



DELAWARE AND RARITAN  
CANAL COMMISSION

**MINUTES OF THE MEETING OF MARCH 19, 2008**

TIME: 10:00 AM – 11:05 AM  
DATE: Wednesday, March 19, 2008  
PLACE: Canal Commission Office  
Stockton, New Jersey

**ATTENDING:**

**COMMISSIONERS:** Chairman David DeVecchio, Messrs. Martin Jessen, John Loos, Richard Albert and Al Payne; Mr. David Knights joined the meeting at 10:15.

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

**GUESTS:**

Bill Bogosian, NJ Water Supply Authority  
Joe Shepherd, NJ Water Supply Authority  
Patricia Kalleser, D&R Canal State Park  
Stephanie Fox, D&R Canal State Park  
Linda Barth, D&R Canal Watch  
Barbara Ross, D&R Canal Watch  
Robert H. Barth, Canal Society of NJ  
Richard Goldman, Esq., Rutgers Prep  
Charles Brady, NJ State Historic Preservation Office  
Fred Coco, Menlo Engineering  
Kevin Dumn, Rutgers Prep  
Warren Winker, Rutgers Prep  
Howie Glick, Jerry and Stan's Bicycle Shop  
Anne Kruimer, East Coast Greenway  
Tom Gale, Franklin Township Historic Commission

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.

**MINUTES OF THE MEETING OF FEBRUARY 20, 2008**

Mr. Jessen moved tabling action regarding the minutes of the meeting of February 20, 2008 because they had not been distributed to the Commissioners. Mr. Loos 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 ACTIONS

“A” Zone projects: Applications #07-3460 (DRCSP Miles Markers), and #05-389C (Rutgers Prep), were held for discussion. A motion to move approval of the remaining A Zone projects was entered by Marty Jessen and seconded by John Loos. All present voted for approval. The approved projects are as follows:

06-3442 Carmosino Townhouses - Lambertville  
 08-3545C The Peoples Store Signs - Lambertville  
 08-3627 Lambertville Massage Therapy Sign - Lambertville  
 08-3626 Becker Home Improvements - Lambertville  
 08-3621 Bakashvili Gallery Sign - Lambertville  
 08-3609 Washington Crossing State Park ADA Ramps – Hopewell Township  
 08-3628 Pellettieri, Rabstein & Altman Signs - Lambertville  
 08-3283A Swan Creek Aqueduct Rehabilitation - Lambertville

“B” Zone projects: A motion to approve all B zone projects was entered by Marty Jessen and seconded by Mr. Albert. All voted for approval unanimously. These projects are:

06-3398 J&J Aviation Ramp Expansion – Ewing Township  
 08-3607 Simone Investment Office and Parking – Hopewell and Lawrence Townships

David Knight joined the meeting at 10:15 AM.

The Commission next considered the Mile Markers project. Stephanie Fox, Naturalist for the D&R Canal State Park, distributed samples of the proposed signs. John Loos questioned compatibility to UTM systems and future application of GPS systems. Stephanie said in the future, when cell coverage becomes more reliable on the towpath, the UTM designations could be added to the existing posts.

Marty Jessen suggested the use of recycled plastic lumber for the sign posts. Al Payne asked if that type of post would hold up in warm weather when it becomes more flexible. Mr. Jessen said the lumber could be joined at a 90 degree angle to provide stability. Mr. Alpert said plastic lumber is fairly stable and would not bend. Mr. Jessen warned about vandalism of the signs. Ms. Fox stated that the grant has sufficient funds to purchase replacement signs and that they are relatively inexpensive. Mr. Hahn requested that any Commission approval allow for flexibility in determining post material, because durability and cost were both important factors. Mr. Loss asked if Park “friends” groups had been approached on cost sharing. Ms. Fox replied that they had not. Mr. Alpert said that after consideration, he felt the Battle Monument is a good “zero” point and supports the use of this for the mile markers start point.

Mr. Albert moved approval of the Mile Marker project with the stipulation to allow Commission and Canal Park staff flexibility on selecting post materials; Marty Jessen seconded this motion. All voted unanimously in favor of the motion.

The Commission then discussed the Rutgers Prep School improvements project (#05-389C). Mr. Hahn gave a brief description of the proposed project and the applicant's request for a waiver of strict compliance with the regulations, including a description of the proposed water quality improvements offered as mitigation for potential visual impacts.

Robert Barth asked about the new signalized intersection. Richard Goldman, the applicant's attorney, stated that the improved signalized intersection would be north of DeMott Lane. The school would provide a new driveway through its property to this existing intersection. He stated that the traffic that currently passes through DeMott intersection would decrease and the pile-up of traffic on Easton Ave would also decrease as a result of the new signalized intersection.

He stated that the improvements proposed for the school are not intended for expanding student enrollment but rather to improve the facility itself; one addition is a cafeteria, another a theater, as well as some new classrooms to eliminate sharing of rooms that currently occurs. Also proposed are new maintenance buildings.

Mr. Loos asked if the new buildings will be visible from towpath.

Mr. Goldman replied that they would be seen, but that vegetative buffering already exists and would be supplemented. Also, existing buildings will be taken down. Landscape plans have been submitted that show additional buffering.

Mr. Loos asked whether if, over time, the eventual landscape would completely block the view.

Mr. Goldman stated that the landscaping will not block the view, but the view will still be enhanced. He said they are proposing old-fashioned, simple buildings which have farm-like characteristics, using simple materials and simple detailing.

Mr. Loos asked why the existing buildings were being demolished.

Mr. Goldman stated that the barn now used as a maintenance building is in serious disrepair, difficult to restore due to cost, and would not adequately serve the required needs. He called the building an eyesore. He said the school has offered the building to the Franklin Township Historic Preservation Commission but he is not sure the building is capable of being moved.

Mr. Knights moved approval of the application and Mr. Alpert seconded the motion.

Mr. Gale of the Franklin Township Historic Preservation Commission stated his opposition to the project. He is opposed to demolishing the maintenance building. He said the building was part of the original residence and was used as a carriage house. He asked the Commission to consider its regulations for visual impacts for intrusion into the 200-foot setback requirement. He claimed the new maintenance building will intrude into the required setback and will have a negative impact on visual quality of the Park. He also said the maintenance garage is within a residentially-zoned area, and is not consistent with the zone.

Mr. Goldman stated that the closest building is approximately 150 feet from the Park boundary and is approximately 27 feet high. The next closest building is 200 feet from the Park boundary

and is 43 feet high and the. He said the buildings proposed for demolition are old but not registered as historic.

Mr. Hahn stated that the applicant has minimized visual impacts by proposing to use earth tone colors and will be making safety improvements. They are also making water quality improvements just upstream of a water supply intake. Although the project requires a waiver, Mr. Hahn felt that the architectural designs, site planning techniques and water quality improvements proposed as mitigation were acceptable, and recommended waiver and approval.

Mr. Gale stated that the tennis court is just 130 feet away from the Canal and contains a block retaining wall. He said the maintenance building is 43 feet high which is above the 40-foot-high maximum requirement, according to the Commission's Regulations. He felt that the maintenance building does not have to be on this site, but could be located offsite.

The applicant's architects said the maintenance building is only 27 feet high; the theater building is 43 feet high, and at a minimum, is 350 feet from the Canal Park.

Mr. Gale stated that the drawings show the maintenance building to be 43 feet high and again asked for the building to be moved offsite.

Mr. Hahn reiterated that the Regulations require that buildings must not be visible above the tree canopy. He stated that there are mature trees along the Canal. The 40-foot height limitation in the regulations only takes effect when a mature tree canopy is not present. The proposed buildings would not be above the height of the existing canopy and would therefore be in compliance with the Regulations.

Mr. Alpert stated that the applicant is also proposing to demolish existing buildings so the resultant view from the towpath will be similar to the existing view.

Mr. Hahn stated that the new buildings will clearly be visible from the towpath but that they are not intrusive due to their colors, placement and proposed landscaping.

Having a motion and second, a vote was taken; the Commissioners voted unanimously in favor of the motion. The application was approved as presented.

#### EXECUTIVE DIRECTORS REPORT

Mr. Hahn reported that a controversial single-family house application, proposed to be located at the end of Mill Street in Stockton and adjacent to the Canal Park, will most likely be dropped, because Green Acres has made an offer to the applicant to buy the property (5+ acres), and it may be accepted. He also stated that there may be a problem with the location of the approved PSE&G monopole at Five Mile Lock in Franklin Township, because the site for the pole may conflict with an existing sanitary sewer line. An onsite meeting will be convened to discuss an alternate site.

#### PARK SUPERINTENDENT REPORT

Superintendent Kessler stated that the Griggstown Bridgetenders House movie video created by the Griggstown Historic Society has received a Telly Award. She also stated that no buildings were damaged in the last flood. Campsites at Bull's Island will all be open this year. They are continuing cleanup work on the towpath in Trenton. The Kingston Bridgetender's House will have its roof replaced. There will be an Arbor Day celebration at the Park Office and adjoining Park property on Mapleton Road.

#### WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd stated that dredging will be suspended due to fisheries' timing restrictions. He said a large quantity of sediment has been removed from the canal's inlet, and a significant number of trees have been cleared after the last windstorm. Mr. Shepard inquired whether either Parks or Commission staff had been notified of new stormwater pipes being installed in Franklin Township, which will discharge into the canal. Both Parks and Commission staff responded that they had not.

#### PUBLIC FORUM

Mr. Barth said that the proposed PSE&G monopole should be relocated 150 feet to the west. Mr. Hahn stated that that location had already been reviewed and unfortunately dismissed as not feasible. Mr. Barth presented a Joint Resolution by the Senate and Assembly recognizing the importance of and contributions made by the Canal Park and declaring 9/30/2006 as a Canal Day.

Mr. Loos moved to adjourn; Mr. Knights seconded the motion. The meeting ended at 11:05 am.

Respectfully submitted,



Ernest P. Hahn  
Secretary