



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 19, 2003

TIME: 12:15 PM – 2:20 PM
DATE: Wednesday, February 19, 2003
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Jessen, Sedor 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
Patrick Moynihan, D&R Canal State Park
Linda Barth, Canal Society of New Jersey
Don Daines, Hill Wallack
John Szakats, Toll Brothers
Brett Skapinetz, Bohler Engineering
Jane Connor, Connor Signs
Liz Palius, Millstone Valley Preservation Coalition

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 JANUARY 15, 2003

Ms. Armstrong moved approval of the minutes of January 15, 2003; Mr. Weingart seconded the motion and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented the following "A" Zone application for waiver from review of visual impact:

03-2919 – DRSA USA Foundation, Inc. Sign – Franklin Township, Somerset County

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
James E. McGreevey, Governor Bradley M. Campbell, Commissioner

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

Mr. Amon said that the applicant is proposing to renovate an existing single-family dwelling for use as a worship center, including the installation of an illuminated sign that will not be seen from the Canal Park. Ms. Armstrong moved waiver of the sign from review of visual impact; Mr. Weingart seconded the motion and it passed unanimously.

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

03-2920 – Titusville Methodist Church Signage – Hopewell Township

Mr. Amon said that the applicant is proposing to replace a sign with a larger one (86" long and 70" high), to be installed less than 100 feet from the Canal Park on the other side of Route 29. Because the proposal is not in conformance with the regulations, Mr. Amon recommended denying the application. The Commission discussed the possibility of revising the Regulations to accommodate applications such as this one. Ms. Armstrong moved denial without prejudice of the proposed sign with the expectation that the Commission would revise its regulations to allow for such an application. Ms. Penney seconded the motion, and it passed unanimously.

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

01-2756 – Muslim Foundation Mosque – Franklin Township, Somerset County

02-2886 – Veronica Avenue III – Franklin Township, Somerset County

02-2906 – Tara Way Estates Phase III – Hopewell Township

02-2626A – Brunswick Circle Extension – Lawrence Township

00-2667 – Commerce Bank and CVS Pharmacy – Princeton and Montgomery Townships

02-2876 – Concordia Mall Additions – Monroe Township

Mr. Amon said the staff had reviewed the applications and found them to be in compliance with the Regulations. Ms. Penney expressed concern about flooding issues resulting from Tara Way Estates. Mr. Weingart moved approval of the application known as Tara Way Estates Phase III; Ms. Armstrong seconded the motion. Messrs. Jessen, Sedor, Weingart, and Ms. Armstrong voted in favor of the motion; Ms. Penney voted against. The motion did not carry.

Mr. Herzog joined the meeting at 12:50 PM.

Mr. Weingart then moved approval of the remaining "B" Zone applications; Ms. Penney seconded the motion. The motion passed unanimously.

After further discussion about the Tara Way application, Mr. Weingart moved reconsideration and approval of the project, and Mr. Herzog seconded the motion. Messrs. Herzog, Jessen, Sedor, Weingart and Ms. Armstrong voted in favor of the motion; Ms. Penney voted against. The motion carried.

Ms. Holms presented the following application for waiver from strict compliance of the Stream Corridor Impact Regulation:

02-2910 – Princeton Manor – South Brunswick Township

Ms. Holms said that the applicant is proposing to build a residential development in which several houses and backyards as well as part of a detention basin would be built in the stream corridor (a tributary to Heathcote Brook). As compensation for this encroachment (nearly one acre), the applicant is proposing to preserve an equivalent amount of land adjacent to the corridor. Ms. Armstrong moved approval of the waiver from strict compliance of the Stream Corridor Regulation; Mr. Sedor seconded the motion, and it passed unanimously.

99-2526 – Red Fox Run North – Montgomery Township

Mr. Amon reported that a developer in Montgomery Township had violated terms of a stream corridor easement during construction, including removing vegetation, grading up to the streambank, and leaving stockpiles of dirt in the corridor. The Township issued a stop work order, and the developer, Township, and Commission staff are presently working together to resolve these issues. As part of the remediation requirements, the developer must prepare a new landscaping plan, as well as establish an escrow account that will pay for the remediation. Mr. Weyl suggested that the Commission approve an amended resolution of the application that includes the new conditions of the escrow account and landscape remediation plan. Ms. Penney moved approval of the amended resolution for the application known as Red Fox Run North with conditions as noted; Mr. Weingart seconded the motion, and it passed unanimously.

ADOPTION OF TEN-YEAR DEVELOPMENT PLAN

Mr. Amon said that after having distributed the final draft of the 10-year Development Plan to the Commissioners, Commissioner Weingart made several suggestions, including adding language that would invite the public to continue making comments and suggestions on how to make the Canal Park a better public resource. Commissioner Weingart also suggested noting that the plan has been amended as a result of public comment. Ms. Armstrong suggested showing the location of Locks One and Two on the maps. Mr. Weingart suggested putting the location of the projects on the maps. Ms. Penney asked whether the projects should be prioritized. Mr. Amon said that it's possible, but he has observed that development projects are often implemented according to circumstance and not priority. Mr. Weingart suggested the title be the Delaware and Raritan Canal Commission Development Plan, 2003-2013. Ms. Penney moved approval of the final draft of the Development Plan, incorporating the Commissioners' suggestions. Ms. Armstrong seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Canal Park Ranger Patrick Moynihan reported that the maintenance staff was still busy plowing

snow, and that the new Bull's Island office was completed, but the plumbing was not working. He said that there would be a dedication of the Irish workers' monument on March 17th.
WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd said that the construction at the 5-Mile Spillway and waste gate was ongoing, and that the instrumentation project was also moving ahead.

OLD BUSINESS

Mr. Amon reported that two historians have volunteered to organize the Commission's archives of historical documents, photographs and postcards. He also reported that the Commission's budget allocation was eliminated as a line item within the DEP's budget, and was to be absorbed by the Division of Parks and Forestry. He said that the Division's budget was not increased to accommodate the Commission's expenses. The Commissioners suggested that he meet with Senator Lance and Assemblywoman Watson about this matter.

Mr. Amon said that the new Administration has a new policy that no longer allows paying for Commission meeting lunches. The Commissioners decided to continue lunch meetings and pay for the lunches themselves.

Mr. Amon told the Commissioners that DEP is in the process of adopting new Stormwater Regulations and that he is watching developments closely to gauge their success.

PUBLIC FORUM

Ms. Palius suggested that the Millstone Valley Preservation Coalition take on responsibility for the upkeep of three Canal Park buildings in Griggstown. Mr. Sedor said he would be happy to work with the Coalition on this matter.

Mr. Herzog moved the following resolution:

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;

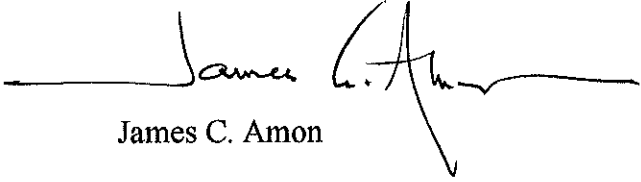
Whereas the Commission desires to retire to closed session to discuss such matters subject to attorney-client privilege;

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.

Ms. Armstrong seconded the motion and it passed unanimously.

The Commission entered closed session at 2:00 PM; the public meeting resumed and adjourned at 2:20 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is written in a cursive style with a long horizontal line extending to the left and a vertical line extending downwards from the end.

James C. Amon