



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF MARCH 21, 2001

TIME: 12:10 P.M. – 1:20 P.M.
DATE: Wednesday, March 21, 2001
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Pauley, Marshall, and Jessen; Ms. Armstrong,
Goodspeed and Shaddow (representative for Mayor Palmer)

STAFF: Mr. Amon and Ms. Wannemacher

GUESTS: Rebecca Williams, Asst. Superintendent, D&R Canal State Park

Joe Shepherd, NJ Water Supply Authority
Linda Barth, Canal Society of New Jersey
Barbara Ross, D&R Canal Watch
William J. Cerynik, SPS Central Region
Vincent Stamile, Jr., Stamile Trucking & Excavating
Sylvia T. Stamile, Stamile Trucking & Excavating
Peter Lanfrit, Attorney for Canal Walk
Louis Pierce, Togar Property Company

Mr. Jessen 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 FEBRUARY 21, 2001

Mr. Jessen moved approval of the minutes of the meeting of February 21, 2001; Ms. Armstrong seconded the motion, and it passed unanimously.

LEASES AND PERMITS

Mr. Amon announced that there were no leases or permits to be presented.

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EXECUTIVE
DIRECTOR
James C. Amon

COMMISSIONERS

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R. William Pauley

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Marfy Goodspeed

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

REVIEW ZONE ACTIONS

Mr. Amon presented four "A" Zone applications for review and approval.

01-2725 – Syphax Residence, Bellevue Avenue – Trenton
 01-2721 – NJ Education Association Building - Trenton
 00-2337F – Canal Walk Clubhouse – Franklin Township
 01-2722 – Bo Robinson Center Addition - Trenton

Mr. Amon said the Bellevue Avenue project is a single family house that would be consistent with existing houses on either side. The site is approximately 150 feet from the Canal Park but screened by a tree-covered bluff. With regard to the NJ Education Association Building, Mr. Amon said that the proposal is to raze an existing 6-story building and another building and replace them with a 4-story building. The site is approximately one city block from the Canal Park but will not have a harmful visual impact. Mr. Amon said the Canal Walk Clubhouse is part of the overall Canal Walk project. Since part of the project is in the "A" Zone, all parts are thus considered "A" Zone, however the clubhouse will be located 2000 feet from the Canal Park and is therefore not a visual concern. The project is in compliance with stormwater management standards. The final project involves an addition to the Bo Robinson Center on the opposite side of Route One from the Canal Park. The addition will be two stories in height and architecturally compatible with the existing structure. The staff conclusion is that there will be no harmful visual impact. The site will not drain to the canal. Ms. Armstrong moved approval of the four "A" Zone projects, Mr. Herzog seconded the motion, and it passed unanimously.

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

00-2645 – Bradford Homesites Hotel – Franklin Township
 01-2719 – Matrix Industrial Bypass Road – Monroe Township
 01-2714 – Lawrence Township Police Facility
 00-2612 – Hillsborough Promenade – Hillsborough Township
 00-2695 – NSG America Expansion – Franklin Township
 01-2711 – Pfizer Aviation Facility – Mercer County Airport, Ewing Township
 98-2504 - Wyncrest Commons – East Windsor Township
 99-2080 - Mount Airy Estates – West Amwell Township

Mr. Amon said the projects listed above conform with the Commission's standards for stormwater management and water quality. He said that Mount Airy Estates was approved for stream corridor buffer averaging in 1993 and has now submitted a stream corridor easement based on that approval. He recommended that the projects be approved. Ms. Goodspeed moved approval of the "B" Zone projects, Mr. Pauley seconded the motion, and it passed unanimously.

Mr. Amon then presented the following project that has requested a “conditional use” within a stream corridor.

97-2337 – Canal Walk Sewer Pipeline

Mr. Amon said that the request to run a pipeline parallel to a stream corridor was discussed at the last two Commission meetings without resolution, and that he has since met with the applicant, his engineer and lawyer and Commission staff, and they have come to a general agreement. Mr. Amon introduced Mr. Peter Lanfrit, attorney for the applicant, to describe the conditions agreed to. Mr. Lanfrit said it was agreed that construction would create a woodland disturbance 20’ wide which will be allowed to re-generate after pipe installation rather than be mowed. The area will be seeded and fenced at both ends to prevent vehicular access. Mr. Lanfrit indicated that the applicant is willing to plant trees as an additional condition if required. Any access for repair will be from directly outside the repair point rather than disturbing the entire corridor. The homeowner association will be responsible for restoring any area impacted by future disturbances. The conditions agreed upon will be written into the easement and into the homeowner association document. Mr. Amon added that an area of compensation for pipeline disturbance will be established on the other side of the stream. Mr. Jessen moved approval of the conditional use request based on the conditions described above, Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon then presented a second project that has requested “conditional use” within a stream corridor.

01-2728 – Togar Corporate Campus Sewer Pipeline – South Brunswick Township

Mr. Amon said a stream corridor conservation easement is already in place at this site. The applicant is requesting a modification to the existing easement to permit installation of a pipeline through the stream corridor. Mr. Amon said the pipeline easement would be 20 feet wide and would cross the stream perpendicularly thus minimizing stream impact. Mr. Louis Pierce of Togar Property Company described the project. A 2-inch force main will be installed by direct drilling underground and the project will cause no surface disturbance. Mr. Herzog moved that the Commission approve the request to modify the existing easement under the terms described: permitting a 20-foot easement for a pipeline that would be constructed without surface disturbance. Mr. Pauley seconded the motion and it passed unanimously.

Mr. Amon presented an “A” Zone property whose owner is seeking a municipal zoning variance in order to continue existing uses of the property.

01-2731 – Stamile Trucking and Excavating – South Bound Brook Borough

Mr. Amon said the property borders 300 feet of the canal in the borough and has been used for many years as a trucks and parts business. The borough recently determined that the land use was a violation of their zoning because they determined it to be a "junkyard" which is not zoned in this area. The South Bound Brook Board of Adjustment has approved Mr. Vincent Stamile's application for a zoning variance based upon three conditions. 1. He must submit a site plan for approval. 2. He must acquire all the permits needed to operate such a facility. 3. He must obtain approval from the Canal Commission. Mr. Amon confirmed with the Attorney General's office that the Commission does not regulate land uses and therefore has no authority in regard to zoning, however the Commission does have regulations and therefore jurisdiction over site plan review. The Commission will therefore review Mr. Stamile's site plan when that is prepared. Mr. Amon said the Commission gave approval 20 years ago for Mr. Stamile to erect a garage on the property conditioned upon Mr. Stamile maintaining a 20-foot wide landscape garden between the canal and his operation. Mr. Amon recently visited the site and confirmed that the landscaping has been installed and maintained and that there is no evidence of pollution from the operations flowing into the canal. Mr. Stamile assured the Commission that he would continue his 20-year garden effort. Mr. Amon will write a letter to South Bound Brook Borough explaining the Commission's position.

PARK SUPERINTENDENT'S REPORT

Rebecca Williams reported that a contractor will soon be chosen for the Muletenders Barracks, and bids for moving Rockingham are due this week. The Griggstown Planning Committee for the General Management Plan met for the second time and is moving forward. A dedication for the Irish Memorial was held at Alexander Road on March 12; a second memorial will be installed at Bulls Island this spring. Ms. Williams has met with Isles, Inc. about expanding their community garden in Trenton and they have applied for a special use permit for that. She also met with residents of the Glen Afton area regarding their concerns about motorcycles and other park disturbances in Trenton. Park staff is increasing their outreach program to schools and communities. Two vehicles ended in the canal, a car off Route 29 (no injuries) and a stolen ATV in Trenton. A controlled burning is planned at Firemen's Eddy this spring to curtail multiflora rose. The bridge to Bulls Island is nearing completion and staff expects to move back to their offices next week. An automated system for camping reservations is planned.

WATER SUPPLY AUTHORITY REPORT

Joe Shepherd reported that Island Farm has been cleaned up and they are ready to open the fish ladder in cooperation with NJ Fish, Game & Wildlife. Alexander Road towpath work is progressing but they need an extension beyond April 1. The Commission agreed to an extension into the first week of April as it would have minimal impact on song bird nesting. Work has commenced on Griggstown Spillway, the feed gates are shot and need replaced but the concrete lock structures are in good shape; they are using sandbags for cut off instead of Jersey barriers because sandbags work better. Mr. Shepherd has been attending discussion meetings at DRBC concerning water flows, releases and diversions in the Delaware basin.

Mr. Amon added that DRBC has also started a comprehensive water quality monitoring program in support of the Lower Delaware Wild & Scenic River designation.

OLD BUSINESS

Mr. Amon announced an Annual Retreat on April 18 prior to the regular Commission meeting. Details of the meeting will be mailed. He will look into an Annual Retreat site other than the Commission offices. Mr. Amon will send Commissioners a report on the current status of the Linkages Project prior to the meeting.

NEW BUSINESS

Mr. Amon said effort is underway to designate Canal Road and River Road as NJ Scenic Byways. In 1979, the Commission had proposed scenic recognition for Canal, River and Mapleton Roads and Route 29. Route 29 has been designated a Scenic Byway.

PUBLIC FORUM

Linda Barth inquired whether there were any plans to restore the towpath in South Bound Brook downstream of the Main Street Bridge. Mr. Amon replied that there are no plans at present, but he is working on removal of a pump station that obstructs the towpath.

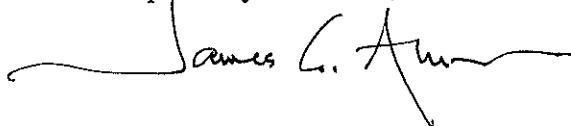
The Millstone Valley Preservation Association is interested in future plans for Six Mile Run, specifically reservoir plans and buildings restoration. Mr. Amon suggested they set up a meeting with the Canal Park office.

The Canal Society requested status of the Canal Commission's regulation for cellular towers. Mr. Amon said the draft is now under review at the Attorney General's office. He mentioned that there were forces at work to discourage tower regulations. State legislation was proposed recently restricting towers to 1000 feet away from schools, parks and residential areas.

Linda Barth announced the Canal Society Bus Tour March 31-April 1.

The meeting adjourned at 1:20 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is fluid and cursive, with a long horizontal stroke at the end.

James C. Amon