



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF JULY 16, 2003

TIME: 10:10 AM – 11:50 AM
DATE: Wednesday, July 16, 2003
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Jessen, Palmer, Sedor, and Weingart; Ms. Armstrong

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

PUBLIC:

Barbara Ross, D&R Canal Watch
Connie Volpe, Lambertville Beacon
Steve Morland, Esq.
Herwig Errhalt, Lam Inc.
Daniel R. Brenna, Jr., Golden Nugget Flea Market
Linda Barth, Canal Society of New Jersey
Susan Herron, D&R Canal State Park
Joe Shepherd, NJ Water Supply Authority
Kelly Klein, Schoor DePalma
Sandy Federico, Byron-Hill
Bob Fourniadis, Centex

Mr. Weingart 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. He invited the Commissioners and guests to introduce themselves.

MINUTES OF THE MEETING OF JUNE 18, 2003

Mr. Jessen moved approval of the minutes of the meeting of June 18, 2003; Ms. Armstrong seconded the motion. The motion passed without dissent.

LEASES AND PERMITS

Mr. Amon presented a lease application for State-owned land that the Lambertville Flea Market uses. At the June Commission meeting, the Commission approved a modified lease for one

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

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year, conditioned upon receipt of a management plan to control litter in the area of the Canal Park that was across Route 29 from the flea market. Mr. Morland, the attorney for the applicant, said that they were not aware of a litter problem, and that the lease that has been in use for the last ten years has a provision to ensure that the area would be kept clean.

After further discussion by the Commission, Mr. Jessen moved approval of the lease application as originally presented, Mayor Palmer seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

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

03-2207B – Harrison Towers Omnipoint Expansion – Franklin Township, Somerset County

Mr. Amon said that the proposed additional antennas and equipment on an existing highrise apartment building would be located approximately 625 feet from the park and would not present a harmful visual impact.

03-2959 – Backinoff/Sloboda Residence Additions – Hopewell Township

The existing house is approximately 10 feet from the Canal Park boundary. The additions would be further away, and are architecturally in keeping with the house. Existing pines screen the house from the Canal Park.

02-2832 Praise Presbyterian Church – Franklin Township

The proposed new church building would be located on Easton Avenue; the road and some commercial buildings would help screen it from the Canal Park. Mr. Amon said it may be visible from the park during winter. He said that the building is in conformance with the regulations for visual impact.

02-2521A – Verizon Wireless Tower on Easton Avenue – Franklin Township

The proposed communications tower would be installed inside a bell tower that would be attached to an existing building. The tower will not be visible above the tree canopy when viewed from the Canal Park.

03-2966 – Schulman Garage – Hopewell Township

Mr. Amon recommended that this application be waived from visual impact review and approved, because it would not be visible from the Canal Park.

Mr. Jessen moved approval of the "A" Zone projects, Mayor Palmer seconded the motion and it

passed unanimously.

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

02-2908 – KF Schoolhouse Road Warehouse – Franklin Township

03-2441D – Princeton University Tennis Courts Relocation – Princeton Township

01-2747 – Renaissance at Franklin – Franklin Township

Mr. Amon said that the "B" Zone projects were in conformance with the Commission's regulations for stormwater management and water quality and recommended approval. Ms. Armstrong moved approval of the "B" Zone applications, Mr. Herzog seconded the motion, and it passed unanimously.

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

03-2926 – Woodmont Properties Warehouse – East Windsor Township

The applicant is proposing to build a warehouse with associated drives and parking on a site that abuts the Rocky Brook in East Windsor. A small portion of a driveway is proposed to encroach into the stream corridor; as mitigation, the applicant is proposing to plant approximately 75 native trees and shrubs along the floodplain line (the land is currently farmed). A portion of a retention pond would also be located in the corridor.

00-2706 – Heritage Village – South Brunswick Township

The applicant is proposing build a large adult housing development. The Heathcote Brook traverses a portion of the property. The applicant is proposing to preserve an equal amount of land adjacent to the stream corridor as mitigation for encroachment into it. Part of a large retention pond will be located in the corridor.

03-2361A – Princeton Highlands Estates II Recreation Fields – Franklin Township

As part of this housing development, the township has set aside land for recreational purposes on the other side of Simonson Brook, a DRCC-designated stream corridor. As mitigation for the installation of a bridge across the brook, the applicant has proposed planting two rows of shrubs and trees at the bottom of a berm that was created for a detention basin that presently exists in the stream corridor.

Ms. Armstrong moved approval of the waiver requests and the conditional use of basins in the corridors; Mr. Jessen seconded the motion, and it passed unanimously.

NJ WATER SUPPLY AUTHORITY PROJECT: NIECE'S LUMBER CULVERT

Mr. Amon described the work that the Water Supply Authority is proposing to do to repair this culvert, including clearing it of debris, re-pointing the inside of the culvert, and replacing a wing wall. Ms. Armstrong moved approval of the culvert repair, Mr. Jessen seconded the motion, and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that the park ranger staff is down from eight positions to four. There have been drownings, sex offenders, and suicides in the park. She reported that the maintenance staff is also reduced. Ms. Herron said that she is meeting with the Millstone Preservation Coalition regarding the rehabilitation and leasing of the Griggstown Canal Park buildings.

The Commission discussed ways to help the Canal Park staff, including using the Clean Communities Program for help with maintenance, and looking into homeland security funding for help with enforcement. Mayor Palmer suggested organizing a "canal mayors forum" to encourage advocacy of the Canal Park.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that downed trees from the recent heavy rains were being removed. The towpath near Five-Mile Lock may be closed temporarily due to the extensive construction that is presently taking place, and work on the Prallsville culvert is underway.

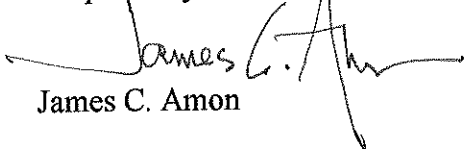
OLD BUSINESS

Mr. Amon showed the Commissioners completed interpretive signs for loop trails connecting the Canal Parks in New Jersey and Pennsylvania.

He reported that the Department of Transportation issued a draft Environmental Impact Statement for the Penn's Neck Bypass that describes 18 alternatives. Mr. Amon suggested that the Commission prepare a letter stating that any alternatives that have a road close to the canal would cause the Commission grave concern. Mr. Weingart suggested that the letter acknowledge the DOT's sensitivity in locating the bypass outside of the stream corridor, but that some of the alternatives may pose possible conflicts with the Commission's Regulations.

Mr. Jessen moved approval of the adjournment of the meeting; Mr. Herzog seconded the motion. The motion passed. The meeting adjourned at 11:50 AM.

Respectfully submitted,


James C. Amon