

MINUTES OF THE MEETING OF APRIL 18, 2001

TIME: 12:20 P.M. – 2:30 P.M.

DATE: Wednesday, April 18, 2001

PLACE: Montgomery Township 1860 House
Skillman, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Herzog, 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
Joe Shepherd, NJ Water Supply Authority
Carl Loutzenheiser, NJ Water Supply Authority
Liz Palius, Millstone Valley Preservation Coalition
Sid Palius, Millstone Valley Preservation Coalition
Barbara Ross, D&R Canal Watch
Clifford Gibbons, Esq., Smith, Stratton et al
Robert von Zumbusch

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 MARCH 21, 2001

Mr. Herzog moved the approval of the minutes of March 21, 2001; Mr. Pauley seconded the motion and it passed unanimously. Messrs. Herzog, Jessen, Marshall, Pauley, Torpey, and Ms. Armstrong voted in favor of the motion; Mrs. Nash abstained. The motion passed.

LEASES AND PERMITS

Mr. Amon presented a one-year permit to install a community garden on Canal Park property in Trenton. Isles, Inc., a non-profit community group, is the applicant. Mr. Jessen moved approval of the lease, 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 one "A" Zone project application for review and approval:

01-2733 – Kane Residence Restoration Phase I

Mr. Amon said that the application was for removal of a roof, siding and 20th century additions to an 18th century Dutch farmhouse. Mr. Herzog suggested adding a condition to the approval-- that any replacement work that needed to be done as a result of the roof and siding removal must be found to be acceptable by Mr. Amon. With that condition, Mr. Jessen moved approval of the Kane Residence Restoration, and Mrs. Nash seconded the motion. Messrs. Herzog, Jessen, Marshall, Pauley, Torpey, and Mrs. Nash voted in favor of the motion; Ms. Armstrong abstained. The motion passed.

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

01-2438A – Brunswick Bank & Trust Company – Monroe Township
 01-2726 – Greenwood House Home for the Jewish Aged – Ewing Township
 01-2294B – Lawrenceville School: MacKenzie, Dawes, Raymond Buildings – Lawrence Twp.
 01-2436H – Bristol Myers Squibb Entrance Road – Hopewell Township
 97-2400 – Mindel Tract "B" – Franklin Township, Somerset County
 00-0962D – Franklin Business Park: Prevost Car Inc.
 98-2448 – Central NJ Jewish Home for the Aged – Franklin Township, Somerset County
 99-2595 – Palladium – West Windsor Township
 01-2717 – Canal Pointe Blvd. Office Building – West Windsor Township
 01-2690 – Rock-Cranbury Warehouse – Cranbury Township

Mr. Amon said that the Commission's engineers reviewed the "B" Zone projects for stormwater management and water quality and found them to be in compliance with the regulations. He said that two of the projects had stream corridors. The Central NJ Jewish Home for the Aged has a corridor that will be protected by conservation easement. The Rock-Cranbury Warehouses also has a stream corridor to be protected by easement. Mr. Amon said that the applicant for the latter project requested that the Commission approve the project, conditioned upon finalizing technical details with Commission staff subsequent to the conditioned approval. Mr. Amon recommended approving the "B" Zone projects, with the following conditions for the Rock-Cranbury Warehouses: 1) submission of a plan deemed satisfactory by Commission staff showing metes and bounds of the stream corridor, 2) submission of a legal description of the stream corridor's metes and bounds, and 3) submission of a revised landscape plan substituting meadow mix for lawn in the stream corridor, and relocating the white pines and cherry trees out of the corridor. Mr. Jessen moved approval with the above-mentioned conditions of the "B" Zone projects; Mr. Herzog seconded the motion, and it passed unanimously.

Mr. Amon then presented a "B" Zone project that had just been handed to him by a representative for the applicant:

00-2640 – Melbroad Office/Warehouse – South Brunswick Township

Mr. Amon said that the stormwater management design had been reviewed by Commission staff and found to be in conformance with the regulations. He said that the only outstanding item for the application to be complete was a disclosure statement, which was duly submitted. Mr. Weyl mentioned that there is a 30-day appeal period whereby someone could object to the approval. Mr. Jessen moved approval of the application with the proviso that the applicant be made aware of the 30-day appeal period. Mr. Herzog seconded the motion and it passed unanimously.

A discussion ensued regarding when it would be appropriate to stop accepting submissions for project applications to be placed on the Commission's agenda. It was agreed that there should be enough time for Commission staff to be able to list all applications requiring action on the agenda that is disseminated as part of the Open Public Meeting Law.

Ms. Holms presented a request for waiver from strict compliance with the stream corridor regulation. The project, known as CVS Pharmacy/Commerce Bank, is located in both Princeton and Montgomery Townships. The majority of the site is stream corridor. The applicant requested encroaching on approximately 18,000 square feet of corridor, and in mitigation for the encroachment, a similarly sized area adjacent to the corridor would be preserved. The applicant also agreed to install a 6'-high board-on-board fence to keep debris out of the stream corridor. Ms. Armstrong moved approval of the waiver, Mrs. Nash seconded the motion and it passed unanimously.

WSA PROJECT: REHABILITATION OF WORKHOUSE SPILLWAY

Mr. Amon said that the existing concrete spillway was built in 1913 and needed to be replaced. He recommended approving the rehabilitation with the condition that a plaque be installed showing the original construction date and its rehabilitation date. Ms. Armstrong moved approval of the rehabilitation with the condition as noted, Mrs. Nash seconded the motion, and it passed without dissent.

Mr. Jessen left the meeting at 2:00 PM.

PUBLIC FORUM

Ms. Palius said that the a Scenic Byway proposal had recently been submitted for a 25-mile loop including Laurel Road, Route 518, Washington Avenue, River Road, and Canal Road in Somerset County. She said that the Millstone Valley Preservation Coalition was concerned about 6-Mile Run issues, and flooding in the Millstone valley. She asked whether the

Commission's regulations could be changed so that the cumulative effect of development in the region could be evaluated and regulated.

Mr. Pauley announced that guard rail was being installed on Canal Road.

Mrs. Nash made the following motion:

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

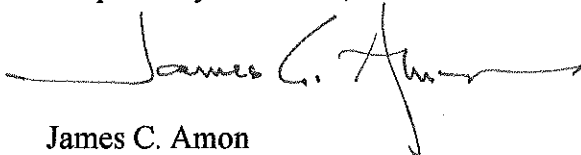
Whereas the Commission desires to retire to closed session to discuss such matters subject to attorney-client privilege; now

Therefore be it resolved that the Commission shall at this time meet in closed session to discuss 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. Herzog seconded the motion and it passed unanimously.

The Commissioners entered closed session at 2:20 PM. The public meeting resumed and adjourned at 2:40 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", with a long horizontal flourish extending to the right.

James C. Amon