



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF MAY 15, 2002

TIME: 12:25 PM-1:40 PM
DATE: Wednesday, May 15, 2002
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Barker, Jessen, and Torpey;

Ms. Armstrong and Mrs. Nash

STAFF: Mr. Amon and Ms. Holms

Ms. Helene Chudzik, Deputy Attorney General

GUESTS:

Barbara Ross, D&R Canal Watch

Susan Herron, D&R Canal State Park

Joe Shepherd, NJ Water Supply Authority

Marc Brooks, NJ Water Supply Authority

Rebecca Williams, D&R Canal State Park

Mr. Torpey 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 approval of the minutes of the regular meeting of April 17, 2002 and Mr. Jessen seconded the motion. Messrs. Barker, Jessen, Torpey and Mrs. Nash voted in favor of the motion; Ms. Armstrong abstained. The motion passed. Mrs. Nash then moved approval of the minutes of the special meeting of April 17, 2002; Ms. Armstrong seconded the motion. The motion passed unanimously.

LEASES AND PERMITS

Mr. Amon reported that there were no lease or permit applications and had inquired why the Commission had not been receiving any lately. Mr. Barker said that the Division of Parks and Forestry was requesting clarification from the Attorney General's office as to whether the Canal Park Law applied to State Park leases.

PRALLSVILLE MILLS 33 RISLER STREET P.O. BOX 539 STOCKTON, NJ 08559-0539
609-397-2000 FAX 609-397-1081 www.dandrcanal.com

COMMISSIONERS: Frank J. Torpey, *Chairman*, Martin D. Jessen, *Vice-Chairman*, Winona D. Nash, *Treasurer*,
Bradley M. Campbell, Sam Herzog, Caroline S.J. Armstrong, Douglas H. Palmer

EXECUTIVE DIRECTOR: James C. Amon GOVERNOR: James E. McGreevey

REVIEW ZONE PROJECTS

Mr. Amon presented the following "A" Zone projects for review and approval:

02-1741C – Princeton Theological Seminary Storage Expansion – West Windsor Township
02-2853 – Torkelson Residence – Stockton Borough

Mr. Amon said that the Theological Seminary proposed to construct a storage building that would be approximately 630 feet from the Canal Park, built of concrete block and buff-colored stucco, and would not present a harmful visual impact on the Canal Park. He said that traffic to this facility would be directed to a road that leads away from the Canal Park, and that the stream corridor on the site is presently protected by a conservation easement.

Mr. Amon said that the Torkelson house would be two stories, approximately 200 feet from the Canal Park, and separated from the park by a row of existing houses, extensive landscape buffering, and Route 29. Mr. Jessen moved approval of the two "A" Zone project applications; Mrs. Nash seconded the motion and it passed unanimously.

Mr. Amon then presented an application for waiver from visual review:

02-2855 – Szucs Deck – Franklin Township, Somerset County

Mr. Amon said that it was doubtful that the deck would be visible from the Canal Park because it was behind a house located on the opposite side of Easton Avenue from the park. Mr. Jessen moved approval of the waiver, Mrs. Nash seconded the motion and it passed unanimously.

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

01-1239B – Siemans Corporation Parking Additions – Plainsboro Township
01-0005D – Bristol-Myers Squibb Parking Lot Improvements – Plainsboro Township
02-2815 – Courtyard by Marriott – Ewing Township
02-2814 – Scotch Run Apartments – Ewing Township
01-2436N – Bristol-Myers Squibb Child Development Center – Hopewell Township

Mr. Amon said that with regard to the Siemans parking additions, a stream corridor was located on the site with existing parking encroaching into the corridor. He said that that the proposed parking would not be located in the corridor, and recommended that the corridor boundary be re-defined to exclude any existing pavement. Mr. Amon said that the five "B" Zone applications are in conformance with the Commission's regulations for stormwater runoff and water quality. Mr. Jessen moved approval of the 5 "B" Review Zone projects; Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon presented a request for waiver from strict compliance of the Stream Corridor Impact Regulation:

02-2411A – Van Cleef Residence – Hillsborough Township

Mr. Amon said that the applicant was proposing to build a driveway for a single-family house that would encroach into a stream corridor that was preserved as part of a formerly approved project, Country Classics Phase II. He said that the site fronts River Road and that in order to stay out of the stream corridor the driveway would have to be located on a steep slope, and that access and egress could be dangerous. The applicant is proposing to preserve additional land adjacent to the corridor in exchange for the driveway encroachment. Ms. Armstrong moved amending the former approval (DRCC #97-2411 – Country Classics Phase II) whereby the stream corridor's boundaries would be revised to reflect the buffer averaging as presented. Mr. Jessen seconded the motion and it passed unanimously.

Ms. Holms presented a request to amend a formerly-approved project:

99-2526 – Red Fox Run North (formerly Sunset Road) – Montgomery Township

Ms. Holms said that the Commission approved this project based upon plans that showed that there would be no development in the stream corridor. A site visit, however, revealed that grading and stockpiling was taking place in the corridor. The plans had been revised so that in the case of two lots, a deck would be located in the corridor, and the two houses would be located next to the corridor without any backyards. She said that applicant requested moving the corridor boundary further from the houses and planting rows of native trees along the boundary line to ensure that the corridor remains undisturbed. She recommended that the Commission approve the amendment request, conditioned upon the applicant provided compensatory land that is adjacent to the corridor in exchange for encroaching into the existing corridor. Mrs. Nash moved approval of the conditional amendment, Mr. Jessen seconded the motion and it passed unanimously.

SIMONSON BROOK CULVERT REHABILITATION

Mr. Amon said that the Water Supply Authority is proposing to repair the Simonson Brook Culvert (near the Griggstown Causeway), and that it would involve rebuilding both headwalls as well as the wing walls on the outlet side. They would also re-point it where necessary and replace stones with either existing stones or those approved by a cultural consultant. Mr. Jessen moved approval of the culvert repair, Mrs. Nash seconded the motion, and it passed unanimously.

The Commissioners and Mr. Amon commented on the exceptional quality of work that the Water Supply Authority has been doing on canal structures, and discussed possible frameworks for annual recognition.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron said that DEP Commissioner Campbell pledged \$50,000 to stabilize Rockingham (funds for total restoration are presently frozen). She said that Parks and Forestry had a booth at Lambertville's Shad Fest, and that construction of the new Bull's Island office is three weeks behind schedule. Ms. Herron requested that Mr. Weyl assist in determining whether the Commission had review authority over State Park leases.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that although a drought emergency is still in effect, conditions have been improving. He clarified the Water Supply Authority's position on treating poison ivy adjacent to the canal, saying that they would not support using herbicide. Mr. Amon said he spoke to Mr. Baxter, Executive Director of the Water Supply Authority, who said that although they would not allow spraying herbicide, they would allow poison ivy "ropes" to be cut and the ends hand-painted with an herbicide.

OLD BUSINESS

Mr. Jessen reported that the US Coast Guard must approve the use of pontoon boats for any public boat ride.

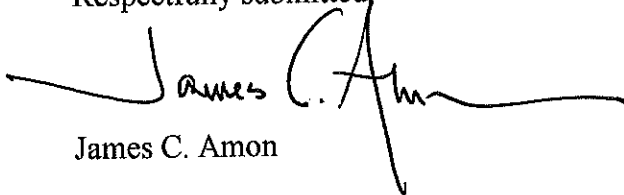
Mr. Amon said that he and Mr. Torpey visited the new Assistant Commissioner for Natural Resources, Marc Matsil. Mr. Amon said that Mr. Matsil was very interested in the Commission's Regulatory Program.

Mr. Amon also said that he had met with representatives from Green Acres to discuss acquiring the "missing links" needed to make the Canal Park continuous from Bull's Island to New Brunswick.

Mrs. Nash asked about the status of filling the two vacant Commissioners' seats. Mr. Torpey said that the DEP and the Governor's Office were moving forward on this matter.

The meeting adjourned at 1:40 PM.

Respectfully submitted,



James C. Amon