



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF APRIL 21, 1999

TIME: 12:15 P.M. - 2:30 P.M.
DATE: Wednesday, April 21, 1999
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Marshall, Pauley, 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: Susan Herron, D&R Canal State Park
Alison Kingsley
Dan Casiero, Briad Group
James Ardizzzone, Briad Group
Chris Richter, Bohler Engineering
Jeff Olszyk, Pillar of Fire
Dan Shaloo, Musco Lighting
Bob Zoeller, Musco Lighting
Rob Cruver, Pillar of Fire
Gordon C. Strauss, attorney, Pillar of Fire
S. Rea Crawford, Pillar of Fire
William J. Cerynik, State Park Service
Robert von Zumbusch
Peggy Killmer, Sensible Transportation Options Partnership
Bill Buzby, BZA Consultants
Robert Elkins, Briad Group
Randy Baum, City of Trenton
Jerome Harcar, City of Trenton

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 moved approval of the minutes of March 10, 1999 and Ms. Goodspeed seconded the motion. The motion passed unanimously.

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

EXECUTIVE
DIRECTOR
James C. Amon

COMMISSIONERS

Frank J. Torpey
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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

REVIEW ZONE ACTIONS

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

99-2186A - Kingsley Property - Lambertville

Proposed new picket fence and window replacement in two buildings that are next to the Canal Park path. Mr. Amon said there would be no harmful visual impact.

99-2534 - Gates/Bencze Residence Addition - Hopewell Township

A proposed residential addition in Titusville that will be partially screened by vegetation and an existing garage from the Canal Park. Mr. Amon recommended that the project be approved conditioned upon receipt of acceptable architectural drawings.

96-2317 - Southern NJ Light Rail Transit System - Hamilton Township

Proposal to rebuild a railroad trestle over the Crosswicks Creek and install a second set of rails next to the canal in portions between Locks One and Two. The new trestle will include a pedestrian walkway.

Ms. Goodspeed moved approval of the three "A" Zone projects with the condition as noted; Mrs. Nash seconded the motion and it passed unanimously.

Mr. Amon then presented an "A" Zone project for waiver from visual impact review:

99-2527 - West End Family Housing Project - Trenton

Proposal to construct six duplex housing units which will be screened from the Canal Park by existing houses. Mrs. Nash moved waiver of the project application, Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon then presented an "A" Zone project for waiver from height limitation requirements:

98-2510 - Soccer Field Lighting - Franklin Township, Somerset County

The Pillar of Fire, a non-profit organization, is proposing to erect six 80-foot light poles to illuminate three soccer fields that are between 120 and 700 feet from the Canal Park. The regulations stipulate that under certain conditions, structures are limited to a height of 40 feet. Mr. Amon said that he recommends disapproving the project because it does not conform with the regulations' standards and because he felt that there were acceptable alternatives to 80-foot lights next to the Canal Park. Mr. Strauss, attorney for the applicant, requested that the Commissioners waive this requirement, based upon compelling public need. Mr. Buzby reported

that the 80-foot lights would allow the fields to be used at night, and periodically rotated to avoid becoming muddy. Further, he said that the lower lights would not light the center of the fields. Mr. Cruver reported that there were not enough fields for the sports camps that are held, even with the prospect of constructing three new fields which they hope to be lighted at some time in the future.

Mr. Herzog asked whether 60-foot lights would work. He said that he did not see public health and safety being endangered in this case, but was trying to find a compromise solution to the problem. Mr. Shaloo said that any lights shorter than 80 feet would not adequately light the center of the fields.

Mr. Marshall questioned whether the waiver request was really a compelling public need. Mrs. Nash felt that soccer fields are needed, but was not convinced that there was no feasible alternative. Mr. Marshall suggested that allowing structures taller than 40 feet would be setting a bad precedent for future applications.

Ms. Armstrong said that it was apparent that there was a need for more soccer fields, but that the need would be partly satisfied by the construction of new soccer fields outside of the Canal Park's "A" Zone. She said that according to the regulations, a waiver request should not impair the intent and purpose of the Master Plan; she felt that the needs of the public that use the Canal Park should also be considered. Mr. Herzog said that the regulations should not be compromised, because the Commissioners have jurisdiction over the entire Canal Park, not just this one portion.

Ms. Killmer said that this proposal did not represent a compelling public need; Mr. von Zumbusch felt that although there was a need for soccer fields, the proposal did not meet an essential health or public safety need.

Mr. Amon said that he still felt the applicant has not demonstrated that there is no alternative available to meet the established public health and safety need. He also expressed concern about setting a precedent. Mr. Herzog moved denying the application for waiver, Ms. Armstrong seconded the motion, and it passed without dissent.

Mr. Amon then presented an "A" Zone waiver request from setback requirements:

99-1570B - Wendy's Restaurant - Franklin Township, Somerset County

He said that the Commission previously granted a waiver on this site for a proposed gas station that was subsequently denied a zoning variance by the township. The present proposal is to build a fast-food restaurant. The regulations' setback requirement in this portion of the Review Zone is 200 feet; the restaurant would be 157 feet from the park. The applicant has proposed preserving 83% of the total site through a conservation easement as mitigation for encroaching into the setback. It was also proposed that a 6-foot solid board fence would be installed between the building and the Canal Park, and that Red Cedars would be planted around the perimeter and

front of the building. Mr. Herzog suggested posting the easement area prior to construction. Ms. Goodspeed moved approval of the waiver request from setback requirements, Mr. Herzog seconded the motion, and it passed unanimously.

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

98-2483 - Somerset Commerce Center - Franklin Township, Somerset County; four warehouses on 30.5 acres with 14.9 acres of impervious coverage and 3 detention basins to manage stormwater runoff.

98-2316A - Hidden Estates II Section II, Phases I & II - Montgomery Township; 16 houses on 80.8 acres with 2 detention basins to control stormwater runoff and water quality. The applicant has proposed a buffer averaging plan for the stream corridor. Mr. Amon recommended waiving strict compliance of the Stream Corridor Impact regulation, conditioned upon receipt of a conservation easement for the corridor, a map depicting metes and bounds, and placement of monuments where the corridor is adjacent to homeowners' back yards. Mr. Herzog also suggested conditioning the approval upon posting the conservation area until the development is built.

99-2530 - The Esplanade and The Hamlet at Bear Creek - West Windsor Township; 61 apartments and 306 houses with one detention basin to manage runoff. Staff recommends waiving review of drainage because the project will require a Stream Encroachment permit; it also recommends approving the application conditioned upon receipt of a map depicting metes and bounds of the stream corridor and a recorded conservation easement for the corridor.

98-2473 - Buckingham Place - South Brunswick Township; 99,300 square-foot assisted living facility with one detention basin to manage stormwater runoff.

98-2461 - Eckerd Drugs - East Windsor Township; retail facility on 3.5 acres with one detention basin; total new impervious coverage is 1.37 acres.

99-2436D - Bristol-Myers Squibb Main Entrance Modifications - Hopewell Township; proposal to upgrade existing entrance drive and construct new visitors' building and parking lot. An on-stream detention basin will handle the additional .3 acres of new impervious surface for this project as well as credit for future development of 9.86 acres.

99-2261A - Governors Point III - North Brunswick Township; proposed revision to townhouse development and movie theater that was previously approved in 1997.

97-2403 - A.D. Sutton Warehouse Addition - Franklin Township, Somerset County; proposed 78,000 square-foot addition plus 1.08 acres of parking with one detention basin on 14.4 acres.

98-2503 - Valley Greens - Hopewell Township; eight houses with two detention basins; a total of

3.27 acres of new impervious surface is proposed.

99-2517 - Route 1 and Meadow Road Interchange - West Windsor Township; construction of a bridge over Route 1, ramps, an extension of Meadow Road, and widening of Route 1 and Meadow Road. Two new detention basins are proposed, two existing basins will be modified, and two other existing basins will be filled in and new ones created. There will be a total of 7.36 acres of new impervious area.

Ms. Armstrong moved approval of the "B" Zone applications with the conditions cited; Mrs. Nash seconded the motion, and the motion passed.

REVIEW OF PROPOSED MASTER PLAN FOR CADWALADER PARK

Mr. Harcar and Mr. Baum of the City of Trenton presented a draft master plan for improvements to be made to Cadwalader Park. The work is estimated to cost \$20 million, to be phased over 15-20 years. Improvements along the canal would include a new pavilion to replace an existing one, a second pavilion, a playground, a canoe rental concession, and improved pedestrian access--more paths that are separated from the roads. The bridge over the canal would be realigned to extend Lovers Lane. Ms. Goodspeed moved a resolution endorsing the draft Master Plan and congratulating the City of Trenton on its foresight. Mrs. Nash seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that Rebecca Williams was recently hired as Assistant Superintendent and will be based at Bull's Island. She said that interviews are currently being conducted for the position of Historic Preservation Specialist. Ms. Herron also reported that several volunteer groups were helping out in the Canal Park, conducting canoe cleanups as well as cleanups in Trenton.

PUBLIC FORUM

Ms. Peggy Killmer expressed concern about the proposed Millstone Bypass being too close to the Canal Park, and suggested a frontage road paralleling Route One would be a better alternative.

Ms. Goodspeed moved the following resolution:

Whereas the Open Public Meeting Act provides that a public body such as the Canal Commission may meet in closed session to discuss personnel matters and matters subject to attorney-client privilege;

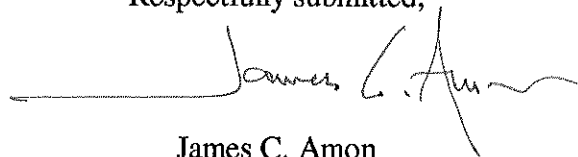
Whereas the Commission desires to closed session to discuss such personnel matters and matters subject to attorney-client privilege;

Now therefore be it resolved that the Commission shall at this time meet in closed session to discuss personnel matters and matters subject to attorney-client privilege, the substance of which will be disclosed publicly only if it does not constitute an unwarranted invasion of individual privacy and will not breach attorney-client privilege.

Mr. Pauley seconded the motion, and it passed unanimously. The Commission entered Executive Session at 2:30 PM.

The open public session resumed and adjourned at 2:30 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", is written over a horizontal line. The signature is cursive and somewhat stylized.

James C. Amon