



DELAWARE AND RARITAN
CANAL COMMISSION

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James C. Amon

MINUTES OF THE MEETING OF JULY 18, 2001

TIME: 12:20 P.M. – 2:10 P.M.
DATE: Wednesday, July 18, 2001
PLACE: Prallsville Grist Mill
Stockton, New Jersey

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:

Scott Turansky, Calvary Chapel Mercer County
Philip Martino, Calvary Chapel Mercer County
Katherine Martino, Calvary Chapel Mercer County
Barbara Ross, D&R Canal Watch
Linda Barth, Canal Society of New Jersey
Joe Shepherd, NJ Water Supply Authority
Ed Buss, NJ Water Supply Authority
William J. Cerynik, State Park Service
Charles Dieterich, Kingston Greenways Association
Marilyn Kulick, Citizens to Preserve Griggstown
Barbara ten Broeke, Millstone Valley Preservation Coalition
Jan ten Broeke, Millstone Valley Preservation Coalition
Robert von Zumbusch
Liz Palius, Millstone Valley Preservation Coalition
Sid Palius, Millstone Valley Preservation Coalition
Susan Herron, D&R Canal State Park
Rebecca Williams, D&R Canal State Park, Bull's Island Rec. Area

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 noted that the pagination of the minutes of June 20, 2001, was incorrect because the first two pages were marked "1". Correcting the total number of pages from five to six, she moved approval of the minutes of the meetings of June 20, 2001; Mr. Herzog seconded the motion. The motion passed without dissent.

LEASES AND PERMITS

Mr. Amon presented a special use permit application by the Elizabethtown Water Company to use a portion of the Canal Park in South Bound Brook for staging operations for the purpose of installing a pipe under Canal Road. He said that the staging area, a parking lot and driveway would be returned to its original condition upon completion of the project. Mr. Jessen moved approval of the permit; Ms. Armstrong seconded the motion and it passed unanimously.

Mr. Amon then presented an application for a lease by PSE&G to continue usage of high power lines that presently cross the abandoned section of the canal and in Lawrence Township, near Carnegie Road. The lease would be for 20 years. Mr. Jessen moved approval of the lease, Mrs. Nash seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS:

Mr. Amon presented three review zone actions for review and approval:

Southard Street Bridge Replacement – Trenton

Mr. Amon said that the bridge would not interfere with plans for a path in this area. The new bridge will have tinted concrete, form-lined parapets and stone-faced abutments.

01-2754 – Jeremiah Ford III Signage – Plainsboro Township

Mr. Amon said that the seven proposed signs were approximately 900 feet from the Canal Park, and were unlikely to be seen. If visible, he said they would not be intrusive.

01-1852A – Bank Street Parking Garage Renovation – Trenton

Mr. Amon said that the project involved interior renovation of an existing building plus construction of a 16' x 18' concrete pad for two generators. He said a landscape screen will be planted.

Ms. Armstrong moved approval of the three "A" Zone projects, Mrs. Nash seconded the motion and it passed unanimously.

Mr. Amon presented the following project for waiver from visual impact review:

01-2761 – Lyndall Residence Addition – Hopewell Township

The applicant is proposing a 320-square-foot addition onto an existing residence that will not be visible from the Canal Park. Mr. Amon recommended that the project be waived.

Mrs. Nash moved approval of the waiver request, Mr. Herzog seconded the motion, and it passed unanimously.

Mr. Amon then presented an "A" Zone project for waiver from visual impact review because of compelling public need:

01-2766 – Sprint Cell Tower – Stockton

Mr. Amon said that just before the meeting started, Ms. Joan Haberle, of the Stockton Borough Council, said that the Council was considering an alternate location for the cell tower, outside of the Commission's "A" Zone. He therefore recommended that the Commission deny without prejudice the application as submitted, because 1) the applicant has not supplied documentation that there is no viable alternative site, and 2) the applicant has not complied with the regulation that the requested waiver is the minimum relief necessary to relieve compelling public need.

Mr. Marshall joined the meeting at 12:35 PM.

Ms. Armstrong moved denial without prejudice the Sprint Cell Tower application for the reasons stated above; Mrs. Nash seconded the motion. Messrs. Herzog, Jessen, Pauley, Torpey, Ms. Armstrong and Mrs. Nash voted in favor of the motion; Mr. Marshall abstained. The motion passed.

Mr. Amon presented the following "A" Zone application for waiver:

01-2769 – Calvary Chapel Mercer County- Lawrence Township

Mr. Amon said that a parking area and field presently exist behind a church, all within 1,000 feet of the Canal Park. A hedgerow also exists between the site and the Canal Park. The applicant is proposing to construct an addition onto the building, using part of the existing parking area, and installing a paver surface on the field area for overflow parking and a play area. The overflow parking area is within 250 feet of the Canal Park, necessitating a waiver from the 200-foot setback requirement. Mr. Amon recommended approving the waiver. Ms. Armstrong moved concept approval of the project (including waiver of the 200-foot setback requirement) allowing for a 50'± building addition and overflow parking area. The motion for concept approval was based upon the understanding that the surface of the overflow parking area will be made from paving blocks that allow grass to grow in between them, and that the existing vegetative screen will remain in place and will be enhanced by the planting of Red Cedar trees. Mr. Herzog seconded the motion and it passed unanimously.

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

01-2724 – Matrix M-7 Offices/Warehouses – Monroe Township

99-2538 – The Presbyterian Home at Franklin – Franklin Township, Somerset County

01-2713 – Parkside – Plainsboro Township

01-2463A – Miele Headquarters Expansion – South Brunswick Township

01-2746 – Linpro Office Center Phase IV – Plainsboro Township

00-2621 – Winding Brook Estates – Hopewell Township

00-2622 – McCarter Theatre Addition – Princeton Borough

00-2685 – Congregation Beth Chaim Addition – West Windsor Township

01-2734 – Gilmore Fisher Middle School Expansion – Ewing Township

01-2436H – Bristol Myers Entrance Road – Hopewell Township

01-2735 – The Woods at Cranbury – Cranbury Township

Several of the "B" Zone projects have stream corridors. Ms. Holms said that with regard to Matrix M-7 Offices/Warehouses, the applicant proposed a 1:1 buffer averaging as mitigation for encroachment into the stream corridor. She said that the applicant for Parkside is proposing to construct a portion of a detention basin a part of a bike path in the stream corridor (conditionally-permitted uses). She said the existing land use was farmfield. With regard to the Gilmore Fisher Middle School Expansion, there are several recreational play fields presently existing in the stream corridor. Ms. Holms recommended that the conservation easement for the corridor exclude the fields. She said that the project known as The Woods at Cranbury was in compliance with the Commission's Stream Corridor Impact Regulation. Ms. Holms recommended waiving the Matrix application from strict compliance of the Stream Corridor regulation and approving the conditionally-permitted uses in the Parkside application. Mr. Amon said that the Commission's engineers had determined that the projects were in conformance with the Commission's regulations for Stormwater Management and recommended approval. Ms. Armstrong moved approval of the "B" Zone projects, Mrs. Nash seconded the motion, and it passed unanimously.

WATER SUPPLY AUTHORITY PROJECTS:

A. GROUTING OF FIELDVILLE DAM

Mr. Amon said that the Water Supply Authority was seeking final approval for the grouting of the Fieldville Dam. He said none of the work would be visible and recommended approval. Mr. Jessen moved approval of the grouting work, Mrs. Nash seconded the motion, and it passed without dissent.

B. REPAIR OF 2 PRALLSVILLE CULVERTS

Mr. Amon said that the Water Supply Authority is requesting conceptual approval for a proposal to rehabilitate several aspects of two culverts at the Prallsville Mills. Mr. Buss said that the downstream culvert's concrete headwall would be repaired, the outlet headwall would be re-pointed, the pit at the downstream end would be stabilized, and the concrete structure at the spillway would be re-constructed and faced with stone. Mr. Jessen moved conceptual approval of the culvert rehabilitation, Mrs. Nash seconded the motion, and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that several volunteer groups participated in clean-ups along the canal. She said that a number of special events took place in the Canal Park, including a campfire concert, a bike-athon, a fishing derby and an edible plant program at Bull's Island. She said that there had been significant tree damage at Bull's Island from summer storms. Ms. Williams reported that complaints regarding jet skis have increased.

WATER SUPPLY AUTHORITY REPORT

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Mr. Shepherd said that the Authority was actively removing downed trees, and that they were dredging at Bull's Island. He said that the Six Mile Run and Simonson culvert inlets were cleaned.

OLD BUSINESS

Mr. Amon reported on the status of the proposed Millstone Bypass, saying that a committee organized by Rutgers University had formed to participate in the process of preparing an Environmental Impact Statement. He also said that he was working with the NJ DOT on an interpretive display at the I-295 scenic pulloff next to Lock One. Mr. Amon said that several people are starting the planning process for a pedestrian bridge over the Delaware River from Byram to Point Pleasant. He acknowledged the efforts of Liz and Sid Palius toward designating River Road in Millstone, Montgomery and Hillsborough Townships a Scenic Byway.

Mr. Torpey inquired about the status of the Rockingham move. Ms. Herron said that the house was expected to be moved Friday, July 20.

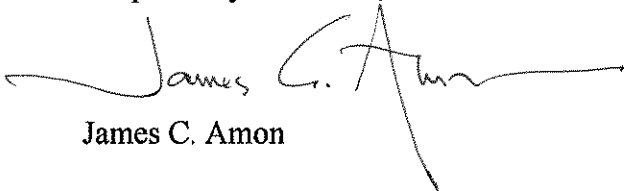
PUBLIC FORUM

Ms. Palius asked how the regulations could be revised so that a more regional approach toward stormwater management could be implemented. Mr. Amon said that the DEP was spearheading a watershed analysis, of which the Water Supply Authority was also involved.

Mr. von Zumbusch expressed concern about the application of herbicides on roadsides next to the Canal Park, particularly Mapleton Road and Route 29. He suggested revising the Commission's Regulations to prohibit the use of herbicide at these locations.

The meeting adjourned at 2:10 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 extending to the right.

James C. Amon