



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF SEPTEMBER 18, 2002

TIME: 12:15 PM-2:00 PM
DATE: Wednesday, September 18, 2002
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Barker, Herzog and Torpey;
Ms. Armstrong and Mrs. Nash

STAFF: Mr. Amon and Ms. Wannemacher
Mr. Lewin Weyl, Deputy Attorney General

GUESTS:

Barbara Ross, D&R Canal Watch
Andrew Schneir, D&R Canal State Park/Regional Office
Brett Skapinetz, Bohler Engineering
Jon Hlafler, Princeton University
Pam Hersh, Princeton University
Mark Kirby, Princeton University
Thomas O'Shea, Van Note-Harvey Associates PC
Carl Loutzenheiser, NJ Water Supply Authority
Joe Shepherd, NJ Water Supply Authority
Samuel Switzenbaum, West Windsor Hilton
Bruce Katcher, Esq. of Manko Gold, Katcher & Fox (counsel to
Mr. Switzenbaum)
Dan Dobromilsky, West Windsor Township
Gerald J. Muller, Esq., West Windsor Planning Board Attorney
Gary C. Daums, T & M Associates
James Stevens, Taylor Wiseman Taylor
David C. Roth, Environmental Evaluation Group
Robert T. McAnally, Jr., Taylor Wiseman Taylor
Henry A. Hill, Esq., Hill & Wallach (counsel to Toll Brothers)
Christopher Gaffney, Toll Brothers, Inc.

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.

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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

MINUTES

Mrs. Nash moved approval of the minutes of the meeting of August 21, 2002; Ms. Armstrong seconded the motion and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented the following "A" Zone application for waiver from strict compliance with the Stream Corridor Impact Regulation and for project approval:

02-2874 – Lawrence Apartments Expansion – Princeton Township

Mr. Amon said the applicant, Princeton University, is proposing 7 additional apartment buildings on the site. He said that the project was in compliance with the Commission's regulations for storm drainage and water quality. A portion of the site is within the "A" Zone but none of the proposed buildings are within 1000 feet of the canal. Dense vegetation completely screens the project from Visual Impact from the Canal Park. The project is in compliance with the Commission's Traffic Impact Regulations since it directs traffic onto the only available road. Mr. Amon said that the Stony Brook and a tributary to it traverse the site. In exchange for encroachment into the tributary corridor for an access drive, the applicant proposes to preserve an equal amount of land along the corridor. The total amount of stream corridor to be preserved with a conservation easement in this project is approximately 35 acres. Mr. Amon said staff recommends waiver from strict compliance with the Stream Corridor Impact Regulation and project approval. Mrs. Nash moved approval of the waiver and of the project; Mr. Herzog seconded the motion and it passed unanimously.

Mr. Amon presented a "B" Zone application for waiver from strict compliance with the Stream Corridor Impact Regulation and for project approval:

01-2768 – Estates at Princeton Junction – West Windsor Township

Mr. Amon said the project proposes 1165 housing units on 291 acres with 8 retention basins. He said the project was in compliance with the Commission's regulations for storm drainage and water quality. In regard to water quality, he said that the applicant has agreed to control Canada geese populations at the retention basins by installing a 25-foot wide buffer of native plants that deter geese from using the basins. The planting plan will follow the recommendations of the U.S. Dept. of Agriculture and Rutgers University, researched by Commission staff. To Ms. Armstrong's question why the retention facilities were located in front of the project rather than in back, Chris Gaffney, representative for Toll Brothers, said the topography did not allow for rear location. Mr. Amon said two tributaries of Little Bear Brook traverse the site. The applicant will compensate for encroachment into open field areas of the stream corridors with preservation of mature hardwood forest in contiguous areas. In addition, the applicant will re-plant areas of the stream corridors with native trees and shrubs. Monuments will demark conservation areas from

residential properties. Mr. Amon indicated a homeowners association would be responsible for maintenance. Mr. Amon said staff recommended waiver from strict compliance with the Stream Corridor Impact Regulation and approval of the project. Mr. Herzog wanted to know who would be responsible for maintaining water quality in the retention basins. Mr. Weyl advised that the homeowners association would have first oversight and that the Commission's maintenance easement for basin facilities allows the Commission to alert the homeowners association to problems. Mr. Gaffney said that an annual basin inspection, carried out by a qualified engineer, was a requirement in perpetuity, and that the reports could be shared with the Commission. At the suggestion of Mr. Weyl, Mr. Amon recommended that the conservation and maintenance easement for the retention facilities be amended to include a requirement that an annual water quality report be submitted to the Commission.

Gerald Muller, attorney for the West Windsor Planning Board, presented a request to the Commission to consider approval of a 4.7 acre park in the Tributary A corridor. Mr. Muller said the park was a condition of municipal approval for the project, but he noted that the park was not included in the most recently revised plans submitted by the applicant. Henry Hill, attorney for Toll Brothers, stated that the park was deleted from plans because Commission staff had rejected a floodplain park with impervious surfaces. Mr. James Stevens, engineer for Toll Brothers, said all permits for park encroachment have been approved by DEP. At the request of West Windsor Township, the Commission agreed to review the park proposal separate from general project approval. After discussion, the Commission recommended approval of the park based on the following conditions: that approximately 4 acres could be used for recreation, the remainder of the site to be reforested; that no impervious surfaces could be installed including gravel. Ms. Armstrong moved approval of the park based on the conditions; Mr. Herzog seconded the motion and it passed unanimously. Then Mr. Herzog moved approval of the project; Mrs. Nash seconded the motion and it passed unanimously.

Mr. Amon presented the following "B" Zone application for waiver from strict compliance with the Stream Corridor Impact Regulation and Conditional Use Permit.

02-2699A – Switzenbaum Hotel and Offices – West Windsor Township

Mr. Amon said the project proposed construction of 160-room hotel and 4 office buildings. Duck Pond Run traverses a wooded corridor on the site. The applicant is requesting approval for a "wet pond design" retention basin in the floodplain and an access drive through the stream corridor to connect the site to Route One. The applicant's consultant, Princeton Hydro, LLC, explained that the retention pond met the New Jersey standards for best management practices, that the pond is designed to accommodate the 100-year flood and to improve water quality through plant filtration. As compensation, the applicant is deeding 30 acres of wetlands and woodlands to West Windsor Township for the municipal greenbelt, with conservation easement held by the Commission. Dan Dobromilsky said West Windsor Township endorsed the plan. Mr. Amon said staff recommended waiver from strict compliance with the Stream Corridor Impact Regulation based on submitted plans. Mr. Herzog moved approval of the waiver request based on submitted plans; Mrs. Nash seconded the motion and it passed unanimously.

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

02-2841 – Sharbell Residential Subdivision – Cranbury Township
02-2835 – Montgomery Township High School
98-2418 – The Woodlands Subdivision – Franklin Township
02-2583A – Cigna Warehouse Parking Additions- Monroe Township
02-2838 – Franklin Township High School
01-2748 – Commerce Bank – Hillsborough Township

Mr. Amon said the Commission's Review Zone Officers reviewed the "B" Zone applications and found them in compliance with the Commission's regulations for storm drainage and water quality.

Mr. Herzog asked if there was historic merit to the existing buildings at the Montgomery High School site. Mr. Amon said the site was too far from the canal for Commission review, but the Historic Preservation Office could have oversight.

Mr. Amon said the Commerce Bank project has received county approval to direct drainage to Somerset County's regional detention facility. Water quality will be managed by grass swales and silt chambers. Mr. Weyl noted that clearance had already begun on the site. Mr. Amon said Commission regulations allow clearance prior to Certificate of Approval but not construction.

Mr. Amon made note of Mr. Herzog's request that the Commission be informed of the number of stories of proposed buildings in the "B" Zone.

Mrs. Nash moved approval of the "B" Zone projects; Mr. Herzog seconded the motion and it passed unanimously.

WATER SUPPLY AUTHORITY PROJECTS

Prallsville Culverts – Stockton Borough:

Carl Loutzenheiser said the project involves rebuilding culverts and cleaning and repointing headwalls at two locations, the gristmill and 300 feet downstream. Permits are in place and bidding is ready to go out. Work is scheduled to start late winter and finish in a year. Mr. Amon said he has reviewed and recommends the plan. Ms. Armstrong moved approval of the project; Mr. Herzog seconded the motion and it passed unanimously.

Whitehead Road – Lawrence Township:

Mr. Amon said the project involves depositing about 14,000 cubic yards of soil from canal dredging on the site, followed by landscaping with a mowed grass area and a meadow grass area designed for butterflies. Barbara Ross of Canal Watch has obtained a grant to cover the cost of plant materials. The Water Supply Authority will install a gravel parking area. The Canal State

Park office approves the plan. Mrs. Nash moved approval of the project; Ms. Armstrong seconded the motion and it passed unanimously.

Mr. Joe Shepherd provided a monthly report. Dredging of the canal is underway, currently at Prallsville and Duck Pond Run. Dredging at Prallsville includes archeological survey. He said the Delaware River Basin Commission is in the process of designing an early warning system for pollution events, which will be helpful to water users such as WSA. Mr. Shepherd reported Spruce Run and Round Valley Reservoirs are at about 60% capacity. Normal for this time of year is 80%.

OLD BUSINESS

Crossroads of the Revolution:

Two maps have been produced for the project with differing area extent. After review, the Commission passed a resolution endorsing the "red map" because it included more of the areas associated with the Canal Park.

Billboard Trial:

Mr. Amon reported that the trial continues. He was in court 3 days last week and he is scheduled for court appearance October 1st and 2nd.

CANAL PARK SUPERINTENDENT'S REPORT

Andrew Schneir, Acting Superintendent for Bull's Island, reported good attendance of 15-20 people for each of the of historic canal walks conducted by the Canal Park staff. A contentious issue is the case of a woman killed by a tree at the flea market in West Amwell Township. The Canal Park is also involved with a fallen tree incident at the Trenton golf course.

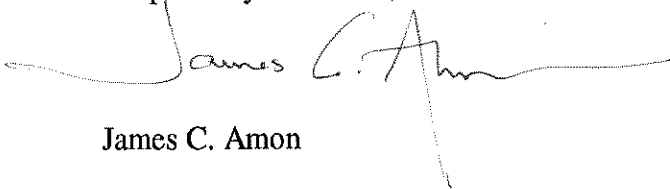
DISCUSSION OF DEVELOPMENT PLAN

The Commission agreed to postpone discussion of the Development Plan until October's meeting.

A tour of Canal Park sites proposed for improvement in the Development Plan is scheduled for September 28th from 9:30 am – 3:30 pm. Canal Watch will provide a lunch for participants.

The meeting adjourned at 2:10 PM.

Respectfully submitted,



James C. Amon