

MINUTES OF THE MEETING
November 15, 2017

Delaware and Raritan Canal Commission

TIME: 10:00 a.m.
DATE: November 15, 2017
PLACE: Prallsville Mills Grist Mill
Stockton, New Jersey

Attending:

COMMISSIONERS: Commissioners Phillip Lubitz, Mary Leck, Bruce Stout, and Julia Allen (by phone) and Mr. Bob Bostock (designee for DEP Commissioner Bob Martin)

STAFF: Mr. John Hutchison, Ms. Colleen Christie Maloney, Mr. Joe Ruggeri, Deputy Attorney General Melissa Abatemarco

GUESTS: Mr. Mike Sellar, NJWSA; Ms. Stephanie Fox, D&R Canal State Park; Mr. Robert von Zumbusch, DRCC Master Plan Advisory Committee; Mr. Robert Barth, D&R Canal Watch; Mrs. Linda Barth, D&R Canal Watch; Mr. Charlie Yedlin; Mr. James Chmielak, Kensho Resources; Mr. Wayne Petko, D&R Canal Watch; Mr. Ted Bayer, Bayer-Risse; Mr. Rob Freudenberg, Regional Planning Association; Dr. Ehrenreich; Ms. Gellman.

Commissioner Lubitz announced that this was a regularly scheduled meeting of the D&R Canal Commission and that all provisions of the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., had been complied with regard to the scheduling of the meeting.

Administrative Items

Commissioner Lubitz confirmed that the next month's meeting date will be December 20, 2017.

Minutes of the Meeting

Minutes of the Meeting of October 18, 2017

Mr. Bostock moved to approve the minutes. Commissioner Leck seconded the motion. Commissioner Lubitz abstained; Commissioners Leck, Allen, and Stout and Mr. Bostock voted to approve the minutes. The minutes were approved.

Minutes of the Executive Session of the Meeting of October 18, 2017

Commissioner Stout moved to approve the minutes. Mr. Bostock seconded the motion. Commissioner Lubitz abstained; Commissioners Leck, Allen, and Stout and Mr. Bostock voted to approve the minutes. The minutes were approved.

Review Zone Projects

Commissioner Lubitz noted the Review Zone B projects would be reviewed first. Executive Director Hutchison noted that project #10-4008 Gibraltar Quarry, was removed from the agenda because it was not administratively complete.

Review Zone B Projects

Commissioner Lubitz asked the commission for questions or comments on the Zone B projects:

- 17-5041 Graceland Gardens (North Brunswick Twp.)
- 17-4939A Silvi Concrete (Millstone Twp.)
- 17-2304H Trenton-Mercer Airport (Ewing Twp.)
- 17-4996 900 Herrontown Rd (Princeton)
- 17-2215M Hopewell Valley HS Addition Modification (Hopewell Twp.)
- 10-4008 Gibraltar Quarry Upgrades (Montgomery and Hillsborough Twps.)

Commissioner Stout, Commissioner Leck and Mr. Ruggeri discussed the Silvi Concrete stormwater management facilities.

Commissioner Lubitz asked for further comment from the commissioners and the public. Hearing none, he called for a motion. Commissioner Stout moved to approved the Zone B projects, Mr. Bostock seconded the motion, and it was approved unanimously.

Review Zone A Projects

- 16-4952 The General's Retreat (West Amwell Twp.)

Commissioner Lubitz asked Director Hutchison to briefly describe the project. The director described the project, which includes development of a hotel with restaurant and associated parking, lighting, drive areas, signage and other infrastructure. He noted the series of waivers requested by the applicant and the proposed landscaping plan.

Mr. Bayer described the location and the proposed project including hotel, stormwater and septic facilities, and other associated improvements.

There was discussion about the view of the project from the park and landscaping. There was discussion related to the monument signs, including size, materials, and lighting.

Commissioner Lubitz and Mr. Bayer discussed water quality facilities maintenance, the proposed improvements to Old River Road, and the landscaping choices of Colorado Blue Spruce, Sargent Crab Apple, and American Boxwood. Commissioners Leck and Lubitz and Mr. Bayer discussed the traffic and the site line when leaving Old River Road onto State Highway Route 29 (River Road).

Commissioner Lubitz noted the value of requesting an architectural drawing of the project from view of the park. He and Mr. Bayer discussed the 200-foot setback required in a "Transportation" canal environment.

Commissioner Leck and Mr. Bayer discussed the amount of proposed parking for the hotel, restaurant, and shop and local zoning requirements for parking.

Commissioner Stout noted that the applicant had requested four waivers of strict compliance from the Commission's visual, historic and natural quality impact standards, and that it was the responsibility of the Commission under its regulations to protect the canal park from development that was harmful to the character of the park. Mr. Bayer discussed the landscaping plan, and noted that the project was designed so that guest activity would be confined largely to the rear and side of the proposed hotel. Dr. Erhenreich and Mr. Bayer noted the construction of the proposed retaining wall allowed the preservation of some pine trees that provide winter visual screening from the park.

DAG Abatemarco advised the Commissioners of the specific language waiver of strict compliance with the visual, historic and natural quality impact standards set forth at N.J.A.C. 7:45:12-7(a), and that must be applied to the Commission's review. Specifically, she noted that the regulations provide that wherever possible, natural terrains, soils, and vegetation are to be preserved and new vegetation and soils are to be native to the environment in which they are placed, and the topography of the land screens the entire project from the view of a person in the park.

Mr. Bostock discussed the importance of ensuring that the landscaping of the project is done with plantings of sufficient height to provide the necessary screening from the canal park.

Mr. von Zumbusch commented that he believes the proposed hotel to be out of character with the existing building, that the proposed project is located on a scenic byway, and that the proposed monument sign design be simplified. He also noted the Commission should not allow these intrusions into the review zone. He recommended that the applicant provide the Commission with cross section illustrations of the project.

Commissioner Stout noted that an illustration showing the perspective of the project from a person viewing it from the park would assist with the Commission's deliberations.

Mrs. Barth commented that she did not agree with the Commission having rules, only to "break" them through the issuance of a waiver of strict compliance.

Mr. von Zumbusch suggested that the Commission require a perspective illustration from the park and a cross section drawing of the project.

Dr. Ehrenreich stated he was amenable to adjusting the landscaping plan to meet the screening requirement. He noted they are preserving the current structure on the site, rather than demolishing it. He noted that the signage is there to be seen, and to safely guide motorists to the destination.

Commissioner Leck inquired if the adjacent properties would assist with an entryway to the property as she had traffic safety concerns for those entering and exiting Old River Road. Dr. Ehrenreich noted that he could not depend on cooperation from adjacent property owners.

The commission discussed denying the project without prejudice so the applicant could reappear with more information on the project, including several cross sections and perspectives from the park which includes native species and the height of the plants, and presenting different ideas for the signage.

Commissioner Stout moved that the commission reject the current application without prejudice. Commissioner Leck seconded the motion

Mr. von Zumbusch suggested that the applicant submit a cross section and perspective and consider a simple wooden sign, rather than a monument sign. Dr. Erhenreich confirmed that a cross section and perspective were requested. The applicant's architect discussed the signage, including size and materials. Commissioner Stout suggested that the applicant present different options for the sign. Mr. Bostock noted he would like to see the sign be large enough to inform drivers. Commissioner Stout noted that no waiver would be required if the size was kept within the design standards of the Commission regulations.

Director Hutchison offered to research staff reports for signs on State Highway Route 29 which the commission has reviewed in the past.

Commissioner Lubitz called for a vote on the motion to deny the project without prejudice. It was approved unanimously.

Executive Director's Report

Director Hutchison discussed the workload in the office, fee collections for the prior month, the successful reimaging of the Commission office computer, the need to bring the Commission website into compliance with OIT and DEP/OIRM requirement, scanning, repairs to the office roof, and HVAC system, interior repairs, personnel, and a lawsuit involving a person who fell on the Perdicaris Place Bridge in the City of Trenton.

D and R Canal State Park Superintendent's Report

Ms. Fox, D&R Canal State Park Naturalist, reported the Superintendent Kalleser is scheduled to return to work on December 16, 2017.

NJ Water Supply Authority (NJWSA) Report

Mr. Sellar reported on the dredging project bids, the Ten Mile waste gate project, the Griggstown waste gate project, and the Stockton embankment.

Presentation: Regional Planning Association

Mr. Freudenberg reported on his organization's work in New York, New Jersey, and Connecticut. He discussed goals for open space protection and creating access to population centers via connectors.

Old Business/New Business

Resolution authorizing Executive Director to take certain personnel actions.

Commissioner Stout moved to have the commission authorize the Executive Director to work with

the DEP Division of Human Resources to determine an appropriate job title for Colleen Maloney that would make her eligible for salary increments based upon a range and step schedule. Commissioner Leck seconded the motion. It was approved unanimously.

Director Hutchison reported on a letter received from DOT requesting DRCC comments regarding several bridges to be replaced over the canal. He noted a November 29 meeting scheduled with DOT and DEP to discuss the direction of DOT projects within the Review Zones. There was discussion about working cooperatively with the DOT. It was suggested that the DRCC representatives who served on the Bridge Task Force meet with Director Hutchison for an update after November 29.

Public Forum

Mrs. Barth discussed the crowded parking situation at the Bulls Island Recreation Area and proposed that the State Park Service open the closed camping area as parking.

Mr. Barth noted D&R Canal Watch activities, including hikes on November 18th and December 9th. He noted a successful star gazing activity and the overall success of Canal Watch's activities this year.

Commissioner Leck noted an Abbott Marshlands D&R Canal State Park walk on December 2nd.

Mr. von Zumbush noted an open house of the Kingston Historical Society on December 3rd.

Commissioner Stout noted that a future rule change should involve requiring a site line perspective of applications for projects in Review Zone A. It was discussed that, in the meantime, staff could strongly recommend that applicants submit such materials.

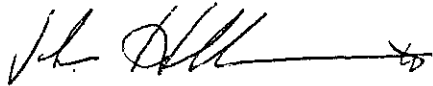
Executive Session

There was no executive session.

Public Session and Adjournment

Commissioner Lubitz asked for a motion to adjourn. Commissioner Leck motioned to adjourn, Mr. Bostock seconded, and motion was approved unanimously. The meeting adjourned at 11:00 a.m.

Respectfully submitted,



John Hutchison
Secretary