



DELAWARE AND RARITAN
CANAL COMMISSION

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EXECUTIVE DIRECTOR
James C. Amon

MINUTES OF THE MEETING OF DECEMBER 19, 2001

TIME: 12:15 PM– 2:25 PM
DATE: Wednesday, December 19, 2001
PLACE: D&R Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Jessen, Nordstrom and
Torpey; Ms. Armstrong and Mrs. Nash

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

GUESTS:

Barbara Ross, D&R Canal Watch
Joe Shepherd, NJ Water Supply Authority
Susan Herron, D&R Canal State Park
Marc Brooks, NJ Water Supply Authority
Frances P. Linnus, Esq.
Peter W. Radice, Jr., Scarpati, Inc.
John Scarpati, Scarpati, Inc.
Brett Skapinetz, Bohler Engineering

Mr. Torpey 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

Mrs. Nash moved approval of the minutes of November 21, 2001; Mr. Jessen seconded the motion. With Ms. Armstrong abstaining, the motion passed without dissent.

SELECTION OF MEETING DATES FOR 2002

Mr. Jessen moved approval of holding the Commission's regular public meetings on the third Wednesday of each month at 12:00 noon. Mrs. Nash seconded the motion and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Amon presented the following "A" Zone project for an amendment to an approval:

01-2777 – Scarpati Building Expansion – Trenton

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

Donald T. Di Francesco, *Acting Governor*

Robert C. Shinn, Jr., *Commissioner, Dept. Environmental Protection*

Mr. Amon said that the Commission approved the project in October with the condition that the existing fence be moved twenty feet further from the Canal Park, and that a row of red cedars be planted along the fence. Mr. Scarpati said that this condition would create a hardship for him because it would deprive him of space to store his used vehicles. He suggested leaving the fence and planting the trees on the Canal Park side of the fence. Mr. Jessen moved approval of the following amendments to the original approval: 1) The fence between the property and the Canal Park may remain where it is presently located; 2) A landscape buffer of Red Cedar trees is to be planted on the Canal Park side of the fence, approved by the Division of Parks and Forestry; 3) All plant material must be guaranteed for three years after it has been planted; and 4) No automobile parts will be stored outside on the site. Mrs. Nash seconded the motion and it passed unanimously.

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

01-2090C – Nextel Antennae Co-location – Hopewell Township

Mr. Amon said that the Commission approved a Sprint communication tower at the Titusville Fire Department property, and that Nextel proposed to add antennae at the 110-foot level (10 feet below the top), along with an equipment shelter within the existing stockaded area.

00-1874A – My Ben/Delaware Heights Subdivision – Stockton

Mr. Amon said that the applicant is proposing to build 44 single-family homes on 62+ acres with one detention basin to manage stormwater runoff, which will discharge into the canal. He said that stormceptors would be installed to improve water quality prior to runoff discharging into Brookville Creek which in turn discharges into the canal.

Mr. Jessen moved approval of the two "A" Zone applications; Ms. Armstrong seconded the motion and it passed unanimously.

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

00-2649 – Wellington Manor at Hopewell – Hopewell Township

01-2775 – Oticon, Inc. Expansion – Franklin Township, Somerset County

01-2436K – Bristol-Myers Squibb Building 16 Parking Upgrade – Hopewell Township

Mr. Amon said that the three applications conformed with the Commission's Regulations for stormwater management and water quality. He said that Wellington Manor had a stream corridor that would be preserved by easement. Mrs. Nash moved approval of the "B" Zone applications; Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon then brought up a policy matter for discussion among the Commissioners regarding the Stream Corridor Impact Regulation. He said that engineers for a project in Hillsborough met with Commission staff to discuss whether a stream onsite was considered a DRCC stream corridor. The site is adjacent to Royce Brook (a tributary of the Millstone River), and that two

tributaries of Royce Brook traverse the site. He said that prior to Hurricane Floyd, there was no historical evidence of the section of the Millstone River near where it joins the Raritan River ever mingling waters with the canal, and so therefore it was determined that that section of the Millstone River and its tributaries were not subject to the Stream Corridor regulation. However, he said that as a result of the hurricane, there now was evidence that the entire Millstone could mingle with the canal, and so therefore applications presented to the Commission after the hurricane with stream corridors in this location would be subject to the regulation. This determination was not made immediately after the hurricane event, however, and so the application in question was recommended by the staff to be "grandfathered" and would be exempt from the stream corridor regulation.

Mr. Herzog joined the meeting at 1:00 PM.

Mr. Weyl told the Commissioners that this recommendation by the staff was not binding because it was not considered formal action by the Commission.

After further discussion, Mr. Jessen moved approval of waiving the application from compliance with the Stream Corridor Impact Regulation; Ms. Armstrong seconded the motion and it passed unanimously.

Mr. Nordstrom then moved approval of the policy that the entire Millstone River and its tributaries that drain 50 acres be subject to the Stream Corridor Impact Regulation; Ms. Armstrong seconded the motion and it passed unanimously.

NJ WSA REHABILITATION OF FIVE-MILE SPILLWAY

Mr. Brooks told the Commission that this project had received conceptual approval, and that it involved replacing the waste gate headwalls, and replacing the sluice gate. He said that the spillway would have a reinforced concrete deck with historic mortared stone on top. He said that stone on the downstream side of the spillway would be stacked and mortared, and that new timber sheeting would be installed on the canal side. He said that severe bank erosion had taken place under I-287, and that the embankment would be enhanced with reinforced concrete and historic stone on top. Mr. Jessen moved approval of the rehabilitation, Mrs. Nash seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that towpath improvements in Lawrence Township were underway, and that there were scheduled events at the Canal Park as part of the Division of Parks and Forestry's "Arts in the Parks" program. She said that due to State budget deficits, many capital improvement projects for the Canal Park were cancelled, and her operations account was cut by 10%.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that a drought emergency for the Delaware River was declared on December 1st. He said that remote instrumentation on control and waste gates was installed and now functioning.

REVIEW OF CANAL WATCH'S DEVELOPMENT PLANS

Mr. Torpey acknowledged Barbara Ross, President of Canal Watch, as a faithful supporter of the Canal Park, and commended her for the "Wish List" that she prepared for the park. The Commissioners discussed how best to use the list, and recommended that suggestions from communities and other organizations be taken and added to it. They also suggested that public meetings about development of the Canal Park be held to raise awareness of the park's resources, and to prioritize the development projects. Mr. Herzog said that these meetings should be held separately from the regularly scheduled Commission meetings. Ms. Ross felt that the next steps in implementing the wish list were to prioritize the projects and to allocate responsibilities.

Mr. Jessen then made the following resolution:

Whereas the Open Public Meeting Act provides that a public body such as the Canal Commission may meet in closed session to discuss matters subject to attorney-client privilege;

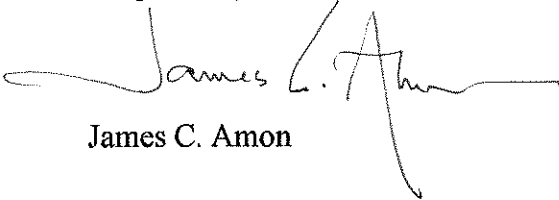
Whereas the Commission desires to retire to closed session to discuss matters subject to attorney-client privilege;

Now therefore be it resolved that the Commission shall at this time meet in closed session to discuss matters subject to attorney-client privilege, the substance of which will be disclosed publicly only if it does not constitute an unwarranted invasion of individual privacy and will not breach attorney-client privilege.

Ms. Armstrong seconded the motion and it passed unanimously.

The Commission entered Executive Session at 2:10 PM. The public meeting resumed and adjourned at 2:25 PM.

Respectfully submitted,



James C. Amon