January 17, 2000
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Marshall, and Torpey; Ms. Armstrong,
Ms. Goodspeed, Mrs. Nash, and Ms. Shaddow (representative for
Mayor Palmer)

STAFF: Mr. Amon and Ms. Holms
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
Peter Lanfrit, Esq., Canal Walk
Marilyn Kulick, Griggstown Historical Society
Michael K. Ford, Van Cleef Engineering Assoc.
Stephen Barcan, Wilentz, Goldman & Spitzer, Attys.
Jan ten Broeke, Millstone Valley Preservation Coalition
Lawrence C. Wohl, Esq., Kin Properties
John Lenaghan, East Millstone (Canal Watch)
Barbara Bermger, Somerset (Environmental Commission)
Liz Palius, Millstone Valley Preservation Coalition
John Hague, Westminster Realty
Michael Landau, Michael Landau Associates
Susan Smiley, Friends of Sayre Drive
Bill Cerynik, Division of Parks and Forestry

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 FROM MEETING OF DECEMBER 20, 2000

Mrs. Nash moved approval of the minutes of December 20, 2000; Ms. Armstrong seconded the motion. Messrs. Marshall, Herzog, Torpey, Mrs. Nash and Ms. Armstrong voted in favor of the motion; Ms. Goodspeed abstained.

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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

LEASES AND PERMITS

Mr. Amon presented a lease renewal application by the Delaware Valley Power Boat Association to lease riverfront property in Lambertville for the purpose of operating a boat dock. The 5-year lease would cost \$8,000 per year. Mrs. Nash moved approval of the renewal, Ms. Goodspeed seconded the motion, and it passed unanimously.

ELECTION OF VICE CHAIRMAN AND TREASURER

Mrs. Nash moved that Mr. Jessen serve as Vice Chairman; Mr. Herzog seconded the motion. Ms. Goodspeed then moved closing the nominations; Mrs. Nash seconded the motion. The motions passed without dissent.

Ms. Goodspeed moved that Mrs. Nash serve as Treasurer; Ms. Armstrong seconded the motion. Mr. Herzog moved closing the nominations and Ms. Armstrong seconded the motion. The motions passed unanimously.

REVIEW ZONE ACTIONS

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

98-2509 – Meadows at Cranbury – Cranbury Township

Mr. Amon said that the project had received a waiver from strict compliance with the Stream Corridor Regulation and that the Commission's Review Zone Officer determined that the stormwater management design conformed with the Commission's standards. He recommended approval, conditioned upon receiving an executed and recorded conservation easement for the stream corridor. Mrs. Nash moved approval of the project with the condition; Ms. Goodspeed seconded the motion. Messrs. Torpey, Marshall, Mrs. Nash, Ms. Armstrong and Ms. Goodspeed voted in favor of the motion; Mr. Herzog abstained. The motion passed.

Mr. Amon then presented three additional "B" Zone projects for approval:

00-2670 - Princeton University Genomics Building – Princeton Township

00-2660 – Mini-U-Storage – North Brunswick Township

97-0936C – Franklin Business Park Warehouse – Franklin Township

Mr. Amon said that the "Mini-U-Storage" project would require a permit from DEP's Stream Encroachment Division and therefore recommended waiving it from drainage review. He said that the other two projects met the standards of the Commission's Regulations for stormwater runoff and water quality and recommended approval of all three. Ms. Goodspeed moved approval of the three "B" Zone project applications; Ms. Armstrong seconded the motion, and it

Ms. Holms presented a request for approval of conditionally-permitted uses within a stream corridor:

97-2337 – Canal Walk – Franklin Township

She said that there are four stream corridors onsite, and that the applicant is proposing to build a pump house in one of them (a conditionally-permitted use). She said as mitigation for the pump house, the applicant has agreed to preserve approximately 5,000 square feet of wooded land adjacent to the stream corridor. The applicant is also proposing to install a pipeline from the pump house, across the stream, and paralleling the stream. Ms. Holms recommended that the Commission not approve the location of the pipeline.

Mr. Lanfrit requested that the Commission withhold any action until the applicant had an opportunity to meet further with Commission staff regarding the location of the pipeline.

Ms. Holms then presented a request for waiver from strict compliance with the Stream Corridor Impact Regulation:

00-2707 – West Windsor Business and Technical Center – West Windsor Township

Ms. Holms said that the project site has two stream corridors. The applicant is proposing to construct a building within 70 feet of one of the streams, and as mitigation, would preserve approximately the same amount of acreage, on land adjacent to the other stream corridor. She said that the applicant agreed to plant native trees and shrubs in the area between the building and the stream corridor. She recommended approval of the waiver request. Ms. Armstrong moved approval of the waiver from strict compliance of the Stream Corridor Impact Regulation based upon the plans presented; Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Amon presented the following “A” Zone application for approval:

01-2712 – Duck Island Landfill Remediation – Hamilton Township

The applicant is proposing to cap an existing landfill with fabric plus two feet of soil, and plant grass and wildflowers. It would be mowed twice yearly to prevent trees and shrubs from growing. The landfill is approximately 500 feet from the abandoned section of the canal. Mr. Amon recommended approval. Mr. Herzog moved approval of the landfill remediation, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Amon then presented a second “A” Zone application for approval:

00-2383A – Swan Creek Retaining Wall – Lambertville

The applicant presented revised plans from those that received an approval in August, 2000. He now proposes to rebuild a retaining wall along the bank of Swan Creek using a stone veneer on reinforced concrete for 70 feet of the wall (closest to the canal), and gabion baskets for the remaining wall. The exposed sides of the gabion baskets would have hand-placed stones, using stones from the original wall. A guide rail would be installed on top of the wall. Mr. Herzog moved approval of the retaining wall with the following conditions: 1) a "coarsed rubble" pattern must be used on both sections of the wall, 2) the design of the guide rail shall be approved by the Commission's Executive Director, 3) if the existing stone cannot be used, alternative stone must be approved by the Executive Director, and 4) the color of the gabion baskets must be approved by the Executive Director. Ms. Goodspeed seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Williams reported that a pre-bid meeting was held for the development of the path on the other side of the canal between Alexander Road and the Plainsboro Aqueduct. She said that plans have begun for the renovation of the Blackwell's Mills maintenance building; she also reported that the bridge to Bull's Island would be under repair for eight weeks starting January 24, and the office would be temporarily re-located to a Water Supply Authority facility on Route One. She said that two new rangers have started working in the Canal Park.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Prallsville culvert cleaning would be finished soon, and that minor repair was being undertaken on the Island Farm Weir. He said that a "feed gate" replacement project has begun, with divers assessing the amount of repair required.

OLD BUSINESS

Mr. Amon reported that applicants for two billboard projects in Trenton that were denied approval are legally challenging the decisions. In the case of "Outdoor Advertising" the applicant incorrectly perceived that the project had been automatically approved and began construction. The City of Trenton has issued a stop work order, and the applicant is legally challenging the City and the D&R Canal Commission.

Mr. Amon then reported that the proposed pedestrian bridge over Route One was determined to have an "adverse impact" by the US DOT, and would therefore not be federally funded.

Mr. Amon suggested that people write to the US DOT to express their disagreement with this determination.

NEW BUSINESS

Mr. Torpey reported that Governor Whitman is calling for the creation of a State Land Stewardship Investment Fund of \$25 million. Mr. Marshall said that the funding would be generated from a portion of the realty transfer fee, a stable funding source, and would be used for capitol improvements on state lands.

PUBLIC FORUM

Mr. ten Broeke expressed concern that the Bridgetender's houses were in need of repair. He also reported that operations of the new tenants of the former Onka bus property, adjacent to the canal in East Millstone, should be scrutinized, because they are former polluters. Mr. Amon suggested contacting the township zoning officer, especially if the tenants are doing anything other than truck repair.

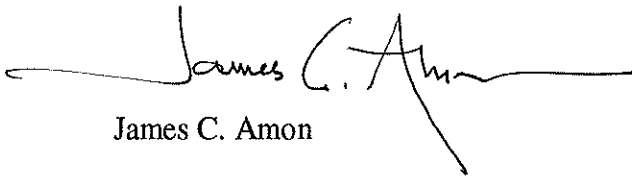
Ms. Kulick reported that a children's book about the D&R Canal has been recently published. She also reported that Senator Bateman recently introduced a bill funding \$300,000 for the repair of buildings on the Griggstown causeway.

Ms. Palius expressed concern that the flood limits should be re-defined, because flooding has not improved in the Millstone Valley.

It was noted that no action was taken on the request for approval of conditionally-permitted uses within a stream corridor on Canal Walk, and that it would be advisable for the Commission to deny the application without prejudice. Ms. Goodspeed moved denying without prejudice the proposal to locate a pump house and pipeline within a stream corridor located in Canal Walk; Mrs. Nash seconded the motion and it passed unanimously.

The meeting adjourned at 2:20 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", with a long horizontal line extending to the left and a vertical line extending downwards from the end of the signature.

James C. Amon