



DELAWARE AND RARITAN  
CANAL COMMISSION

**MINUTES OF THE MEETING OF SEPTEMBER 15, 2004**

TIME: 10:05 AM – 11:45 AM  
DATE: Wednesday, September 15, 2004  
PLACE: Canal Commission Office  
Stockton, New Jersey

**ATTENDING:**

COMMISSIONERS: Messrs. Albert, Jessen, Loos, Sedor and Weingart; Mayor Palmer and 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  
James Radvany  
Henry Kent-Smith, Esq.  
Bill Bogosian, NJ Water Supply Authority  
Donna Jennings, Esq.  
Susan Herron, D&R Canal State Park  
Liz Palius, Millstone Valley Preservation Coalition  
Ron Bond, D&R Canal Watch  
Chris West Brook, Langan Engineering  
Michael Szura, Langan Engineering  
Clark Machemer, Rockefeller Group Dev. Group

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.

**MINUTES OF THE MEETING OF AUGUST 18, 2004**

Ms. Armstrong moved approval of the minutes of August 18, 2004; Mr. Jessen seconded the motion and it passed unanimously.

**DISCUSSION OF POTENTIAL "A" ZONE SETBACK WAIVER**

Mr. Amon presented a potential "A" Zone application for waiver from the visual setback guideline of the Regulations. He said the applicant, James Radvany, is considering purchase of a property on Carnegie Road to build a 24,600 square foot warehouse. The Canal Park is behind the property. The setback limitation in this area of the Canal Park is 200 feet; Mr. Radvany's concept plan shows the warehouse and loading area encroaching by approximately 100 feet.

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

Although he was not asking for formal action, he requested that the Commission informally discuss the waiver request.

Mayor Palmer joined the meeting at 10:20 AM.

The Commission felt that on the basis of the plan that was presented to them, and with the addition of a dense planting of Red Cedars to supplement the existing screen, the project could be given a waiver from strict compliance with the visual setback guideline. This consensus represented an informal opinion and did not bind the Commission to any future action.

#### REVIEW ZONE ACTIONS

Mr. Amon introduced Michael Szura of Langan Engineering to present the following waiver request from strict compliance with the Stream Corridor Impact Regulation:

03-3019 – Rockefeller Group FTZ/8A Cranbury Middle Campus – Cranbury Township

Mr. Szura said that there were presently four buildings on this site, two of which are proposed to be demolished. The applicant is proposing to build two additional warehouses. As a result of this proposal, 170,000 square feet of impervious surfaces will be removed, and 166,000 square feet will be added. They are also proposing to re-grade approximately 290,000 square feet. Mr. Szura described the buffer-averaging and vegetation restoration plans proposed to mitigate new encroachment into the stream corridor.

Mr. Jessen moved waiver of the application from strict compliance with the Stream Corridor Impact Regulation; Ms. Armstrong seconded the motion and it passed unanimously.

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

04-3039 – Woodrow Subdivision – Franklin Township

Mr. Amon said this was a proposal for five single-family houses on Easton Avenue and will be screened from the Canal Park by a dense hedgerow of trees and shrubs.

03-2920 – Titusville United Methodist Church Sign – Hopewell Township

Mr. Amon said that the sign, to be located on Route 29 across from the Canal Park, is in compliance with the visual impact regulation and recommended approval.

04-1570C – Wendy’s Restaurant – Franklin Township

Mr. Amon said this application received a waiver from the Commission’s visual setback guideline in 1999. A slightly revised plan has been submitted. Mr. Amon recommended the waiver be granted again, based upon the height of the building, the 6-foot fence surrounding the parking lot and driveway, and a conservation easement for the undeveloped portion to be held by the Canal Commission.

04-3093 – Miller Residential Shed – Hopewell Township

Mr. Amon said this was a proposal to install a one-story garden shed at the rear of a residence in Titusville, approximately 185 feet from the Canal Park. He said existing trees would screen the shed.

Mayor Palmer moved approval of the Woodrow Subdivision, the Titusville Methodist Church Sign, and the Miller Shed; Mr. Jessen seconded the motion, and it passed unanimously.

Mayor Palmer then moved waiver of strict compliance with the visual setback guideline and approval of the Wendy's Restaurant application. Mr. Jessen seconded the motion.

Mr. Loos expressed concern about the property on Easton Avenue where the proposed Wendy's is to be located, saying that it shouldn't be developed, and that the Commission should not approve the application. He felt there was already too much intrusion into the Canal Park in this area, and that a fast food restaurant would generate too much trash.

Mr. Amon said the Commission's 200-foot setback guideline would prevent most of the property from being developed. Mr. Weyl suggested the applicant apply for a waiver based on economic hardship.

Ms. Palius said the public should not accept responsibility for the decision made by the owners of the restaurant to buy a property that is not developable.

After further discussion, Messrs. Jessen and Albert voted in favor of the motion; Messrs. Loos, Weingart, Sedor, Palmer, and Ms. Armstrong voted against. Chairman Weingart abstained. The motion did not carry.

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

- 04-2447A – The Elms at Sunnyfield – Cranbury Township
- 03-2999 – Dugan's Corner Office Park – Millstone Township
- 04-3062 – Matrix Warehouse, Stults Road – South Brunswick Township
- 02-2846 – Westmeade – Hillsborough Township

Mr. Amon said the "B" Zone applications were in compliance with the Commission's standards for stormwater management and water quality. Ms. Holms said the applicant for Westmeade requested waiving strict compliance with the Stream Corridor Impact Regulation, and proposed buffer averaging for the encroachment. She recommended that the waiver be granted.

Mr. Loos moved waiving strict compliance with the Stream Corridor Impact Regulation for the Westmeade application, and approval of the four "B" Zone applications. Mr. Sedor seconded the motion and it passed unanimously.

## CANAL PARK SUPERINTENDENT'S REPORT

Superintendent Herron reported that there were now only three rangers and eight maintenance workers at the Canal Park, with no immediate prospect for additional staff. She said that volunteers from D&R Greenway worked with the park's naturalist, Stephanie Fox, to construct a path from Rockingham to the canal. She said the park's historian, Vicki Chirco, will lead a bike tour of the Canal Park on September 18<sup>th</sup>. Mr. Weingart and Mayor Palmer suggested meeting with Commissioner Campbell to discuss Canal Park staffing needs.

## WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Authority was reviewing technical proposals for repair of the spillway at Station 26 on the feeder canal. He said they were also dredging deposits from the Moore's Station quarry, and conducting ongoing tree removal.

## PUBLIC FORUM

Ms. Palius requested that the Commission endorse the proposal to designate the Somerset County portion of the Canal Park a "Special Resource Protection Area" as defined by the State Plan. The Commissioners suggested that a written request be made with a detailed description of the proposal.

Ms. Palius also expressed concern about inappropriate tree pruning and the use of herbicides in parks, historic districts, and along scenic byways.

## OLD/NEW BUSINESS

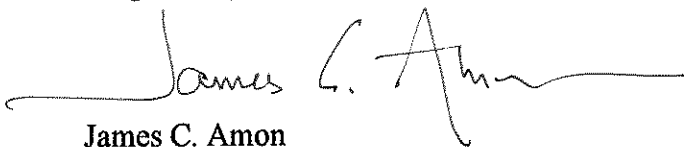
Chairman Weingart reported that the billboard on Route 29 in Hopewell Township has been removed. He also said that a search committee has been formed for the purpose of interviewing and hiring a new Executive Director. In addition to himself, he said the other members are Messrs. Jessen and Sedor.

Mr. Albert said he checked with the Delaware Riverkeeper Network and found that volunteers can successfully eradicate purple loosestrife by hand, but that professionals were needed to oversee their work. He said Riverkeeper would be able to provide technical assistance.

Mr. Weyl reported that the billboard company, Infinity Outdoor Inc., is appealing a recent decision made by the Office of Administrative Law that affirmed the Commission's denial of an application to build a billboard next to the Canal Park.

The meeting adjourned at 11:45 AM.

Respectfully submitted,



James C. Amon