



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF JANUARY 21, 2004

TIME: 10:15 AM – 11:45 AM
DATE: Wednesday, January 21, 2004
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

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

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

PUBLIC:

Joe Shepherd, NJ Water Supply Authority
Bill Bogosian, NJ Water Supply Authority
Barbara Ross, D&R Canal Watch
Peter Lanfrit, Esq., Canal Watch
Jan ten Broeke, Millstone Valley Preservation Coalition
Howard Rippetoe, Sharbell Dev. Corp.
Mark Solomon, Pepper Hamilton
Liz Palius, Millstone Valley Preservation Coalition
Susan Herron, D&R Canal State Park
Steve Ellis, State Park Service, Central Region
Frank Pizzella, Kushner Companies

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, staff and guests to introduce themselves.

MINUTES OF THE MEETING OF DECEMBER 17, 2003

Ms. Armstrong noted an error in the minutes for the meeting of December 17, 2003. She said that with regard to the Schoolhouse Lane/Canal Weston Road application (page 3), she had asked whether the turning radius of the proposed turn lanes could be tightened, not whether the lanes could be made narrower. With that correction, Mr. Jessen moved approval of the minutes of the meeting of December 17, 2003; Ms. Penney seconded the motion. The motion passed unanimously.

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

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MINUTES OF THE MEETING OF JANUARY 21, 2004

Mr. Jessen moved approval of the minutes of the meeting of January 21, 2004; Ms. Penney seconded the motion. The motion passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a request by PSE&G to repair the existing gas pipeline that crosses the canal in South Bound Brook. He recommended that the repairs be approved with the proviso that this was not an approval for the pipeline to remain at this location.

Mr. Fallow said that PSE&G is still considering the proposal to bury the pipeline under the canal, and is looking into alternatives in order to alleviate the cost. Mr. Jessen moved approval of the pipeline repairs based upon emergent need; Ms. Armstrong seconded the motion and it passed unanimously.

Mr. Amon presented an "A" Zone application by PSE&G for review and approval:

04-3037 – PSE&G Radio Pole – Ewing Township

The application is for a proposed installation of a 40-foot pole for radio communication to be located approximately 150 feet from the Canal Park. Mr. Amon said the application is in conformance with the regulations for visual impact and recommended approval. Ms. Armstrong moved approval of the radio pole, Mr. Jessen seconded the motion and it passed unanimously.

Mr. Amon then presented an application for approval for emergency repairs that were made by the Water Supply Authority on the Port Mercer Dike. He said that a break in the dike developed last December and that repairs were required to be made at that time. Ms. Penney moved approval of the Port Mercer Dike emergency repair, Mr. Sedor seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

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

03-2927 – Nassau Park Pavilion – Phase III – West Windsor Township (A Zone)

This is a proposal for two additional retail buildings and parking at an existing shopping center. Mr. Amon said that a large berm separates the shopping center from the Canal Park and that the new buildings would not be visible. He said the application complied with the Commission's Traffic Impact and Stormwater Management Regulations and recommended approval. Ms. Penney expressed concern that the buildings would disturb the viewshed of the area for people driving on Quaker Road, and that there was no access to the Canal Park from the shopping center. Mr. Moore responded that the buildings could not be seen from the Canal Park, and that West Windsor Township would not permit access from the center to the Park. Mayor Palmer moved approval of Nassau Park Phase III, Mr. Jessen seconded the motion, and it passed unanimously.

03-2197A - Educational Testing Service Expansion – Lawrence Township (B Zone)

Mr. Amon said the applicant is proposing to demolish 3 buildings and construct 3 new office buildings, a parking garage, and a temporary parking area. Reconfiguration of existing parking facilities and two new detention basins are also proposed. There are 2 stream corridors on this site. Ms. Holms said the applicant is proposing to locate a portion of a detention basin in a stream corridor that is currently a paved parking lot; she recommended this conditional use be permitted within the corridor. Mr. Amon said the project conforms with the regulations and recommended it be approved with the following conditions: 1) Conservation and maintenance easements for detention facilities and conservation easements for the stream corridors must be submitted and recorded, and 2) Within three years from the date of construction of the temporary parking lot, the pavement must be removed and the area restored and re-vegetated. Mr. Jessen moved approval of the application with the conditions as stated; Mayor Palmer seconded the motion and it passed unanimously.

02-2901 – High Pointe at Lambertville (stream corridor easement amendment)

Ms. Holms said this project had previously been approved. The applicant is now proposing to install a pipeline connection to an existing water main that would require encroaching into the stream corridor that exists on this site. She recommended approval of the waiver from strict compliance of the Stream Corridor Regulation, conditioned upon the applicant adding an equal amount of land to the corridor as mitigation for the encroachment. Mr. Jessen moved approval of the stream corridor waiver and Ms. Armstrong seconded the motion. Messrs. Jessen, Weingart, Sedor, Ms. Armstrong and Ms. Penney voted in favor of the motion; Mayor Palmer abstained. The motion passed.

03-2986 – Schoolhouse Road-Weston Canal Road Improvements – Franklin Township (A Zone)

The application is a proposal to realign the Schoolhouse Road/Weston Canal Road intersection and add additional lanes and a bikeway along Schoolhouse Road. The Commission previously denied the application, advocating narrower lane widths and tightened turning radii. The applicant (Somerset County Engineering Department) reduced the lane widths but claimed that for safety reasons the turning radii could not be tightened.

Ms. Penney said that Schoolhouse Road and Weston Canal Road should not be a truck route because of the rural character of the area and that trucks should be prohibited. Mr. Lanfrit replied that the zoning in this area is classified as industrial, and that local trucks cannot be restricted on county roads. Mr. Dean noted that reducing the lane widths reduced the total impervious coverage by approximately 2,000 square feet, whereas tightening the radii reduced impervious area by 15-30 square feet.

Ms. Palius expressed concern that there was no good overall plan for development in this area. She said that because more housing was being built, trucks should be discouraged. Mr. von Zumbusch concurred, saying that the zoning in this area is not compatible with the goals of the Canal Park Master Plan. Mr. Amon said he had spoken with the Franklin Township Planning Director who said she was not interested in changing the zoning in this area. Ms. Armstrong said that with regard to the road and intersection proposal, there was a range of acceptability in terms

of safety concerns, and that more sensitivity regarding the rural character of this area should be given to the public, including pedestrians and cyclists. Mr. Kruimer said that as a cyclist he would prefer wider lanes. Mr. von Zumbusch said Franklin Township should work toward directing trucks away from this area, and encourage them to use Randolph Road instead.

Ms. Armstrong moved waiver of conformance to the Commission's stormwater regulation, and approval of the current plans showing reduced lane widths with the following conditions: 1) the turning radii be tightened to a size found satisfactory to the Commission, 2) all proposed landscaping be subject to a 3-year life guarantee, 3) the landscaping be designed such that if a future bike path be installed the landscaping will not be affected, and 4) all plans that had been previously presented to the Commission be denied. Ms. Penney seconded the motion. Messers. Sedor, Palmer, Weingart, Ms. Armstrong and Ms. Penney voted in favor of the motion; Mr. Jessen abstained. The motion passed.

03-1996B – NJ Manufacturers Insurance Corp. Access Road – Ewing Township
04-3040 – Sziber Residence Garage – Hopewell Township
03-2972 – CVS Pharmacy – Lambertville

Mr. Amon said that these "A" Zone projects would not be visible from the Canal Park.

02-2909 – Martin Luther King Jr. Elementary School

Mr. Amon said that because of a staff oversight, review of this project's stormwater management design had not yet been completed. He said the project would not be visible from the Canal Park, and recommended the project be approved conditioned upon the stormwater management design being found to be acceptable to the Commission's Review Zone Officer.

03-2960 – Matson Residence – Franklin Township

Mr. Amon said this proposed new home may be visible from the Canal Park in winter, but that it would not be intrusive, in part because Easton Avenue is between it and the Park.

02-1113A – Knehr Barn Conversion – Lawrence Township

This proposal to convert a barn into two apartments will not change the character of the building, according to Mr. Amon. He said that dormers would be added, and a utility shed will be installed at the rear of the property.

Mayor Palmer moved approval of the six "A" Zone applications as presented; Ms. Armstrong seconded the motion and it passed unanimously.

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

03-2653A – Vliet 27 Shopping Center – Franklin Township
03-3006 – Annenberg Science Center at The Peddie School – Hightstown Borough
03-2994 – East Windsor Medical Commons – East Windsor Township
04-3034 – Lawrence High School Expansion – Lawrence Township

03-2984 – Wal_Mart at Windsor Crossings – 03-2984 – East Windsor Township
03-2961 – Ochsner Subdivision – Monroe Township

Mr. Amon said these projects were in conformance with the Commission's Regulations and recommended approval. Mayor Palmer moved approval of the "B" Zone applications, Ms. Armstrong seconded the motion, and it passed without dissent.

Mr. Amon then presented the following "B" Zone application:

98-2471 – Kaiser Aluminum Office Building - Monroe Township

Mr. Amon said the project had been reviewed under the Commission's Regulations that were adopted in 1994 but that its stormwater management design was not in conformance with the Regulations that were adopted in 1999. He recommended denial without prejudice. Ms. Penney moved denial without prejudice of the Kaiser Aluminum Office Building; Mayor Palmer seconded the motion and it passed unanimously.

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

04-3035 – Cedar Brook Corp. Building #9 – Cranbury Township

Ms. Holms said this proposed building was part of a large office campus and that it would be located on a site that was largely within the floodplain of Cedar Brook. She said that because of the flat topography the floodplain was extensive in this area. The project site is separated from Cedar Brook by Dey Road, as well as by several other buildings. She said that these buildings were also located within the floodplain of Cedar Brook and that the Commission had waived compliance of the Stream Corridor Impact Regulation for them. She recommended that the Commission waive strict compliance of the Stream Corridor Impact Regulation for this building as well, conditioned upon the requirement that the Commission hold a conservation easement on the area delineated as wetlands. With that condition, Mayor Palmer moved approval of the waiver request, Ms. Armstrong seconded the motion, and it passed unanimously.

Ms. Holms then presented a second application for waiver from strict compliance of the Stream Corridor Regulation:

03-2963 – Ford Motor Company Warehouse – Cranbury Township

Ms. Holms said this project had recently been approved by the Commission and that the applicant is now requesting permission to build a temporary bridge and road within the stream corridor (Cedar Brook). She said the stream corridor is presently farmfield, and that the applicant has proposed an extensive landscaping plan using native trees and shrubs, as well as a native meadow mix as mitigation for the construction of the road. She recommended the waiver request be approved conditioned on removal of the road, bridge and existing pipe upon completion of the project. With that condition, Ms. Armstrong moved approval of the waiver request, Ms. Penney seconded the motion, and it passed without dissent.

OLD BUSINESS

Mr. Amon reported on the status of the readoption of the Canal Commission's Regulations. He said the Commission received public comments that require a detailed response. He said as a consequence of the comments, the Regulations will be readopted by both the Canal Commission and the DEP. The final version of the response document should be ready by April or May.

CANAL PARK SUPERINTENDENT'S REPORT

Mr. Ellis, Regional Superintendent, reported that there was still a serious ranger shortage for the Canal Park, but that interviews would be taking place for two ranger trainee positions. He anticipated that the Route One Pedestrian Bridge would open soon. He said the State Park Service and Franklin Township were working together to acquire federal transportation "T21" funds for the purpose of restoring the Griggstown Muletenders' Barracks. He said the Millstone Preservation Coalition and the interpretive staff at the Canal Park were also working on this project.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Authority has been busy removing dead trees for the last two months, as well as removing debris and sediment at the Island Farm Weir. He said they would be looking again at the problem of sedimentation in the canal from the Wickecheoke and Lockatong Creeks.

Mr. Weyl noted that Administrative Law Judge Laverty affirmed the Commission's denial of the Infinity (formerly Outdoor Advertising) billboard proposal in Trenton. He said the defendant has 45 days to act on this decision, and expected that there would be objections.

Chairman Weingart noted that he would be unable to attend the regularly scheduled May meeting. The Commissioners agreed to consider rescheduling the meeting to Tuesday, May 18.

PUBLIC FORUM

Ms. Palius expressed concern that the proposed plan to replace the Millstone River bridge in Griggstown has no provision for landscaping to stabilize the river's banks. Mr. Amon said the Commission did not yet receive an application for this project, but that once it is presented to the Commission for their action, the Commission could require that adequate landscaping for bank stabilization be a condition of its approval.

Mr. Jessen moved approval of adjournment and Mr. Sedor seconded the motion. The motion passed without dissent. The meeting adjourned at 12:15 PM.

Respectfully submitted


James C. Amon