

MINUTES OF THE MEETING OF JULY 17, 1996

TIME: 12:25 PM to 3:10 PM
DATE: Wednesday, July 17, 1996
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

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

STAFF: Ms. Holms
Mr. George Cohen, Deputy Attorney General

GUESTS: Kay & Larry Pitt, Canal Society of New Jersey
Paul Stern, D&R Canal State Park
Linda House, Canal Society of New Jersey
Bill McKelvey, Friends of NJRR & Transportation
Museum
Joseph Menno, Bloomberg
Mark Bukhbinder
George Denman, Oxford Group
Kevin Moore, Jamieson, Moore, et al
Sandy Federico, Byron-Hill
Sean Reilly, T&M Associates
Richard Morales, T&M Associates

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

Mrs. Nash noted that the minutes of the meeting of June 19, 1996 incorrectly described the tour of the main canal as the tour of the feeder canal. With the correction as an amendment, Ms. Goodspeed moved approval of the minutes of June 19, 1996, Mr. Kirkland seconded the motion, and it passed unanimously.

Ms. Holms presented two "A" Zone applications:

96-2281 - Worldwide Floor Coverings of Edison - Lawrence Twp.
96-2289 - Riverwalk - Lambertville

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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. Benjamin B. Kirkland	Douglas H. Palmer Marfy Goodspeed
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Christine Todd Whitman, Governor Robert C. Shinn, Jr. Commissioner

Ms. Holms stated that Mr. Amon had reviewed the projects for their visual impact on the Canal Park. She said that the first project involved additions to an existing building, but that the changes would not be seen from the Canal Park. Mrs. Nash said that the building itself could be seen from the park. The project in Lambertville involved covering a partially aluminum-clad building with a used-brick facade to blend with the rest of the building. Ms. Holms said that Mr. Amon recommended approval of both applications. Mr. Kirkland moved approval of the "A" Zone projects; Mr. Jessen seconded the motion, and it passed unanimously.

Ms. Holms then presented three "B" Zone applications:

- 96-2277 - Princeton Junction Executive Center -
West Windsor Twp.
- 96-2278 - Perrine Pontiac - Cranbury Township
- 96-2285 - Hillsborough Park-N-Ride

Ms. Holms stated that according to the Commission's Review Zone Officer, Madhu Guru, the Princeton Junction Executive Center and the Hillsborough Park-N-Ride projects conform with the Commission's standards for stormwater management and water quality. In the case of Perrine Pontiac, Ms. Holms stated that this project would require a DEP Stream Encroachment Permit, and therefore recommended that it be waived from the Commission's review of stormwater management. She said that it contains a DRCC designated stream corridor (.74 acre) which will be preserved through a conservation easement. Ms. Goodspeed moved approval of the three "B" Zone applications, Mr. Jessen seconded the motion, and it passed unanimously.

Ms. Holms then presented the following "B" Zone application:

- 95-0837D - Bloomberg Business Park, Phase A - Montgomery Twp.

She said that according to the Commission's former review zone officer, Sandra Adapon, the project conformed with the standards of the Commission's stormwater management and water quality regulations. She stated that the project also contained a stream corridor, and that there were several conditional uses that were being proposed for the corridor. Mr. Moore described these uses: a road crossing, a culvert for the crossing, expansion of an existing sewerage treatment facility, piping for leach fields on the other side of the stream corridor, an optional pedestrian path, and a stormwater outflow structure for a detention basin. Ms. Holms stated that Mr. Amon was satisfied that these conditional uses would not harmfully impact the stream corridor and recommended approval, conditioned upon receipt of an acceptable method of preserving the stream corridor, such as a conservation easement or deed restriction. The easement would not restrict the uses itemized above. Mrs. Nash moved approval of the application with

the proviso that Mr. Amon be given authority to approve the proposed method of preserving the stream corridor, and conditioning the release of the approval upon receipt of the easement or restriction. Ms. Goodspeed seconded the approval with the above-stated conditions, and the motion passed unanimously.

Chairman Torpey then asked Deputy Attorney General Cohen to discuss the application known as Heathcote Joint Venture, otherwise known as Heritage Center, located in South Brunswick. Mr. Cohen reviewed a memo from Mr. Amon to the Commissioners recommending that the application for stream corridor waiver be denied without prejudice. He said that since the time that memo was written, Mr. Amon and he met with the applicant's representatives on this issue. Revised plans were submitted reflecting changes in two aspects of the plans, the retail section and hotel. Mr. Cohen said that as a result of the changes submitted for the retail section, Mr. Amon felt comfortable recommending approval of waiving strict compliance with the stream corridor regulation. He said, however, Mr. Amon withheld recommendation of the waiver for the hotel until he saw a final drawing of the proposed changes.

Mr. Moore stated that the applicant's project environmentalist, Sean Reilly, had not yet arrived. He presented background information on the project.

The Commissioners then agreed to conduct other business and return to Heathcote Joint Venture later. Mrs. Nash noted that the minutes of the Executive Session of June 19th had not been approved. Ms. Goodspeed suggested amending the Executive Session minutes by adding that Mr. Kirkland is to be commended for the job he has done as Chairman of the Commission. With that amendment, Mrs. Nash moved approval of the minutes of the Executive Session of June 19th, 1996; Ms. Goodspeed seconded the motion, and it passed unanimously.

MID-YEAR REVIEW OF CANAL PARK DEVELOPMENT PROJECTS

Ms. Holms distributed a memo from Mr. Amon describing the status of development projects in the Canal Park. Chairman Torpey suggested postponing detailed discussion of the projects until August's meeting. He also suggested that the Commissioners meet sometime in the near future to specifically focus on this issue, without taking any formal action on it. The Commissioners agreed this was a good idea.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern reported that two donated benches were installed along the towpath between Lake Carnegie and the Millstone Aqueduct in Kingston; he said that his staff was painting one of the Park's maintenance facilities. He mentioned several ongoing repair

projects in the Canal Park, including modifying the interpretive sign mountings to solve a problem with condensation.

Mr. Torpey then asked Mr. Moore to continue with his presentation. Mr. Morales, the engineer for Heathcote Joint Venture, described the proposed stormwater management for the project, as well as physical attributes of the stream corridor.

Mr. Reilly then described in greater detail the proposed encroachment into the stream corridors, and gave his opinion of the environmental impact of the waiver request. He said that the integrity of the streams' ecology and the corridors as natural areas would not be harmfully impacted as a result of the proposed development.

A lengthy discussion about proposed stormwater management and water quality measures for the development ensued between the Commissioners and Mr. Morales.

Mr. Reilly asserted that the stream coming through the hotel site is not really a stream--he said it was a "flash" during a storm which then dries up. He said that there is no running ecosystem/stream through the hotel site. He also said that in the case of the retail site, the stream's wide floodplain, which contains substantial wetlands, would protect the stream so that the buffer could be encroached upon without harming it. He stated that this part of the corridor would also function as a viable natural area, because the wildlife (birds and some deer) in the buffer area proposed for development would be able to move to what remained of the stream corridor. He also said that the removal of the buffer would not have a harmful natural impact on the D&R Canal State Park because of its distance from the park.

Ms. Goodspeed said that she felt uncomfortable voting on this application without Mr. Amon present to answer questions, and that thus far the applicant had not presented enough information to allow her to make an informed decision. Mr. Cohen stated that, in regard to the retail site, Mr. Amon was concerned about the amount of natural area being cut back, so that the applicant agreed to remove two rows of parking. He said that Mr. Amon was also concerned about the detention basin in the corridor, which was subsequently removed from the amended plan. As a result of these changes proposed by the applicant, Mr. Cohen said that Mr. Amon felt comfortable recommending the revised plan of the retail site to be waived from strict compliance with the stream corridor regulation. He also reiterated that because the applicant did not present a detailed revised plan, Mr. Amon withheld his recommendation of the hotel site.

After further discussion, Mr. Jessen moved approval of waiving the retail portion of Heathcote Joint Venture from strict compliance with the stream corridor regulation, as it was presented to the

Commission by the applicant on the submitted plan (Exhibit B-2), prepared by T&M Associates, dated 7/16/96. He further stipulated that the development could not encroach further than the curb line as drawn on the above-referenced plan. Mr. Torpey expressed concern about the lack of detailed drawings that were presented to the Commission. Mr. Kirkland seconded the motion, and the motion passed unanimously.

In regard to the hotel site, Mr. Reilly repeated that there was no stream other than a "stormwater gulch." He said that the hotel needed to be a certain square footage to be economically viable. He said that an adjacent office building was in the 50-foot wetlands buffer, and Mr. Amon had asked that it be moved. He said that the applicant complied and has moved it back from the wetlands buffer. He went on to say that the encroachment into wetlands would be mitigated elsewhere. He said that the environmental impact argument was simple--since there was no stream, there was no impact.

After more discussion, Mr. Kirkland moved waiving the hotel site portion of Heathcote Joint Venture from strict compliance of the stream corridor regulation, subject to a submitted plan that meets the approval of the Commission's Executive Director. Mrs. Nash seconded the motion and it passed unanimously.

The meeting adjourned at 3:10 PM.

Respectfully submitted by,



Janice Holms