

MINUTES OF THE MEETING OF MAY 21, 1997

TIME: 12:15 P.M. - 2:55 P.M.
DATE: May 21, 1997
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Kirkland, Torpey; Ms. Goodspeed, Mrs. Nash, and Ms. Shaddow, representative for Mayor Palmer

STAFF: Mr. Amon and Ms. Holms
Mr. Lewin Weyl, Deputy Attorney General

GUESTS: Kay & Larry Pitt, Canal Society of New Jersey
Paul Stern, D&R Canal State Park
Bill McKelvey, Friends of the NJ RR & Transportation Museum
Thomas Price, NJ Water Supply Authority
Abe Shaikh, NJ Water Supply Authority
Tom Hall, Hill, Wallace for Calton Homes
Robert Fourniadis, Calton Homes
Brian Flannery, Flannery, Webb & Hansen
Dennis First, Vollers Construction Co.
Joseph Dufour, Providence for Calton Homes
Robert Elkins, Easton Avenue/Amoco
Chris Richter, Bohler Engineering
Caroline Armstrong, Hunterdon County Planning Board

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

Ms. Holms noted an error on page 3 of the minutes of April 16, 1997. She said that with regard to the vote for the Midas Muffler Shop/Amoco station, Mr. Jessen opposed the motion to deny without prejudice the waiver request. With that amendment, Ms. Goodspeed moved approval of the minutes of April 16, 1997; Mrs. Nash seconded the motion, and it passed unanimously.

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

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. 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*

REVIEW ZONE ACTIONS

Mr. Amon presented the following seven "A" Zone applications:

- 97-2353 Addition to 13 North Union Street in Lambertville; first and second floor additions, approximately 200 feet from the Canal Park.
- 97-2354 Carrol Residence Garage in Stockton; new one-story garage approximately 75 feet from the Canal Park path--an alley separates the park from the garage.
- 96-2296 Eden Institute in West Windsor Township; new campus consisting of a classroom building, swimming pool and cabana, parking and play area.
- Waiver Weidling Residence in Franklin Township, Somerset County; proposed 2-story house, approximately 400 feet from the canal and not visible from the Canal Park.
- 97-2350 Bamrick Residence in Franklin Township, Somerset County; proposed deck, fence and pool behind an existing house, approximately 300 feet from the Canal Park and screened by existing trees.
- 97-2349 Rik Rik's Restaurant in Lambertville; proposed conversion of former industrial building into a restaurant; Mr. Amon recommended approval conditioned upon the installation of a landscape buffer along the rear fence line to screen the parking area from the Canal Park.
- 97-2352 Harrison Residence Addition in Stockton; proposed addition onto back of a house that is 50 feet from the Canal Park path.

Mr. Amon recommended approval of the above projects (with the condition for Rik Rik's Restaurant), except for the Weidling residence application, which he recommended waiving visual impact review. Mr. Herzog moved waiver of the Weidling residence application and approval of the remaining "A" Zone projects, with the condition that the applicants for Rik Rik's Restaurant install a landscape buffer along the rear fence line. Ms. Goodspeed seconded the motion and it passed unanimously.

Mr. Amon then presented the following nine "B" Zone projects:

- 91-2010 Forsgate S-153 in South Brunswick Township; 1-story office/warehouse on 14 acres with 50% impervious coverage and 2 detention basins.
- 97-2345 Carnegie Center II Bldg. 510 in West Windsor Township; office building and parking on 12.97 acre lot with an existing detention basin.
- 97-2343 Lifetime Hoan in Cranbury Township; an 844,658 square-foot warehouse with two detention basins on 102-acre lot.
- 96-2287 Curlis Point Phase II in Hopewell Township; 20 houses on 53.8 acres with one detention basin; a stream corridor will be protected by a conservation easement.
- 95-2244 Hopewell Hunt II in Hopewell Township; 8-lot single family residential community on 29.7 acres with two detention basins. The project contains a DRCC-designated stream corridor.

- 91-2017 Forsgate S-154 in South Brunswick Township; one-story office/warehouse on 9+ acres with 38% impervious coverage and 3 detention basins.
- 96-2266 McCagg Subdivision in Cranbury Township; 12 houses on a 10.2 acre lot with one detention basin.
- 97-2348 The Estates at Grover's Mill in Plainsboro Township; 149 single family homes on 590 acres with 6 detention basins; a stream corridor will be protected by a conservation easement.
- 96-2320 Autumn Estates at Millstone in Millstone Township; 16 houses on 69 acres with one detention basin.

Mr. Amon recommended approval with the following conditions--that in the cases of Curlis Point Phase II and Hopewell Hunt II, an acceptable conservation easement for the stream corridor be recorded with the county clerk before the Certificate of Approval is released. Mrs. Nash moved approval with the above-stated conditions; Mr. Kirkland seconded the motion, and it passed unanimously.

Mr. Amon then presented an application for waiver of visual impact review. Mr. Bohler reviewed the application that was presented at April's meeting for a Midas Muffler shop and Amoco gas station on Easton Avenue in Franklin Township. He said the original proposal would have encroached into the 200-foot buffer, creating a 107-110-foot buffer. The new proposal would eliminate parking in the rear of the muffler shop, thereby increasing the buffer to 131-164 feet. He said that Amoco also agreed to eliminate two fueling dispensers. He said that the total encroachment in the buffer area amounted to 18,000 square feet, which would be compensated for by preserving 18,000 square feet of open space elsewhere on the property. He also said that Amoco would be agreeable to any landscaping that the Commission would require.

Mr. Amon said that although the elimination of the parking lot was a good start, he felt that the project had not really decreased in size, but was rather rearranged. Mr. Herzog felt that the parking area had decreased, and that the area could be enhanced by this development. Mr. Kirkland felt that a proper landscape screen was critical. Mr. Weyl told the Commissioners that they could withhold approving the waiver, conditioned upon receipt of an acceptable landscape plan.

Ms. Goodspeed felt that the proposal was still a significant encroachment upon the 200-foot buffer, and although she appreciated the compensation of other preserved land and landscaping, she felt the applicant should do more for the Canal Park. After further discussion, Mr. Torpey suggested postponing any action until more details could be worked out. Ms. Goodspeed moved tabling the application until June's meeting; Mr. Kirkland seconded the motion and it passed unanimously.

Mr. Amon then presented a request for waiver of strict compliance with the Stream Corridor Impact Regulation. Mr. Flannery, representing the applicant (Calton Homes), said that 88 townhouses and a 24-unit Mt. Laurel apartment building were being proposed to be built in

Montgomery Township. He showed the Commissioners the extent of the encroachment into the stream corridor, consisting of roadway, two townhouses, and detention basins. He described a proposal to re-forest detention basins and swales using native species.

After a discussion about various methods of altering the plan to reduce the encroachment into the stream corridor, the Commission agreed that the project could be re-designed to further reduce its intrusion into the stream corridor. Since several of the constraints on re-design were reported to have been required by Montgomery Township's Planning Board, Mr. Amon suggested that he join the applicants at a new meeting with that board.

WATER SUPPLY AUTHORITY PROJECT: CHANGE TO PLAN FOR REPAIR TO EMBANKMENT

Mr. Amon said that the Commission previously approved an embankment repair located 1,600 feet downstream of the Lockatong, but that the contractor has subsequently told the Water Supply Authority that they may need a staging area for a helicopter to bring in supplies. He also said that installation of a ramp leading from the path to the Lockatong would be added as part of the project. Mr. Amon recommended approval of the amended repair plan, with the stipulation that for any tree with a diameter of 6" or greater that would be damaged by the operation, five trees would be planted, species and sites to be selected by Mr. Amon and Superintendent Stern. Mr. Kirkland moved the approval with the stipulation as stated; Mr. Herzog seconded the motion, and it passed unanimously.

DISCUSSION OF PROGRESS ON STRATEGIES FROM THE RETREAT OF JANUARY, 1997

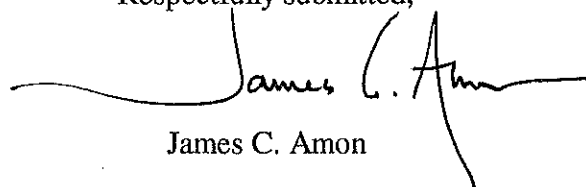
Mr. Amon distributed a draft outline for an annual forum to be presented by the Commission. He suggested that two forums, located on the east and west sides of the park, take place.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Stern reported that the Department of Transportation finished installing a new guide rail on the bridge at Weston Causeway--he said that the guide rail intrudes into the towpath, constricting it by nine feet. He also said that as a result of installing the guide rail posts, stones have been knocked out of the canal bank. He reported on two fatalities that occurred--one at the Five-Mile Lock, and one at the railroad trestle in South Bound Brook. Mr. Stern commented on a successful volunteer operation at Six Mile Run; he said that 550 AT&T employees helped pick up trash on Earth Day (April 26).

The meeting adjourned at 2:55 PM.

Respectfully submitted,


James C. Amon