



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF August 20, 2003

TIME: 10:30 AM – 11:30 AM
DATE: Wednesday, August 20, 2003
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

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

STAFF: Mr. Amon and Ms. Holms
Mr. Steven Brower, Deputy Attorney General

PUBLIC:

Barbara Ross, D&R Canal Watch
Linda Barth, Canal Society of New Jersey
Susan Herron, D&R Canal State Park
Diane Constantine, Law Office of Alan Zublatt
Detective, Mayor Palmer's office

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 JULY 16, 2003

Mr. Jessen moved approval of the minutes of the meeting of July 16, 2003; Mayor Palmer seconded the motion. The motion passed without dissent.

LEASES AND PERMITS

Mr. Amon presented a permit application by PSE&G to upgrade wires that cross the canal in South Bound Brook. The project would entail removing some wooden poles and installing a new 90-foot steel pole. Any trees that would be removed would be replaced by Dogwood and Ash trees. Mr. Amon said that at a meeting held with PSE&G and DEP Commissioner Campbell, it was suggested that this permit be approved conditioned upon PSE&G moving forward toward burying their gas pipeline that presently crosses the canal in South Bound Brook. Mr. Amon recommended the Commissioners approve the lease conditioned upon PSE&G submitting a schedule for removing the gas pipe.

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

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Mr. Jessen felt that upgrading the transmission wires should not be linked to the removal of the pipeline. Mr. Jessen moved approval of the lease conditioned upon the Commission notifying the State House Commission to express concern about the status of the gas pipeline removal. Mayor Palmer seconded the motion. Messrs. Jessen, Palmer, Weingart and Ms. Penney voted in favor of the motion; Mr. Sedor voted against. The motion did not carry.

Mr. Sedor then moved approval of the lease conditioned upon PSE&G submitting a schedule by mid-September for the removal of the pipeline; Ms. Penney seconded the motion. The motion passed without dissent.

Mr. Amon presented a permit application by Elizabethtown Water Company to install a 72" water main under the canal in South Bound Brook. The Water Company has agreed to rehabilitate the railroad bridge across the canal and fence it off at the Raritan River as part of this project. It will also build a 12-car parking lot and install a new meter at Rockingham. Mr. Jessen moved approval of the water main installation, Mr. Sedor seconded the motion, and it passed unanimously.

REVIEW ZONE PROJECTS

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

02-2887 – Fisher Lawn Service Renovations – Ewing Township

Mr. Amon said that the applicant is proposing to replace an existing office, retail and storage buildings with a new one-story building complex, located approximately 200 feet from the Canal Park.

03-2090D – Union Fire House Communication Tower Modification – Hopewell Township

The applicant proposed to replace an existing 110-foot monopole at a firehouse in Titusville on Route 29 with a 120-foot lattice tower.

03-2970 – Thornton Day Care & Computer Training Center – Trenton

Mr. Amon said that the proposed conversion from a 2&1/2 story house to a day care center and senior computer center would not be visible from the Canal Park. He recommended that visual impact review be waived.

Mr. Jessen moved approval of the Fisher Lawn Service Renovations and Union Fire House Communication Tower, and waiver of the Thornton Day Care and Computer Training Center. Mayor Palmer seconded the motion and it passed unanimously.

Mr. Amon presented a fourth "A" Zone application for review and approval:

03-2980 – Hall Utility/Storage Building – Hopewell Township

Mr. Amon said that the Commission received this application after the deadline to be on the August agenda, but the applicant said it would be a hardship to wait for approval until the September meeting. Mr. Brower advised that the Commission could approve this project now, but that until the Commission could re-approve it in September (after having been given notice in accordance with the Open Public Meeting Law), the owner could be at risk should one of his neighbors object to the project and know that the application did not receive public notification in August. The proposed storage building would replace an existing garage located on the west side of Route 29 and would not be visible from the Canal Park. Mr. Amon recommended the Commission approve a waiver for this project. Mr. Jessen moved approval of the waiver with the proviso that the application be re-approved in September after public notice has been made. Mayor Palmer seconded the motion and it passed unanimously.

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

02-2889 – Denow Housing Development – Lawrence Township
03-2955 – Hillsborough Township Municipal Complex Additions – Hillsborough Township
03-2965 – Princeton High School Additions – Princeton Borough
02-2306A – Meadow Lakes Health Care Center Addition – East Windsor Township
03-2655A – Four Seasons at South Brunswick – South Brunswick Township
03-2744A – Stony Brook Elementary School Play Area – Hopewell Township
02-1704C – Forsgate S-114 Parking Expansion – South Brunswick Township

Mr. Amon said that the Commission staff had reviewed the "B" Zone projects and found them to be in conformance with the Regulations. In the case of "Four Seasons at South Brunswick", Ms. Holms said that the applicant has requested waiver from strict compliance of the Stream Corridor Impact Regulation. In exchange for encroaching into about ¼ acre of the stream corridor, the applicant is proposing to add the same amount of land adjacent to the corridor.

Ms. Holms presented the following "B" Zone applications for waiver from strict compliance with the Stream Corridor Impact Regulation:

02-2837 – The Vineyards – Monroe Township

Ms. Holms said that the Commission had previously approved a waiver for this project, but that the applicant wants to reconfigure the buffer averaging that was formerly approved. He is proposing to preserve approximately 53,000 square feet of land adjacent to the stream corridors on this site in exchange for encroaching into the corridor by 35,000 square feet. She recommended waiving strict compliance of the Stream Corridor Impact Regulation based upon the new buffer averaging proposal.

03-2964 – Home Depot – Station Road – Cranbury Township

Ms. Holms said that as mitigation for encroachment into a wooded section of the corridor (10,000 square feet), the applicant has proposed adding 11,000 square feet of land next to the corridor that is presently farmfield. Ms. Holms recommended approving the waiver request, conditioned upon submission of a landscape plan for the additional land that shows 40 trees and 250 shrubs to be planted.

Mr. Jessen made the following motion: 1) the projects known as Four Seasons at South Brunswick, The Vineyards, and Home Depot be waived from strict compliance of the Stream Corridor Impact Regulation based upon the plans as presented; 2) the "B" Zone projects with the exception of The Vineyards and Home Depot be approved, and 3) Home Depot be approved conditioned upon submission of a revised landscape plan as recommended by Ms. Holms, a plan delineating metes and bounds of the stream corridor, notice of county approval, and easements for the project to be recorded with the county clerk. Mayor Palmer seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that two ranger trainees have been reinstated. She said that the Bull's Island campground has been full the entire summer and that weekly interpretive programs for children have been well attended. She recently met with representatives of the Millstone Valley Preservation Coalition to discuss the renovation of the Canal Park structures in Griggstown, and is working on applying for grants jointly with Franklin Township.

OLD BUSINESS

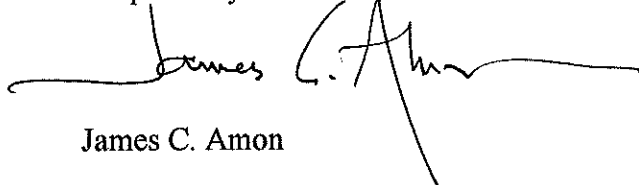
Mr. Amon reported that Mayor Palmer has organized a Canal Park Mayors Forum to be held on October 14th at 10:00 AM.

NEW BUSINESS

Mr. Amon reported that he will soon be meeting with officials from Trap Rock in Montgomery Township and a representative from Green Acres to discuss the potential preservation of 85 acres of land owned by Trap Rock along the Millstone River in Montgomery Township.

The meeting adjourned at 11:30 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", written over a horizontal line.

James C. Amon