



DELAWARE AND RARITAN  
CANAL COMMISSION

MINUTES OF THE MEETING OF JUNE 21, 2000

TIME: 12:10 P.M. - 1:40 P.M.  
DATE: Wednesday, June 21, 2000  
PLACE: Canal Commission Office  
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Jessen, Pauley, and Torpey; Ms. Armstrong,  
Ms. Goodspeed, and Mrs. Nash  
STAFF: Ms. Holms  
Mr. Lewin Weyl, Deputy Attorney General  
GUESTS: Rebecca Williams, Assistant Superintendent, D&R Canal State Park  
Sue Herron, Superintendent, D&R Canal State Park  
Joe Shepherd, NJ Water Supply Authority  
Jeffrey Hall, Smith, Stratton, Wise, et al  
Scott Mancini, Outdoor Systems  
Bill McKelvey, Canal Society of New Jersey  
Jan ten Broek, Millstone Valley Preservation Coalition  
Barbara ten Broek, Millstone Valley Preservation Coalition  
Linda Barth, Canal Society of New Jersey  
Jean Mahoney, Millstone Bypass Alert Coalition  
David DeCaro, Edwards & Kelcey, Inc.  
Paul Block, Metromedia Fiber Network  
John Petils, Kiewit Construction Co.

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 the approval of the minutes of the meeting of May 17, 2000; Mr. Jessen seconded the motion and it passed unanimously.

LEASES AND PERMITS

Ms. Holms presented an application to approve a State Park Service Permit. The applicant, Level 3 Communications, is requesting to drill directionally under the canal at Route One in Lawrence

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

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James C. Amon

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R. William Pauley

Robert C. Shinn, Jr.  
Caroline J. S. Armstrong

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Marfy Goodspeed

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Christine Todd Whitman, *Governor* Robert C. Shinn, Jr. *Commissioner*

Township and install a fiber optic conduit. She said that the project would not visually impact the Canal Park because all of the staging would be undertaken on land within the highway right-of-way, and the cable itself would be buried. The conduit would be a minimum of five feet under the canal. Both Superintendent Herron and Mr. Shepherd of the Water Supply Authority have reviewed and approved the proposal. Mr. Jessen moved the approval of the permit application, Mrs. Nash seconded the motion, and it passed unanimously.

#### REVIEW ZONE ACTIONS

Ms. Holms presented one "A" Zone application for approval:

00-2644 - Ritter Residential Addition - Hopewell Township

Ms. Holms said that the applicant was proposing to construct an addition onto the rear of a house that backs up to the Canal Park in Titusville. She said the addition would be screened by a row of mature trees and a 6-foot stockade fence. She said the proposal was also architecturally in harmony with the existing house. Mr. Jessen moved approval of the "A" Zone application, Ms. Goodspeed seconded the motion, and it passed unanimously.

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

00-2632 - Princeton Day School Athletic Fields - Princeton Township

00-2610 - Plainsboro Business Center - Plainsboro Township

00-2604 - Cranbury Golf Club - West Windsor Township

99-2579 - American Building Enterprises Development - Millstone Township

99-2544 - Estates of West Amwell - West Amwell Township

99-2583 - Cigna Warehouse - Monroe Township

Ms. Holms said that the Commission's engineers reviewed the "B" Zone projects for stormwater management and found them to be in conformance with the Commission's Regulations. She said that the American Building Enterprises Development and the Estates of West Amwell both had stream corridors that would be protected by conservation easements. She said that the applicant for Cigna Warehouse requested a waiver from strict compliance with the Commission's Stream Corridor Impact Regulation. There is an existing retention pond adjacent to the property and a man-made ditch on the property. Because of the topography, the 100-year floodplain for these water bodies is extensive. The applicant requested encroaching within the 100-foot buffer and a small section of the floodplain and in exchange agreed to plant native trees and shrubs along the ditch and the boundary of the stream corridor. Ms. Holms recommended that the waiver be approved, and that the "B" Zone projects be approved. Mr. Herzog moved approval of the waiver request from strict compliance of the Stream Corridor Impact regulation for Cigna Warehouse, and approval of the "B" Zone projects. Mr. Jessen seconded the motion, and it passed unanimously.

Ms. Holms then presented a second "A" Zone project for waiver from the Canal Commission's Visual Impact Regulation:

#### 99-2570 - Outdoor Systems Advertising Sign - Trenton

Ms. Holms said the applicant was proposing to install a double-sided billboard, 14' x 48' and 66 feet high. The sign would be 10 feet from the Canal Park. She said the regulations stipulated that signs within 200 feet of the Canal Park are prohibited and that Mr. Amon recommended denial.

Mr. Hall, attorney for the applicant, said that the applicant was now "Infinity". He described the location of the sign and said that they were proposing to help screen it by planting several dozen red cedar trees, 300 feet in either direction of the billboard. He said they would also obtain a pedestrian access easement as a condition of the approval to provide access from the Canal Park to New York Avenue. The path would be crushed red stone and would be maintained by the applicant for the duration of his lease, which would be 10 years. There would be 2 locked gates at the entrances to the path, which would be kept opened or locked by State Park employees. Mr. Hall felt that these efforts at mitigation were sufficient to grant the waiver from visual impact review.

Mrs. Nash felt that the property should be purchased by the State so that it could have complete control over pedestrian access from the park to New York Avenue. The Commission's consensus was that the proposed application for waiver did not meet the regulations' conditions for waiver. Mr. Hall suggested that they consider tabling the application until July, at which time he and the applicant would bring supplementary evidence showing that the landscaping would effectively screen the billboard from the Canal Park. Mr. Herzog moved tabling the Infinity sign application until the meeting of July 19, 2000 at the applicant's request; Mrs. Nash seconded the motion, and it passed unanimously.

#### CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that there were several interpretive programs taking place in the Canal Park. She said the fireside programs for campers at Bull's Island were extremely successful. The programs are about the history of the canal and the natural resources of the park. She said that the park's naturalist has been conducting stream ecology programs on Sundays. She also said that both the historic preservation specialist and naturalist were leading many school programs, as well as conducting programs at Hunterdon County's day camps. She said a fishing derby would be held on July 8th, and a cleanup sponsored by Eastern Mountain Sport of Princeton involved 35 volunteers who cleaned up debris from the hurricane around Griggstown.

#### OLD BUSINESS

Mr. Weyl reported that on May 25th the Meadows Foundation filed a notice of appeal of the denied request for an adjudicatory hearing about the Castle Senior Living approval. They also

filed a motion for a stay to hold the approval and prohibit construction until the appeal has been determined.

Ms. Barth asked Mr. Weyl about the status of the draft cell tower regulation. He said he was preparing legal advice regarding the draft, which would subsequently be reviewed by others in the Division of Law.

#### WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the sediment bar at Port Mercer that resulted from the hurricane was being removed, and that towpath repair was underway.

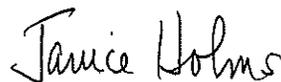
#### PUBLIC FORUM

Ms. Mahoney asked about the status of the Millstone Bypass application and was told that there was no further action. She reiterated her opinion that the Department of Transportation should be required to prepare an Environmental Impact Statement for the bypass proposal.

Mr. McKelvey said that five municipalities were involved with nominating the King's Highway (Route 27) a National Historic District.

The meeting adjourned at 1:40 PM.

Respectfully submitted,



Janice Holms