



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF MAY 18, 2004

TIME: 10:10 AM – 12:30 PM
DATE: Tuesday, May 18, 2004
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

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

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

PUBLIC:

Joe Shepherd, NJ Water Supply Authority
Barbara Ross, D&R Canal Watch
Susan Herron, D&R Canal State Park
Mike and Anne Kruimer, Central Jersey Bicycle Club & East Coast Greenway Association
Scott G. Lynn, Van Cleef Engineering Associates
Neil Van Cleef, Country Classics
Mitchel Ardman, Reynolds Group
Peter Lanfrit, Lanfrit & Tullio
Thomas D'Amico, Somerset County Planning Board
Chris Melick, Somerset County Engineers Office
Michael Sommer, Canal Walk Associates, LLC
Gary Dean, Canal Walk
John Norwig, Somerset County Engineers Office
Susan Herron, D&R Canal State Park

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 APRIL 21, 2004

Mr. Loos moved approval of the minutes of April 21, 2004; Mr. Sedor seconded the motion, and it passed unanimously.

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

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REVIEW ZONE ACTIONS

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

03-2986 – Schoolhouse Road Improvements – Franklin Township

Mr. Amon reviewed the project's chronology. The Commission took action twice within the last year on two different applications, and now a new application is being proposed with an added traffic signal at the intersection of Schoolhouse Road and Weston Canal Road. The new design for the road shows 12-foot-wide lanes except for an 11-foot-wide left turning lane. The County Traffic Engineer stated that the signal would be necessary as a result of increased traffic volume predicted to occur within three to five years. The plan proposes an 8-foot-wide bike path along Schoolhouse Road, ending at Weston Canal Road. Mr. Melick asserted that the County Engineer, Michael Amarosa, would not reduce the width of the lanes.

Mr. Loos asked why the bike path could not be extended to the Manville Causeway. Mr. Lanfrit replied that the property along Weston Canal Road was owned by Zarephath, not Canal Walk Associates. Mr. Ardman said it would be possible to extend the path around the curve of the intersection by approximately 250 feet, and to provide a curb cut so that cyclists could access the road at that point.

Mr. Jessen moved approval of the Schoolhouse Road project based upon the plans dated May 11, 2004, and including the traffic signal as delineated on plans dated May 8, 2004; the motion included the approval being conditioned upon submission of a plan acceptable to Commission staff showing an extension of the bike path by 250 feet with a curb cut to Weston Canal Road. Mr. Loos seconded the motion, and it passed unanimously.

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

02-2902 – Lambertville Station Inn Expansion

Mr. Amon said the applicant is proposing to build a 3-story addition to an inn, 130 feet from the canal. The height of the addition would be approximately the same as the existing building. He showed the Commissioners architectural drawings of the façade that would face the canal. He said that the City of Lambertville will be installing a crosswalk across Bridge Street to connect that path, and that the existing vehicular access from Bridge Street would remain the same. Mr. Weyl asked whether the Division of Parks and Forestry held an easement on the property to allow the public to access the Canal Park's parking lot behind the inn. Ms. Herron said it did not. Mr. Jessen moved approval of the inn expansion conditioned upon the Division of Parks and Forestry being given an access easement; Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon then presented the following “B” Zone application for review and approval:

99-2539 – Country Classics Phases 3 & 4 – Hillsborough Township, Somerset County

Mr. Amon said that the application conformed to the Commission’s regulations for stormwater management. Ms. Holms presented a plan showing a buffer averaging proposal as mitigation for encroachment into the stream corridor. Mr. Loos felt that one of the house lots was too close to the stream. Mr. Lynn, the engineer for the project, said that the house on the lot in question was not in the stream corridor, but that the backyard was. He suggested installing plantings on a 50-foot swath at the rear of lots 10 and 11, as further mitigation. Mr. Jessen moved approval of the application conditioned upon 1) receipt of a revised landscape plan to be administratively approved by Commission staff and 2) receipt of county approval; Ms. Armstrong seconded the motion and it passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a lease renewal application by Archie’s Hot Dog Stand to permit a take-out food concession on Canal Park property adjacent to Route 29. Mr. Amon said that there are plans to build a pedestrian bridge over the canal adjacent to this area, and to use the area as a parking lot for park users. He recommended approving the lease renewal for the balance of this calendar year, but that any subsequent renewal must come before the Canal Commission. Ms. Herron noted that the applicant has not been a good tenant in the past. Mr. Loos moved approval of the lease renewal with the following conditions: 1) any future lease renewals must come before the Commission for approval, and 2) a cost estimate of the maintenance of the area should be made. Should it be determined that the lease payments do not cover the cost of maintenance, the Commission would then advise the Division of Parks and Forestry that subsequent lease renewals would not be approved. The motion further stipulated that the lease not be an impediment to any future development of the site. Mr. Jessen seconded the motion and it passed unanimously.

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

04-3066 – Barood Residence Addition – Franklin Township

The application is for a 1&1/2 story, 2,779 SF addition to an existing dwelling. Mr. Amon said the addition would not be visible from the Canal Park and recommended waiver from visual impact review and approval.

03-2521B – Sprint Telecommunications Tower @ Marconi Self Storage – Franklin Twp.

Mr. Amon said this was an application for a 104-foot pole with antennas plus equipment cabinets to be located next to an existing building on Easton Avenue. He said the tower will not be visible above the existing tree canopy and recommended approval.

99-2518 – Castle Senior Living – Franklin Township

Mr. Amon said this application was approved by the Commission in 1999 and has now expired. The proposed plans for the two 3-story buildings have not changed; Mr. Amon recommended approval.

Mr. Jessen moved approval of the “A” Zone applications; Mr. Loos seconded the motion, and it passed unanimously.

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

00-2659 – Nissei America Warehouse – Franklin Township, Somerset County

04-3041 – P&R Fasteners Office/Warehouse – Franklin Township, Somerset County

03-2948 – Riverbrook Estates – Millstone Township, Monmouth County

02-2871 – Rock Group Warehouse – Cranbury Township, Middlesex County

Mr. Amon said the projects were reviewed by the Commission’s engineers and were found to be in conformance with the Commission’s standards for stormwater management and water quality. Ms. Holms said that with regard to the Rock Group Warehouse, a waiver from strict compliance to the Stream Corridor Impact Regulation was issued in 2002, and the applicant is now proposing an averaging proposal with minor changes. Mr. Jessen moved approval of the waiver from strict compliance to the Stream Corridor Impact Regulation for the Rock Group Warehouse, and approval of the four “B” Zone applications. Ms. Armstrong seconded the motion and it passed unanimously.

DISCUSSION OF RESPONSE DOCUMENT FOR REVIEW ZONE REGULATIONS

Mr. Amon said that a draft response to public comments regarding the proposed Review Zone Regulations had been distributed to Commissioners. He said that although the document was not yet in a final form, all substantive issues have been presented in this draft. He recommended that the Commission approve the response document with the understanding that it is not to be changed substantively without further review by the Commission, but that the document’s format could be altered without further Commission review. Ms. Armstrong moved approval of the response document for the proposed Review Zone Regulations with the proviso as presented by Mr. Amon, Mr. Loos seconded the motion, and it passed unanimously.

CANAL PARK SUPERINTENDENT’S REPORT

Ms. Herron reported that Rockingham will re-open on July 1. She said the campground at Bull’s Island was now open and very busy.

WATER SUPPLY AUTHORITY'S REPORT

Mr. Shepherd said that a culvert under Quaker Road in Lawrence Township has failed and that the Water Supply Authority has performed temporary repair on it. He said a pre-construction meeting would be held Friday for the Lake Carnegie dam repair. He inquired about the status of the fencing next to the Route One Pedestrian bridge, noting that the Authority's vehicles were unable to access the area because of the fence.

OLD AND NEW BUSINESS

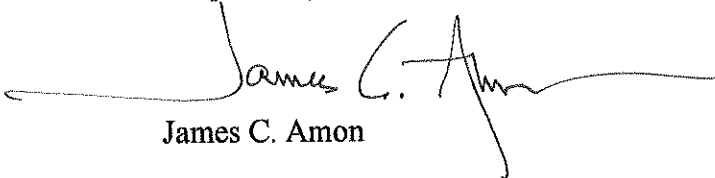
Mr. Weingart said that the Commission presently has two vacancies, as well as two Commissioners (Mr. Weingart and Ms. Penney) whose terms were in the process of expiration. He said that the Governor has renewed his term, and appointed three new Commissioners—Phyllis Marchand, David Knights, and Richard Albert. The appointees are awaiting confirmation by the Legislature.

It was noted that Messrs. Loos and Weingart would not be able to attend June's regularly scheduled meeting, and that it may be necessary to reschedule the meeting.

PUBLIC FORUM

Mr. Kruimer asked about the status of installing crosswalks on roads that cross the towpath. Mr. Amon said there had been no recent action on the proposal from the Department of Transportation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", with a long horizontal flourish extending to the left and right.

James C. Amon