



DELAWARE AND RARITAN  
CANAL COMMISSION

**MINUTES OF THE MEETING OF OCTOBER 19, 2005**

TIME: 10:05 AM – 12:00 PM  
DATE: Wednesday, October 19, 2005  
PLACE: Canal Commission office  
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman DelVecchio, Messrs. Albert, Jessen, Knights, and Loos; Mayor Marchand, Ms. Mitchell and Ms. Cradic

STAFF: Mr. Hahn, Ms. Guru and Ms. Holms

Mr. Lewin Weyl, Deputy Attorney General

GUESTS:

Vicki Chirco, D&R Canal State Park  
Stephanie Fox, D&R Canal State Park  
Susan Herron, D&R Canal State Park  
Dan Van Abs, NJ Water Supply Authority  
Robert von Zumbusch  
Linda Barth, D&R Canal Watch  
Robert Barth, Canal Society of New Jersey  
Bill Bogosian, NJ Water Supply Authority  
Joe Shepherd, NJ Water Supply Authority  
Robert N. Ridolfi, Esq.  
Brian Meyers, PE  
Ted Rica, Triton Self-Storage  
Josephine Bruno, Esq.  
Joseph R. DuFour  
Steve Brower, Esq.

Chairman DelVecchio 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 SEPTEMBER 21, 2005**

Mr. Loos moved approval of the minutes of the meeting of September 21, 2005; Mr. Jessen seconded the motion. The motion passed unanimously.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Richard J. Codey, Acting Governor      Bradley M. Campbell, Commissioner

PRALLSVILLE MILLS 33 RISLER STREET P.O. BOX 539 STOCKTON, NJ 08559-0539  
609-397-2000 FAX 609-397-1081 www.dandrcanal.com

## REVIEW ZONE ACTIONS

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

05-3166 - Gardocki Residences, Trenton  
 05-3241 - Groff House, Lambertville  
 05-3236 - McKay Porch Repair, Lambertville  
 05-3203 - Village at Lambert Green, Trenton

Mr. Hahn said the proposed Gardocki Residences, the Groff House and the Village at Lambert Green would not be seen from the Canal Park and recommended they be waived from visual impact review, and approved. Mr. Loos moved waiver of the four "A" Zone applications from visual impact review and approval. Mayor Marchand seconded the motion and it passed unanimously.

Mr. Hahn presented the following "A" Zone application for waiver from the setback regulation and approval:

05-3229 – DuFour Residence – Plainsboro Township

Mr. Knights recused himself from the discussion regarding this application and left the meeting. Mr. Hahn said this property is adjacent to the Canal Park, and had a residence and garage that were demolished; an historic barn remains. The applicant is proposing to build an 8,370 square-foot house, approximately 170 feet from the Canal Park. The setback requirement for this part of the Canal Park (a "rural environment" as designated in the Master Plan) is 250 feet; therefore, the proposed house is not in conformance with the Commission's regulations for visual impact. The applicant, however, is proposing to mitigate the non-conformance by 1) restoring and maintaining the historic barn, and 2) placing a conservation easement between the house and the Canal Park to allow the area to re-vegetate and thereby screen the house from the park. Mr. Loos suggested installing plantings as well. The plans, as submitted, show a stucco exterior of the house. Mr. Hahn recommended waiving the setback requirement and approving the application, conditioned upon 1) substituting wood and/or stone in dark tones instead of stucco for the exterior material of the house, samples to be approved by Commission staff; 2) placement of a conservation easement, to be determined by Commission staff and the applicant, for the purpose of screening the house from the Canal Park, and 3) placement of a historic preservation easement on the barn, a document that must be approved by Commission staff, for the purpose of maintaining and preserving the structure. With those conditions, Mr. Jessen moved approval of the DuFour residence; Ms. Cradic seconded the motion and it passed unanimously.

Mr. Knights rejoined the meeting following the DuFour action.

Mr. Hahn presented the following "A" Zone application for re-approval:

05-3234 USGS NJWSA Gaging Station – Stockton

Mr. Hahn said this project received Commission approval last month with the condition that the applicant obtain a second approval from the Commission in order to dismantle the station. He

said the application was for a temporary station, and that although both the Water Supply Authority and the USGS would prefer it being permanent, funding is available for only two years. Mr. Van Abs said the project would not be able to go forward unless the approval's condition issued in September was dropped. Mr. Jessen moved approval of the Gaging Station without the condition as stipulated in the September 2005 approval; Mr. Albert seconded the motion and it passed unanimously.

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

04-3017 – 300 Apgar Drive Warehouse – Franklin Township  
05-3130 – Brandywine Building Expansion – Lawrence Township  
04-3033 – Culver Estates – South Brunswick Township  
05-3228 – Greenbrook Elementary School – South Brunswick Township  
05-3146 – Stouts Lane Business Center – South Brunswick Township  
03-2929 – Triton Self-Storage – Ewing Township

Ms. Guru described the proposed stormwater management designs for each project and said that they conformed to the standards of the Commission's Regulations. Ms. Holms said there was a stream corridor on the site of Culver Estates and that the applicant was proposing to encroach into the corridor by approximately 1,600 square feet, as well as install an outfall structure for the detention basin in the corridor (a conditionally-permitted use). She said the applicant was proposing to preserve an additional 4,570 square feet of land adjacent to the corridor as mitigation. Ms. Holms recommended that the outfall structure be permitted, and that strict compliance with the Stream Corridor Impact Regulation be waived based upon the averaging proposal.

Ms. Holms described a stream corridor on the site of the proposed Triton Self-Storage in Ewing Township. She said that the West Shabakunk's floodplain was 700 feet wide in this area, and that a small portion of it extended onto the site. By adding the 100-foot buffer, the resulting regulated area on this 2-acre site would greatly reduce the amount of developable land. In addition, there is existing development between the proposed project site and the stream. Ms. Holms said the project would not encroach into the floodplain but would encroach into the 100-foot buffer beyond. She said that the floodplain plus a reduced buffer area would be preserved through conservation easement. She recommended the project be waived from strict compliance of the Stream Corridor Impact Regulation because it would not have an adverse impact on the stream corridor's ability to function as a buffer for the stream's ecological health. She also recommended the application be approved conditioned upon receipt and recordation of a conservation easement for the modified stream corridor and a conservation and maintenance easement for detention facilities.

Mr. Loos objected to waiving the application from strict compliance of the Stream Corridor Regulation, stating that a waiver should not be granted to projects based upon existing development. He felt that full compliance with the regulation would help reduce flooding in the area. Ms. Mitchell asked about the data that was used by the Commission when the regulation was adopted, in determining the size of riparian buffers.

Mr. Jessen moved waiver of strict compliance of the Stream Corridor Impact regulation for Culver Estates, approval of the outfall structure in the corridor for same, and approval of the "B" Zone applications, excluding the Triton Self-Storage application. Mayor seconded the motion and it passed unanimously. Mr. Jessen then moved waiver of strict compliance of the Stream Corridor Impact Regulation and approval of the Triton Self-Storage application with conditions as presented. Mr. Knights seconded the motion. Ms. Cradic, Mr. Albert, Mayor Marchand, Mr. Knights and Mr. Jessen voted in favor of the motion; Mr. Loos voted against the motion and Ms. Mitchell abstained. The motion passed.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn gave the Commissioners an update on the progress of restoring the Weston Canal House, a condition of an approval that was given to Canal Walk Associates for their residential development application on Canal Road in Franklin Township. He said the applicant learned that there is no potable water onsite and no clear evidence of a well. He suggested that the condition be modified to require the applicant to stabilize ("mothball") the Weston Canal House, and restore the East Millstone Canal House instead. He also suggested that the applicant could make a monetary donation toward that end. The Commissioners preferred the first suggestion. Mr. Barth suggested that the Weston Canal House be open to the public once or twice per year, and that the windows should not be boarded up. Mr. Loos recommended that the exterior be restored, a wayside exhibit be installed, the East Millstone Canal House be restored, and a trust be set up for the maintenance of the building. The Commissioners asked Mr. Hahn to further explore these suggestions. Mr. von Zumbusch advised the Commission not to throw away an opportunity to restore the Weston Canal House.

Mr. Hahn then asked the Commissioners for their opinion about the possibility of mitigating stream corridor encroachment through offsite mitigation. He said he would stipulate a 3:1 ratio of mitigation to encroachment. The Commissioners agreed that offsite land preservation should be considered as mitigation for proposed encroachment into stream corridors.

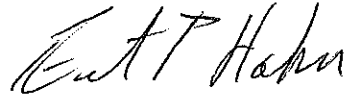
#### D&R CANAL CONFERENCE HIGHLIGHTS AND RECOMMENDATIONS

Dr. Bierbaum of the Municipal Land Use Center presented highlights of the Canal Conference that was held on June 1<sup>st</sup> of this year. He said a de-briefing was held shortly thereafter to discuss recommendations for the Canal Park and Canal Commission as a result of what took place at the Conference. These included holding future conferences, increasing funding, convening a Mayors' Forum and Legislative Caucus, concentrating on the Trenton segment of the canal, holding a training session for construction officials, and improving communication between the key stakeholders.

Mr. von Zumbusch felt the suggestion of holding a training session for construction officials was a very good idea, and suggested publishing an article about the Commission's Regulations in the newsletter for construction officials, the "Code Communicator".

The meeting adjourned at 12:00 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ernest P. Hahn". The signature is written in dark ink and is positioned above the printed name.

Ernest P. Hahn