



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF AUGUST 16, 2006

TIME: 10:05AM – 11:30 AM
DATE: Wednesday, August 16, 2006
PLACE: Prall House, Prallsville Mills
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DeVecchio, Messrs. Martin
Jessen, John Loos, Jose Fernandez, and Richard Albert;
Ms. Alison Mitchell

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

GUESTS:

Joe Shepherd, NJ Water Supply Authority
Ed Buss, NJ Water Supply Authority
Stephanie Fox, D&R Canal State Park
Vicki Chirco, D&R Canal State Park
Barbara Ross, D&R Canal Watch
George Walton, Esq.
James Sanocki

Chairman DeVecchio 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 said descriptions of the applications deemed complete for review had been posted on the Commission's website.

Chairman DeVecchio then thanked the New Jersey Conservation Foundation and the Delaware River Mill Society for hosting the Commission meeting at the Prall House.

MINUTES OF THE MEETING OF JULY 19, 2006

Mr. Fernandez moved approval of the minutes of the meeting of July 19, 2006; Mr. Jessen seconded the motion and it passed unanimously.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Jon Corzine, Governor Lisa P. Jackson, Commissioner

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REVIEW ZONE APPLICATIONS

Mr. Jessen moved approval of the following "A" Zone applications:

- 06-3326 – Princeton Country Club Pumphouse – West Windsor Township
(*Conditioned upon approval by the NJ Historic Preservation office*)
- 06-2966A – Schulman Shed – Hopewell Township
- 06-3298A – Kingston Waste Gate Rehabilitation at Station 1853+40 – South Brunswick Twp.

Mr. Albert seconded the motion and it passed unanimously.

Ms. Mitchell asked about the Earling House Renovation application (#06-2839A) in Hopewell Township. Mr. Hahn said it was a third-story addition on an existing house located next to the Canal Park. He said the footprint of the building would not be expanded. Mr. Jessen moved approval of the Earling application; Mr. Albert seconded the motion, and it passed unanimously.

Mr. Jessen then moved approval of the following "B" Zone applications:

- 05-3267 – College Park III – South Brunswick Township
- 05-3271 – Copper Beech Housing – North Brunswick Township
- 05-3148 – Greenfield Builders Office/Warehouse – Monroe Township
- 05-3175 – Rachel Manor Properties, LLC – Franklin Township

Mr. Albert seconded the motion and it passed unanimously.

Mr. Loos joined the meeting at 10:15 AM.

Mr. Hahn presented the following "A" Zone application for the Commission's review and action:

06-2465A – Village Charter School Fence Removal/Replacement

Mr. Hahn said that the Village Charter School, a school located adjacent to the Canal Park in Trenton, has requested that existing fencing along the canal be removed and replaced with new fencing. Mr. Hahn said the Division of Parks and Forestry's policy regarding existing fencing along the canal is not to replace it. He said past experience has shown that fencing does not keep out curious children but does delay rescue efforts. He said that although the Division would not object to removal of the fence, it would not permit its replacement. He also said the Division does not have the resources to remove the fence.

Mr. Loos moved denial of the fence replacement, Mr. Albert seconded the motion, and it passed unanimously.

Mr. Hahn then presented the final "A" Zone application for the Commission's review and action:

06-3356 – Sanocki Residence – Ewing Township

Mr. Hahn said that in 2004 the Commission approved a subdivision application for a lot on Route 29 in Ewing Township, across the road from the Canal Park. Mr. Sanocki is requesting to build a 3-level, 3,000 square-foot house, less than 100 feet from the park. Mr. Hahn said the entire lot is within the 200-foot setback requirement for this area of the Canal Park. The applicant is requesting a waiver from the setback requirement based upon economic hardship and approval of the house. Mr. Hahn said that although he recommended waiving the setback requirement, he did not recommend approval of the house as designed, because its imposing scale and size would not be compatible with neighboring structures in the Historic District. He also said that because of the topography, trees would not be able to adequately screen the house from the Canal Park, and thus it would create an adverse visual impact.

Mr. Sanocki offered to install trees in the Canal Park to help screen the proposed house. He said that the house at its highest would only be one to two feet higher than a neighbor's house. He said that his architect suggested changing the pitch of the roof which could lower the roof by approximately one foot.

Mr. Albert said the proposed house and any proposed plantings in the Canal Park would entirely change the existing viewscape and was not in favor of the design or planting proposal. Ms. Mitchell said that the neighbor's house was much smaller and that the relative height of the two structures was therefore not comparable. Mr. Loos said that a smaller house could be built in place of the one proposed. He moved denial of the application, to be consistent with the Commission's Staff Report recommendation; Mr. Fernandez seconded the motion. The motion passed unanimously.

Mr. Albert suggested the Commissioners visit the site should the application be presented again.

CONSERVATION AND MAINTENANCE AGREEMENT AMENDMENT

Mr. Hahn recommended that the Commission pass a resolution approving an amendment to the current Conservation and Maintenance Agreement form. The form ensures that applicants are responsible for proper maintenance of detention facilities. The addition is as follows (in bold): "The Owner hereby agrees to properly maintain the storm water management facilities...**and to protect them from degradation or removal...**" Mr. Loos moved approval of the amendment, Mr. Jessen seconded the motion, and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn said that the office was being renovated again as a result of June's flood, and that further interior floodproofing methods were being implemented. He said the staff reviewed 19 deficient projects, 10 complete projects, 10 exemptions, 3 maintenance projects, and 2 jurisdictional determinations. He said Ms. Holms conducted 12 site inspections.

OLD BUSINESS

Mr. Hahn reported that he attended a meeting hosted by Congressman Holt regarding flood issues. He said the meeting primarily dealt with matters involving FEMA. He said the question of building levees or dams on the Delaware River came up, and that a FEMA engineer with 30 years experience replied that although flood structures may work 90% of the time, when they fail, lives are lost.

Chairman DelVecchio left the meeting at 11:10 AM.

Mr. Hahn reported that a house in Stockton recently approved by the Commission is being built but is not in accordance with what the Commission approved. He said the façade is different, and the house is bigger. He suggested that the applicant reapply and that he would require mitigation for the violation.

He also reported that the Department of Environmental Protection is seeking statutory changes that would include allowing the Canal Commission to impose civil administrative penalties on applicants that do not comply with the Commission's Regulations.

D&R CANAL STATE PARK REPORT

Stephanie Fox, Canal Park Naturalist, reported that Canal Park representatives met with PSE&G to discuss the logistics of burying the gas pipeline in South Bound Brook. She said it was possible the towpath would be closed between Queens Bridge and 5-Mile Lock for up to a month, but that they were hoping to keep it open on weekends.

Ms. Fox said that Sgt. Barillo, a ranger stationed at Bull's Island, recently retired. She also said Ms. Chirco was working with DEP and Mr. Hahn to get the Commission's Review Zone Map on the website.

WATER SUPPLY AUTHORITY REPORT

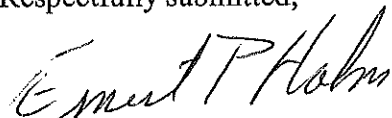
Mr. Shepherd reported that the breach in Stockton from the June flood was repaired, and that the Authority was starting work on the western bank of the canal south of the Prallsville lock. He said that 400 cubic yards of debris and gravel were removed from the Swan Creek culvert.

PUBLIC FORUM

Ms. Barth asked whether the Commission has received an application yet for a new gas station in South Bound Brook next to the canal. Mr. Hahn replied that the staff had received it, reviewed it and found it to be deficient. Ms. Barth asked whether the present repair work on several canal bridges would incorporate a moveable bridge design. Mr. Hahn said that the work was repair-in-kind and that funding was not available for re-design. Ms. Barth also asked whether the drainage ditch next to the Bel-Del right-of-way in Trenton would be dredged and cleaned of debris. Mr. Fernandez said the Division was in the process of organizing a cleanup effort. Finally, Ms. Barth thanked the Commission for their efforts toward the South Bound Brook gas pipeline burial.

The meeting adjourned at 11:30 AM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ernest P. Hahn". The signature is written in black ink and is positioned above the printed name.

Ernest P. Hahn
Secretary