



DELAWARE AND RARITAN
CANAL COMMISSION

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MINUTES OF THE MEETING OF NOVEMBER 20, 2002

TIME: 12:25 PM – 2:20 PM
DATE: Wednesday, November 20, 2002
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Barker, Herzog, Jessen and
Weingart; Ms. Armstrong and Ms. Penney

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

GUESTS:

Barbara Ross, D&R Canal Watch
Joe Shepherd, NJ Water Supply Authority
Donna Jennings, Attorney for Westside Plaza
Linda Barth, Canal Society of New Jersey
Steve Jaffe, RPBSBB (GAF developer)
Robert Holmes, Baker (GAF)
Laura George, Sadat (GAF)
Andrew Schneier, D&R Canal State Park
Robert von Zumbusch

Mr. Jessen 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 OF OCTOBER 16, 2002

Mr. Herzog moved approval of the minutes of October 16, 2002; Mr. Barker seconded the motion, and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a permit application by New Jersey Transit. They are proposing to repair the east pier of the “dinky” railroad bridge in Princeton by installing a grout bag in front of the pier and piping hydraulic concrete behind the bag and under the pier. Mr. Amon expressed concern about potential problems with access, and whether the grout bag would impede the

walkway. He said that because the project required approval from the Division of Parks, these concerns would be resolved as part of that approval. He recommended approving the permit conditioned upon approval by the Division of Parks and Forestry.

With that condition, Mr. Herzog moved approval of the bridge repair project, Ms. Penney seconded the motion, and it passed unanimously.

Mr. Amon presented a conceptual proposal for development in the "A" Zone. He said that a developer is proposing a residential community to be built on the former GAF site in South Bound Brook, a hazardous waste site. Mr. Holmes described the project, saying that parking would be behind the buildings and therefore not visible from the Canal Park. He said that a gravel path was proposed to be built in front of the buildings, on Canal Park property, which would tie in with the railroad bridge. He said that there would be an interpretive sign at the bridge, and that the development would contain public "pocket" parks. The buildings would be 3&1/2 stories high, and that two retaining walls on two levels, approximately 2&1/2 feet each, would separate the development from the Canal Park.

Mr. von Zumbusch said that there should be openings within the walls to provide access to the park. He also said that the building materials for facades should not be mixed, because it makes them stand out more.

Mr. Amon said there should be more interpretive signs, including one about the history of the whole site. He said that contaminated material will be removed, and that the retaining walls will seal any residual contaminated material from the canal. In addition, surface material will be removed from the canal bank, to a depth of two feet, and replaced by clean fill.

Mr. Herzog moved concept approval of the project, Mr. Barker seconded the motion, and it passed unanimously.

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

02-2898 – Berger Residence Addition – Stockton

Mr. Amon said that the one-story addition would be screened by the Canal Park by another structure between it and the park, and existing trees.

02-2900 – Macera Swimming Pool – Hopewell Township

Mr. Amon said the proposed above-ground pool would be approximately 700 feet from the Canal Park and would be well screened by existing vegetation. He recommended waiving the project from review and approval because the pool will not be visible from the Canal Park.

00-2675 – Tutor Time Daycare Center – Franklin Township, Somerset County

Mr. Amon said this was a proposal for a one-story daycare building with parking on 2.4 acres. He said that an existing shopping center is located between the proposed project and the Canal Park, and that the project would not create a harmful visual impact on the park. He said that one detention basin will manage stormwater runoff and that the project conforms with the Commission's regulations for stormwater management and water quality.

02-2883 – Landmark Square – South Bound Brook

Mr. Amon said this is a proposed development consisting of a 34-unit, 3-story apartment building on 1.54 acres. An underground stormwater infiltration system is proposed. He said the project conforms with the regulations for visual impact and stormwater management/water quality impact.

02-2383B – Lambertville Municipal Facilities

Mr. Amon said the City is proposing to remove part of the former Acme store building and reconfigure the parking area for use as a municipal facility. He recommended approval conditioned upon submission of a satisfactory landscape plan, and approval by the Division of Parks and Forestry for an extension of a pathway to join the Canal Park pathway.

02-2535A – Westside Plaza – Trenton

Mr. Amon said that this proposal is to rehabilitate a shopping center next to the Canal Park on 3.33 acres, including a 1&1/2-story building and a 2-story building totaling 40,000 square feet. The applicant is proposing to swap land with the State so that there will be a new parking area for the Canal Park. Ms. Penney suggested that waste receptacles be installed on the applicant's property, next to the park, to be maintained by the applicant. Mr. von Zumbusch recommended a landscape guarantee. Mr. Amon recommended approval conditioned upon 1) approval of the land swap by the State House Commission, 2) approval of the landscape plan, containing a 3-year life guarantee for plantings, plus the parking area by the Division of Parks and Forestry, and 3) waste receptacles to be installed on the applicant's property next to the Canal Park and maintained by the applicant.

02-2904 – South Bound Brook Streetscape Improvements

Mr. Amon said that Somerset County is proposing to improve portions of Canal and Main Streets in South Bound Brook with new sidewalks, landscaping, drainage facilities and street surfaces and alignment. He said that the improvements would be barely visible from the Canal Park. He said that a State-owned parking lot at the Five-Mile Lock would also be improved, and recommended approval conditioned upon approval by the Division of Parks and Forestry.

Mr. Weingart moved approval of the "A" Zone applications, excluding Landmark Square, with the conditions as noted. Mr. Barker seconded the motion, and it passed unanimously.

Mr. Barker then moved approval of Landmark Square, Ms. Penney seconded the motion; Ms. Armstrong, Ms. Penney, Mr. Barker, Mr. Jessen, and Mr. Herzog voted in favor of the motion; Mr. Weingart abstained. The motion passed.

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

02-2867 – Hopewell Town Center/Hopewell Crossing – Hopewell Township

01-2771 – CPMM Development – Montgomery Township

02-2857 – NJ DOT Credit Union Building

02-2891 – Zahab Subdivision – South Brunswick Township

02-2877 – Johnson and Johnson Parking Addition

Mr. Amon said the applications conformed with the Commission's Regulations for stormwater management and water quality, and recommended approval. Mr. Herzog moved approval of the "B" Zone applications, Mr. Weingart seconded the motion, and it passed unanimously.

D&R CANAL STATE PARK REPORT

Mr. Schneier said that the new Bull's Island office would be ready in two weeks.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that dredging at the inlet was still ongoing, and to date 1,000 cubic yards of sediment had been removed. He said that the Simonson Brook culver repair had started, and that work on improvements in the Five-Mile Lock area had begun.

NEW BUSINESS

Ms. Barth presented a copy of her new book on the D&R Canal to the Commission. Mr. Torpey expressed appreciation on behalf of the Commission; Mr. Amon said it was an excellent book. Ms. Barth also commented on an article written by the President of the American Canal Society about the proliferation of new canals in the United Kingdom that can be used for boating. She said that with regard to the Development Plan, she suggested installing ramps or concrete strips at access points for easier boat access.

Mr. Amon reported that Commissioner Nash was gravely ill. The staff sent flowers on behalf of the Commission.

He also reported that the Development Plan would be presented at two public meetings in Stockton and Lawrenceville in December.

PUBLIC FORUM

Mr. von Zumbusch commented on a sign that had recently been erected at the Kingston lock, saying that it was not appropriately located and doesn't follow design standards for the historic park. He also said that billboards should not be erected along Route One next to the Canal Park, because the route is an important "gateway" to the State Capitol.

At 2:00, Mr. Barker made the following motion:

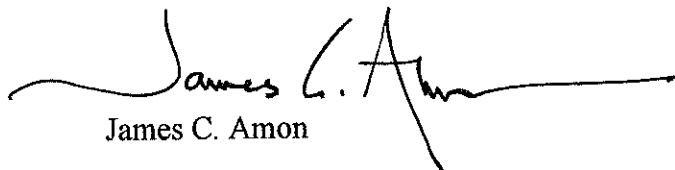
Whereas the Open Public Meeting Act provides that a public body may meet in closed session to discuss matters subject to attorney-client privilege; and

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. Weingart seconded the motion and it passed unanimously. The Commission entered Executive Session. At 2:20, the public meeting resumed and then adjourned.

Respectfully submitted,



James C. Amon