

## STAFF REPORT

PLEASE REFER TO DRCC # WHEN SUBMITTING  
ADDITIONAL DOCUMENTS



**DRCC #:**13-3042C

**DATE:** July 29, 2020

**PROJECT NAME:** Mercer County Wildlife Center -- Raptor Flight Enclosure

**Latest Submission Received:** June 3, 2020

**Applicant:**

Mercer County Wildlife Center

1748 River Road

Titusville, NJ 08560

[dnickerson@mercercounty.org](mailto:dnickerson@mercercounty.org)

**Architect:**

Curtis W. Hoberman, A.I.A.

saphire + albarran architecture, LLC

12 North Main Street

Pennington, NJ 08534

[sa@saphirealbarran.com](mailto:sa@saphirealbarran.com)

**Project Location:**

Road	Municipality	County	Block(s)	Lot(s)
1748 River Road (State Highway Route No. 29)	Hopewell Township	Mercer	59	1

**Jurisdictional Determination:**

Zone A	Minor	Governmental
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**Subject to Review for:**

Drainage	Visual	Traffic	Stream Corridors
	X		

**THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.**

**Documents Received:** Site Plan and Sightline Study Section with Buffer (3 sheets) dated May 8, 2020 prepared by saphire + albarran architecture, LLC; Aviary Drawings

PO BOX 539

STOCKTON, NJ 08559

609-397-2000

[www.nj.gov/dep/drcc/](http://www.nj.gov/dep/drcc/)

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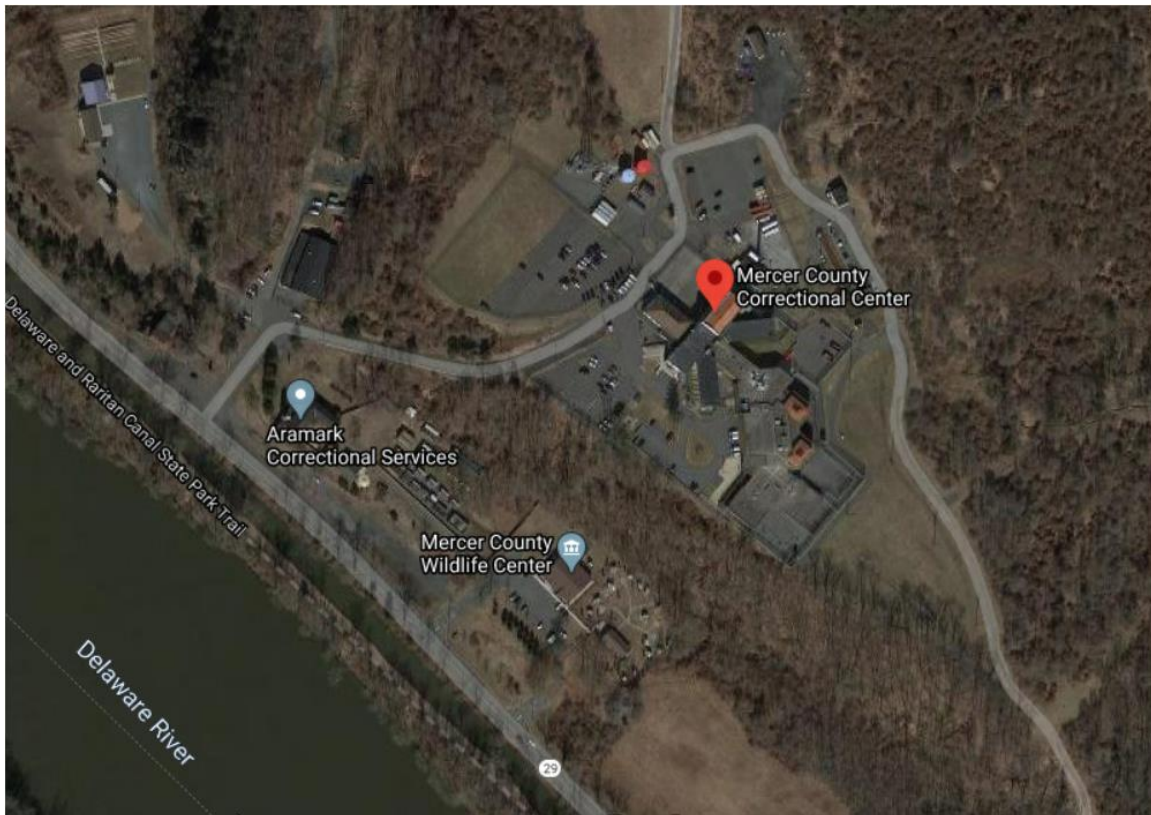
(12 sheets) dated April 14, 2020 prepared by saphire + albarran architecture, LLC; Site Plan and Sightline Study Section (2 sheets) dated May 8, 2020 prepared by saphire + albarran architecture, LLC; Site Photos and Key Plan (2 sheets) undated, prepared by saphire + albarran architecture, LLC.

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Staff comments continued below.

**The application is complete and shall be presented to the Commission for their action with a staff recommendation of approval at the August 19, 2020 meeting, based upon the following analysis:**

**Existing Conditions:** This approximately 132.95-acre site is located in the Township of Hopewell, Mercer County, approximately 300 feet east of the Delaware and Raritan Canal. The site lies partially within the Commission Review Zone A. Pursuant to the definition of "Review Zone" at N.J.A.C. 7:45-1.3, if any part of a project site is within Commission Review Zone A then the entire project shall be considered to be in Zone A.

In the existing condition, the project area is the site of a number of buildings and structures owned by Mercer County, including the Mercer County Correctional Center, the Mercer County Firearms Training Facility, and the Mercer County Wildlife Center and their associated parking areas. The project site is located along the northeasterly side of N.J. State Highway Route No. 29 (Route 29) and is bounded by an undeveloped wooded area followed by Valley Road to the north, agricultural land to the east, and Route 29, followed by the Delaware and Raritan Canal State Park to the south and west.



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The lot is located partly in the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal.

Post-1980 Impervious Surface Coverage at Block 59/Lot 1: As noted above, the lot consists of a number of buildings and structures operated by Mercer County government agencies, as well as an historic stone crusher (c. 1915) associated with the former county workhouse quarry, two-story barn, silo and corn crib formerly associated with the former Stout Farm (c. 1850-1930). Although the Mercer County Correction Center itself was constructed prior to January 11, 1980 (1939), the Commission has reviewed the following projects on the lot over the ensuing years:

DRCC #90-1939 -- The Commission issued a certificate of approval for a project which proposed a large addition to the Mercer County Correction Center. The additional impervious surface coverage placed as a result of the project appears on historic aerial images dating to 1995.

DRCC #04-3042 -- The Commission issued a certificate of approval in 2004 for the construction of a one-story, prefabricated steel building of 6,000 square feet in size, as well as an authorization for a future building expansion of 5,000 square feet, associated parking and access drive. This project proposed a total new impervious area of approximately 0.52 acre.

DRCC #12-3042A -- In 2012, the Commission issued a certificate of approval for demolition of the former-Stout Farmhouse. After demolition, the area under the removed building was backfilled, graded, stabilized, and seeded with lawn. This project resulted in the removal of 1,108 square feet of impervious surface, comprised of the 836 square-foot farmhouse structure, a 72 square-foot cement pad and a 200 square-foot basement slab.

DRCC #12-3042B -- This project approved the placement and dimensions of the present monument sign at the entrance to the Mercer County Wildlife Center. It resulted in a *de minimis* amount of additional impervious surface coverage.

DRCC#16-3042D -- The Commission issued a certificate of approval for the construction of an outdoor educational center at the Mercer Wildlife Center, including an open air pavilion with a brick patio, concrete sidewalks and granite walkways to 15 animal enclosures, as well as associated landscaping. Because the 5,000 square-foot authorized in DRCC #04-3042 was reviewed for its potential stormwater impacts and was never constructed, the project was not subject to stormwater runoff and water quality impact review. However, then-director Dooley indicated in the staff report dated March 10, 2016 that Block 59/Lot 1 had exceeded one quarter acre of impervious surface coverage cumulative to January 11, 1980. Accordingly, any subsequent project proposing the placement of additional impervious surface coverage would result in a jurisdictional determination as being a "major project" pursuant to the definition at N.J.A.C. 7:45-1.3.

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DRCC #08-1939 -- The Mercer County Firearms Training Facility received a certificate of approval in 2008 for a project to demolish an existing observation tower, remove trailers, and install a prefabricated modular building and partitioning wall to separate the firing range. However, the 2008 certificate of approval expired on May 21, 2011. This in turn required the applicant to reapply to the Commission for a subsequent re-approval of the original project in December of 2011 (DRCC #11-1939B).

DRCC #20-1939C -- The Mercer County Firearms Training Facility received a certificate of approval in 2020 for a project to add two bullet firing range containment trap structures to collect and empty shell casings, associated new concrete walkways and a block retaining wall at the Mercer County Firearms Training Facility.

**Proposed Project:** The applicant proposes to construct a 2,056 square-foot enclosure to be used for the rehabilitation of ill, injured or displaced medium and large sized birds. The structure is comprised of two concentric “rings” that permit medium to large sized birds to safely recover and re-learn their flying skills before being released into their natural habitat.

The proposed enclosure would be designed in a segmented, semi-elliptical shape, with a pitched roof comprised of primarily black wire mesh with corrugated clear translucent roof cover panels. The structure shell would be built over the existing ground, and would be constructed of unpainted wood. The project would not create any new impervious surface cover and would result in the disturbance of 4,050 square feet (0.09 acre) of land.

**Stream Corridor:** A tributary to the Delaware and Raritan Canal is located in the northwest corner of the site, approximately 2,163 feet from the project area, while a tributary to Moore’s Creek is located on the southeast side of the site, approximately 1,118 feet from the project area. While these watercourses are Commission regulated streams, the project does not propose any intrusions into a stream corridor. Therefore, the project is not subject to stream corridor impact review pursuant to N.J.A.C. 7:45-9.1(a).

**Stormwater Runoff & Water Quality:** The project does not propose an increase in impervious surface, since the proposed structure’s roof would be predominately open to the air and would be erected over an earthen floor. Therefore, the proposed project is not subject to stormwater runoff and water quality impact review pursuant to N.J.A.C. 7:45-8.

**Visual, Historic & Natural Quality Impact:** N.J.A.C. 7:45-10.2(a) directs that the Commission shall review all projects in Review Zone A to determine if the project is in accord with the goals for the Delaware and Raritan Canal State Park as defined in the park’s master plan. The visual, historic and natural quality impact review is intended to assure that development within Zone A is not harmful to the character of the environmental types identified in the Delaware and Raritan Canal State Park Master Plan (Master Plan) as comprising the park.

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The proposed project is located in a "Transportation" canal environment as described in the Master Plan. The Transportation canal environment is characterized at N.J.A.C. 7:45-10.2(a) as an area in which the canal park squeezed between roads, railroads, and river or stream.

The provisions of N.J.A.C. 7:45-10.3(a) which discourage major projects in those portions of Commission Review Zone A that comprise the Transportation canal environment of the Delaware and Raritan Canal State Park are inapplicable to the proposed project. With respect to the provisions of N.J.A.C. 7:45-10.3(b), which authorizes the Commission to require specific compensatory measures for minor projects in those portions of Commission Review Zone A that comprise the Transportation canal environment of the park, staff notes that the applicant has proposed a project which has an increased setback distance from the park, as well as additional landscaping. Therefore, staff does not recommend conditioning approval of the project on any additional compensatory measures.

N.J.A.C. 7:45-10.4(a) directs that projects in Commission Review Zone A shall be set back from the Delaware and Raritan Canal State Park sufficiently far so that the winter visual and natural quality of the park is not adversely affected. In the Transportation canal environment, all structures shall be located 200 feet or more from the park. The applicant's submission indicates that the project would be located 231 feet, 4 inches from the nearest boundary of the park. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(b) directs that projects in Commission Review Zone A shall maintain a reasonable height and scale relationship to nearby structures or vegetation. In the Transportation canal environment, structures shall be limited to a height of 40 feet above the existing grade where existing vegetation does not provide adequate winter screening. The proposed enclosure would be 17-feet, 10-inches in height. Therefore, the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(c) direct that for major and minor projects in Commission Review Zone A, the exterior appearances of a project shall be in keeping with the character of the Delaware and Raritan Canal State Park's individual environments. Specifically: colors used shall harmonize with the manmade or natural surroundings of the project and shall be typical of colors found in the park environment; and, building materials and texture shall harmonize with the surrounding man-made and natural materials. As noted hereinabove, the applicant's submission indicates that the enclosure would be constructed of unpainted wood, with black wire mesh and corrugated translucent roofing that cannot be observed from the Delaware and Raritan Canal State Park. Therefore, the project is in compliance with this requirement.

N.J.A.C. 7:45-10.4(d)1 directs that for projects in Commission Review Zone A, electric, telephone, cable television, and other such lines and equipment shall be underground or otherwise not visible from the Delaware and Raritan Canal State Park. The applicant's submission indicates that the enclosure would not be served by any public utility services and would not be lighted. Therefore, the project is in compliance with this requirement.

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N.J.A.C. 7:45-10.4(d)2 directs that any exposed storage areas, out-buildings, exposed machinery service areas, parking lots, loading areas, utility buildings, and similar ancillary areas and structures shall either be completely concealed from view from the Delaware and Raritan Canal State Park or designed to minimize their visual impact on the park. In consultation with the Commission staff, the project has been significantly redesigned from the initial 2013 project submission to minimize its impact upon the park in a number of ways.

As proposed in 2013, the project was to be located south of the current proposed site on a portion of the lot which, while outside the boundaries of the Delaware and Raritan Canal Historic District, was more readily visible from the Delaware and Raritan Canal State Park. As revised in 2020, the project would locate the enclosure behind the former Stout farm buildings along Route 29, thereby screening the enclosure from the park. Additionally, the applicant has incorporated an evergreen vegetative screen into the project design, which would provide supplemental screening for the project, especially when viewed from the south along the park multiuse trail. The applicant has submitted a line-of-sight drawings and an extensive series of photographs taken from the multiuse trail which indicate that the combination of intervening structures and vegetation will either completely conceal the project entirely from a person in the park, or result in a minimal visual impact. In either event, Commission staff believes the applicant has made a significant effort to redesign the project to minimize its visual impact on the park, and that the project is in compliance with this requirement.

The provisions of N.J.A.C. 7:45-10.4(d)3 and 4, respectively, which regulate the placement and dimensions of commercial signage, are inapplicable to the proposed project.

The provisions of N.J.A.C. 7:45-10.4(d)5, which direct that wherever possible, natural terrains, soils, stones, and vegetation should be preserved and that new vegetation, stones, and soils should be native to the environment in which they are placed, are both inapplicable to the proposed project. In order to ensure compliance with the provisions of N.J.A.C. 7:45-10.4(d)2, the applicant proposes to plant an evergreen vegetative screen parallel to Route 29. This vegetative screen would be comprised of six American Holly trees, which, in addition to the intervening structures, would minimize the visual impact of the proposed enclosure on the Delaware and Raritan Canal State Park.

American Holly (*Ilex Opaca*) is a broad-leaf evergreen which features clusters of red berries that persist throughout fall and winter months. Male and female flowers are on separate trees, so trees of both sexes must be located within the same area to ensure fruit production. The tree is native to New Jersey and appears on the Commission's list of native species, the New Jersey Native Plant Society List of Native Species, and the U.S. Department of Agriculture (USDA) database of native species. In addition, the Stormwater Best Management Practices Manual notes that the American Holly as one of the trees and plant species are "part of New Jersey's natural heritage and provide high aesthetic value throughout the year."

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The American Holly is adapted to a wide range of site conditions. According to the USDA it grows best on well drained, sandy soils, but will tolerate those which are somewhat poorly drained. The tree has good shade tolerance, but also does well in direct sun. The berries are consumed by white-tail deer and 18 species of birds. The dense foliage also provides cover and nesting habitat for various.

According to USDA, the American Holly normally grows to heights of 15 to 30 feet tall, but records indicate mature heights of up to 100 feet. The dense branches can spread from 18 to 40 feet in width and grow nearly horizontal in a spreading crown which takes on a pyramidal silhouette over time.

The provisions of N.J.A.C. 7:45-10.4(d)6 direct that projects that are located in any officially designated Federal, State or local historic district or site shall be assessed for their impact upon that district or site. As noted hereinabove, the revised project is located within the outermost 23 feet of the boundary of the Delaware and Raritan Canal Historic District; therefore, the project is conditioned review by the State Historic Preservation Office (SHPO).

**Staff Recommendation:** Staff recommends approval conditioned upon:

1. State Register review by the State Historic Preservation Office for compliance with the "New Jersey Register of Historic Places Act."

Sincerely,



John Hutchison  
Executive Director

c. Mercer County Planning Board  
Hopewell Township Planning Board  
Jessie West-Rosenthal, Ph.D., Historic Preservation Specialist 2, DEP/SHPO