

MINUTES OF THE MEETING OF 20 SEPTEMBER 1995

TIME: 12:05 to 2:00 PM
DATE: Wednesday, 20 September 1995
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Kirkland, Jessen, and Pauley; Ms. Goodspeed, Mrs. Nash, and Ms. Shaddow (representing Mayor Palmer)

STAFF: Mr. Amon
Mr. Lewin Weyl, Deputy Attorney General

GUESTS: Gary C. Dahms, T & M Assoc.
Kay and Larry Pitt, Canal Society of New Jersey
Paul Stern, D & R Canal State Park
Fred Brown, D & R Canal Watch
Doug McMurrain, Hendon Property Assoc.
Captain Bill McKelvey, Canal Society of NJ;
American Canal Society; Friends of NJ RR &
Transportation Museum
Ronald Wesnak, "A" Beverly Built Home, Inc.
Thomas A. Price, NJ Water Supply Authority
Karl Pehal, Schoor DePalma
Gordon Keith, Port Mercer Civic Association
Robert von Zumbusch

Mr. Kirkland opened the meeting by announcing 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

Mr. Amon said that there were two corrections to the minutes of the meeting of 23 August 1995. Joe Bird's name should be added to the list of guests; he was in attendance.

The second change was a correction to the motion which granted partial release of condition of approval for a portion of the Nassau Park Retail Center. The motion should read as follows (additional words in capital letters):

Wal-Mart and Sam's Club will be removed from the obligation to fulfill the conditions of the Certificate of Approval issued by the

PRALLSVILLE MILLS P.O. BOX 539 STOCKTON, NJ 08559-0539 609-397-2000 FAX: 609-397-1081

EXECUTIVE DIRECTOR James C. Amon	COMMISSIONERS Benjamin B. Kirkland <i>Chairman</i>	Martin D. Jessen <i>Vice-Chairman</i>	Winona D. Nash <i>Treasurer</i>	Stuart R. Zaikov R. William Pauley	Robert C. Shinn, Jr. Frank J. Torpey	Douglas H. Palmer Marfy Goodspeed
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Christine Todd Whitman, Governor Robert C. Shinn, Jr. Commissioner

Commission for the project known as DRCC #91-1986 upon submission of evidence that the Delaware and Raritan Canal Commission is a named obligee on the performance bonds posted for the construction of the realigned Provinceline Road and the new Port Mercer Bridge AND THE EXECUTION OF AN ESCROW AGREEMENT BETWEEN MR. MCMURRAIN'S HENDON PRINCETON ASSOCIATES, L.P. NO.3, MERCER COUNTY AND THE COMMISSION REGARDING THE APPROVAL OF DISBURSEMENT OF FUNDS TO COMPLETE THE ROAD AND BRIDGE. The removal from obligation is further conditioned upon the submission of evidence that funds sufficient to cover the cost of construction of the road and bridge are placed in an escrow account to be managed by the firm of Jamieson, Moore, Peskin & Spicer.

Mrs. Nash moved approval of the minutes as corrected; Mr. Jessen seconded the motion and it passed unanimously.

REVIEW ZONE PROJECTS

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

- 95-2222 - Continuum Care Corporation of New Jersey. A retirement community on 45 acres with three detention basins to manage stormwater runoff. The nearest structure is approximately 900 feet from the Canal Park and cannot be seen from the park. The project is in conformance with stormwater management, visual, and traffic impact regulations.
- 95-2223 - House on Railroad Hotel Site. Single family house on site in West Windsor where the historic Railroad Hotel once was located. The house will incorporate aspects of a 19th century structure such as wood siding, a composition roof with dimensional shingles, no garage doors on front facade, porch across front.

Mr. Amon recommended approval of both of these projects.

Mr. Jessen moved their approval; Mrs. Nash seconded the motion and it passed unanimously.

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

- 95-1518A - Ewing-Mercer Commerce Center. This project will be reviewed by the DEP's Stream Encroachment section for stormwater management so it is recommended that the Commission waive that review. The project does not conform to the Commission's Stream Corridor Preservation regulation but three mitigating measures are proposed. The applicant will plant trees in the basins. The applicant will give the Commission a conservation easement on wooded land

that is next to the stream corridor but not in it. The applicant will give a railroad right-of-way that crosses the property to the Township of Ewing for future development as a recreational path.

- 95-2230 - Gramercy Estates. Proposal to construct 11 homes on 12.23 acres with one detention basin that has been designed in conformance with the Commission's standards.
- 95-2218 - South Brunswick High School. School and athletic fields will be developed on an 80 acre lot. Four detention basins designed in conformance with the Commission's standards will manage stormwater runoff.
- 94-2195 - Hopewell Hunt. Seventy single family houses on 112.9 acres with 3 detention basins to manage stormwater runoff. The basins are located in wooded portions of the stream corridor but additional wooded land is to be included in the corridor.
- 95-2212 - Cranbury Estates. Eighteen houses on 12.32 acres with one detention basin to manage stormwater runoff.

Mr. Amon recommended approval of all the "B" Zone projects.

Ms. Goodspeed moved their approval; Mr. Pauley seconded the motion and it was passed unanimously.

EXPANSION OF WAL-MART SHOPPING CENTER

Mr. McMurrain and Mr. Dahms presented a proposal to develop the 100 acre lot that surrounds the Wal-Mart shopping center with retail development that would comprise 435,000 square feet of additional stores and restaurants. The property is presently zoned for office and research development and a general development plan for 1,050,000 square feet of office space has received general development approval from West Windsor Township and the Canal Commission.

Mr. McMurrain said that West Windsor has urged them to develop the property in a pattern that approximates the pattern proposed for the office space. He said that there has not been official action yet by the township, but they have indicated a favorable response to the change in zoning as well as to the general plan that Mr. McMurrain showed the Commission. Mr. McMurrain and Mr. Dahms emphasized the similarity of the retail plan to the office complex and asserted that many features of the retail development would be superior to office development. Included in the advantages are:

lower structures, less traffic during peak hours, concentration of retail development in a "power center" instead of spreading it out in strip malls.

Mr. McMurrain also revealed that he would like to do something that would tie the development into the Canal Park and he proposed the construction of a replica of a historic "A" frame swing bridge. This bridge would give access from the shopping center to the Canal Park tow path, which is on the West side of the canal.

The issue of traffic impact was extensively discussed. Mrs. Nash was particularly concerned about the need to provide an alternative to Route One as a link between the many shopping centers that presently exist on Route One, the housing development at Canal Pointe, and several proposed developments that have not yet begun development. She pointed out that extending Canal Pointe Blvd. would provide the link without requiring drivers to go out onto Route One.

Mr. McMurrain said that there are severe environmental constraints against the proposal to extend Canal Pointe Blvd. He pointed out that between the Wal-Mart shopping center and this proposed development he will have contributed more than \$8,000,000 to improve roads in the area.

Mr. Weyl said that he would like to point out how this project relates to the Commission's Review Zone Regulations. He said that this is a Special Node environment and major projects are discouraged from the "A" portion of the Review Zone in Special Nodes. He also made it clear that the Commission's earlier approval of the office development was a general concept development. No site plans for office buildings were approved by the West Windsor planning board or by the Canal Commission. He also recommended that the Commission be sure to obtain conservation easements and other improvements to the Canal Park prior to the completion of any further development of the project.

Mr. Jessen reminded the Commissioners that the Commission had come to an agreement that the developers would get the shopping center, the office development, and the housing development. The citizens would get a new bridge over the canal, a bridge that no public agency was ready to construct with public money. He also reminded the Commissioners that the need to protect Port Mercer was ignored by all of the municipalities in the area and that the Commission was blocked in its effort to direct all traffic away from the historic community.

Mr. Pauley said that he felt that the proposed plan puts too much development into the Commission's "A" review zone. He suggested using double decked parking lots in order to reduce the total amount of impervious surface and to remove the loading docks from a proximity to the Canal Park. He pointed out that many shopping

malls use decked parking and it is very well liked by shoppers. Mr. McMurrain said that decked parking is impossible for a shopping area like he is proposing here.

Mrs. Nash recalled that Frank Guidotti, who had represented the DEP Commissioner on the Canal Commission, had expressed concern about developing a link between the Canal Park and the development without providing adequate public lavatories. Mr. McMurrain said that he would provide public lavatories with a connection.

Mr. Kirkland invited public comment on the proposal and Mr. von Zumbusch spoke on several matters. He said that the traffic impact of retail development would actually be worse for the interests of the Canal Park because traffic from retail development would be spread throughout the day, into the evenings and on weekends. The traffic would therefore be heavy at the same times that the park is most frequently used. He also expressed his displeasure for the amount of development proposed for the "A" Zone, stating that changing to one-story structures spreads the development into a larger area. Mr. von Zumbusch also praised the idea of creating a swing bridge, but said that this might not be an appropriate place for it.

Mr. Jessen suggested that the bridge might be better placed near the Port Mercer canal house and existing bridge. Mr. Amon said that the bridge proposal would have to obtain the approval of the Water Supply Authority, the Office of Historic Preservation and the Division of Parks and Forestry. He recommended that the developers let him know when they are ready and he would arrange a meeting with all of the interested agencies.

Mr. Gordon Keith of the Port Mercer Civic Association praised the Canal Park as a place of beauty that rivals nationally renowned parks that he has visited. He congratulated the Canal Commission for the vigor that they have displayed in protecting the park in the past and encouraged their continued "microscopic" review of projects in the "A" Zone. He said that he felt that the preservation of the "A" Zone was of the utmost importance to the continued preservation of the Canal Park's beauty. He suggested incorporating some interpretive material with the development of the shopping center so that shoppers could learn something about the nearby historic canal. He also suggested consideration of adapting certain features of the historic bridges to the existing traffic bridge at Port Mercer.

Mr. McMurrain said that they had already thought about the idea of interpretive materials and he liked the idea.

Mr. Pauley announced that he would have to leave soon so the discussion of Port Mercer was interrupted to take a vote on a matter before a quorum would be lost.

Mr. Amon reported that the canal path in Lambertville was interrupted by a narrow, indirect bridge at the Swan Creek Spillway and the Division of Parks and Forestry is proposing to put a new prefabricated bridge at this location. The new bridge would be similar in design to several pedestrian bridges across the canal. Mr. Jessen moved approval of the proposed new bridge, Ms. Goodspeed seconded the motion and it passed unanimously.

Before he left Mr. Pauley said that in general he felt that since we had approved the office general development plan he thought that he could support the general structure of this proposal, but he would like to see them make some changes that would lighten the development in the "A" Zone.

Mr. Pauley left at 2:00 PM and the Commission no longer had a quorum.

Mr. Amon told the Commissioners that he had thought there was too much development proposed for the "A" Zone in the office plan and he felt that the same was true for the retail development.

DRAFT DEVELOPMENT GUIDE

The Commissioners praised the first draft of the new DEVELOPMENT GUIDE but acknowledged that they had not had time to scrutinize it. Mr. Amon said that he would like to schedule public meetings for the end of October, giving the Commissioners an opportunity to make further comments at the October meeting. The Commissioners agreed to having public meetings.

EXECUTIVE DIRECTOR'S REPORT

Mr. Amon announced that he is still working on the possibility of moving the Vaccaro house.

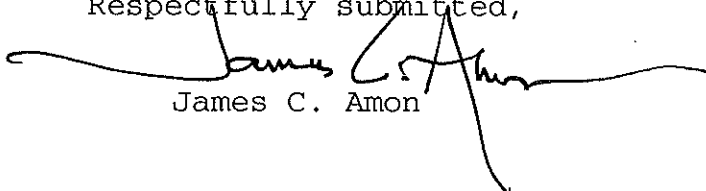
The new Laurel Avenue is opened and Mr. Amon said that the amenities for the Canal Park were mostly complete.

The Canal Safety Commission has finished the public hearings on its report.

PUBLIC FORUM

Mr. Price said that the Water Supply Authority has some concerns about the impact of a canal boat ride and would welcome the opportunity to meet with representatives of the Commission to discuss the issues.

Respectfully submitted,


James C. Amon