



DELAWARE AND RARITAN  
CANAL COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 21, 2001

TIME: 12:15 P.M. – 2:20 P.M.  
DATE: Wednesday, February 21, 2000  
PLACE: Canal Commission Office  
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Jessen, Marshall, Pauley and Torpey; Ms. Armstrong  
and Mrs. Nash  
STAFF: Mr. Amon and Ms. Holms  
Mr. Lewin Weyl, Deputy Attorney General  
GUESTS: Rebecca Williams, Asst. Superintendent, D&R Canal State Park  
Sue Herron, Superintendent, D&R Canal State Park  
Aimer Garcia, NJ Water Supply Authority  
William J. Cerynik, State Park Service Central Region  
Barbara Ross, D&R Canal Watch  
Peter Lanfrit, Esq., Canal Walk  
Paul A. Fisk, Fisk Associates  
Jan ten Broeke, Millstone Valley Preservation Coalition  
Doug Angosf, Canal Walk Associates  
F. Clifford Gibbons, Esq., Attorney for Infinity Outdoor  
Advertising  
Robert von Zumbusch  
Bill McKelvey  
Barbara ten Broeke, Millstone Valley Preservation Coalition

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 FROM MEETING OF JANUARY 17, 2001

Mrs. Nash noted that at the bottom of page two of the January 17 minutes, the words “passed unanimously” should be added. Ms. Holms said that the roster incorrectly included Mr. Lewin Weyl, who in fact was not present. With those changes, Mrs. Nash moved approval of the minutes of January 17, 2001; Ms. Armstrong seconded the motion, and it passed unanimously.

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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.  
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 six "A" Zone project applications for review and approval:

- 01-2337C – Canal Walk South Gate and Call Station – Franklin Township
- 01-2337D – Canal Walk North Entrance Sign
- 01-2337E – Canal Walk North Entrance Gate and Shelter
- 00-2703 – West Ward Fire House – Trenton
- 00-1885A – McAteer's Restaurant Addition – Franklin Township
- 00-2429A – Ukrainian Church Cemetery – Franklin Township

Mr. Amon said that the three Canal Walk projects would not be visible from the Canal Park. He said that a landscape screen made up of two rows of trees would be installed to buffer the Fire House from the Canal Park. With regard to the McAteer's Restaurant addition, Mr. Amon said that the restaurant is on the opposite side of Easton Avenue from the Canal Park, and the proposed addition will be behind the main building. He said the building is partially visible from the Canal Park in winter, but that the addition was architecturally similar to the main building. The final project involves the expansion of a church cemetery that would be visible from the Canal Park. Mr. Amon recommended approval of the "A" Zone applications. Mr. Jessen moved approval of the 6 "A" Zone projects, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Amon presented the following "B" Zone applications for review and approval:

- 00-2697 – Town Center Elementary School – Plainsboro Township
- 00-2691 – Intersection Improvements: Scudders Mill Road and Schalks Crossing Road – Plainsboro Township
- 99-2574 – Marriott Residence Inn and Restaurant – Cranbury Township
- 00-2613 – Gordon Exit 8A Office Building Phase II – Cranbury Township
- 00-2620 – Princeton Courtside Estates Phase II – South Brunswick Township
- 00-2705 – Veronica Avenue II – Franklin Township
- 97-2344 – Calton Homes at Montgomery – Montgomery Township

Mr. Amon said that the projects listed above conformed with the Commission's standards for stormwater management and water quality. He said that in the case of both Princeton Courtside Estates Phase II and Calton Homes at Montgomery, the Commission had previously approved buffer averaging plans for stream corridors. He recommended that the projects be approved. Ms. Armstrong moved approval of the "B" Zone projects, Mrs. Nash seconded the motion, and it passed unanimously.

Ms. Holms then presented the following project for waiver from strict compliance with the Stream Corridor Impact Regulation and approval:

- 01-2710 – Mazgut-Kucera Subdivision – Montgomery Township

Ms. Holms said that this project was part of a previously approved development that has a stream corridor. A field visit revealed that one side of the corridor has been regularly mowed up to the stream's bank. The applicant has proposed planting a hedgerow of native trees and shrubs in exchange for using part of the corridor as a lawn. Mr. von Zumbusch suggested modifying the conservation easement to prohibit any use of fertilizers or herbicides on the lawn. Ms. Armstrong moved approval of the application as presented with the added condition that the easement be modified to prohibit any use of fertilizers or herbicides within the stream corridor. Mrs. Nash seconded the motion and it passed unanimously.

Ms. Holms presented a second project application for waiver from strict compliance with the Stream Corridor Impact Regulation and approval:

00-2687 – Interchange Improvements: I-95 and Scotch Road – Ewing and Hopewell Twps.

This project will require review and approval for stormwater management from the DEP's Stream Encroachment Division. Ms. Holms said that the Department of Transportation is proposing to improve the I-95 Interchange at Scotch Road, which would necessitate impacting the Ewing Creek's stream corridor. As partial mitigation required by DEP's Freshwater Wetlands Division, the DOT has acquired and proposes to preserve a parcel of land over 5 acres, located upstream of the project site. They would also be creating more wetlands on this land. Ms. Holms said that the proposed acreage to be preserved would be greater than that encroached upon and recommended approval, conditioned upon receiving a deed restriction or conservation easement for the land to be preserved subsequent to the Commission's approval. Mrs. Nash moved approval of the application with the condition described above, Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon then introduced Messrs. Lanfrit and Fisk to present the following request for a "conditional use" within a stream corridor:

97-2337 – Canal Walk Sewer Pipeline

Mr. Lanfrit said that the installation of a pipeline is considered a conditional use within the stream corridor, according to the Commission's Regulations. He said that the Commission agreed last month to postpone action on the pipeline until the applicant's engineer, Mr. Fisk, could attend and describe the proposal. Mr. Fisk said that by moving the pipe out of the corridor, it would have to be moved approximately 80 to 90 feet away, uphill, which would increase the depth approximately 6 to 12 feet. He said that the greater depth made installation much more problematic, and would have greater potential for requiring repair in the future. He said that once the pipeline was installed, the right-of-way would be grassed and then left to return to its natural vegetative state. Mr. Fisk maintained that a grassed area was better for water quality than woodlands. Mr. Amon disagreed, saying that woodland soil is more permeable than soil under grass, and therefore better for filtration. Mr. Amon suggested planting trees at either end of the corridor, but Mr. Fisk said that the roots would compromise the pipeline. Mr. Amon

then questioned whether the right-of-way would, in fact, be allowed to return to woodland, if tree roots are harmful to pipelines. Mrs. Nash felt that the pipeline right-of-way should be mowed regularly. Mr. Lanfrit withdrew the request, suggesting that Commission staff meet again with Mr. Fisk to further discuss the proposal.

#### DISCUSSION OF BILLBOARD REQUEST FOR ADJUDICATORY HEARING

Mr. Weyl said that the applicant for a proposal to build a billboard next to the Canal Park, Infinity Outdoor Advertising, had requested an adjudicatory hearing with the Office of Administrative Law regarding the Commission's denial of the application. Mr. Weyl said the applicant has complied with the submission requirements and recommended that the Commission grant Infinity Outdoor Advertising an adjudicatory hearing. Mr. Jessen moved approval of granting Infinity Outdoor Advertising an adjudicatory hearing; Ms. Armstrong seconded the motion, and it passed unanimously.

#### CANAL PARK SUPERINTENDENT'S REPORT

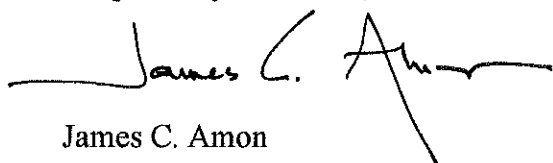
Ms. Herron reported that interpretive signs about Irish canal builders would be installed in the Canal Park at Alexander Road and at Bull's Island. The Canal Park has two new ranger trainees to replace rangers who have transferred from the Canal Park. The Department of Transportation is presently repairing the bridge over the canal at Bull's Island. Ms. Herron said that the State Park Service would soon have a new online camping reservation system.

#### NEW BUSINESS

Mr. Marshall said that progress was being made regarding the stable funding source for park capital improvements, but that constituents should wait to write letters of support until the legislation is further along.

The meeting adjourned at 2:20 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is written in a cursive style with a long horizontal line extending to the left and a vertical line extending downwards from the end.

James C. Amon