



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF FEBRUARY 16, 2005

TIME: 10:00 AM – 11:35 AM
DATE: Wednesday, February 16, 2005
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Albert, Jessen, Knights, Loos,
Sedor, Weingart; Ms. Armstrong and Mayor Marchand
STAFF: Mr. Hahn and Ms. Holms
Mr. Lewin Weyl, Deputy Attorney General

GUESTS:

William Bogosian, NJ Water Supply Authority
Ron Bond, D&R Canal Watch
Joe Shepherd, NJ Water Supply Authority
Rick Menino, Dewberry-Goodkind
Vicki Chirco, D&R Canal State Park
Paul Edwards, Stockton resident
Reuben Twersky, WWM Properties
Liz Palius, Millstone Valley Preservation Coalition

Mr. Weingart 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 DECEMBER 15, 2004

Ms. Armstrong moved approval of the minutes of January 19, 2005; Mr. Jessen seconded the motion. The motion passed without dissent.

REVIEW ZONE ACTIONS

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

05-3134 – Edwards Shed Replacement – Stockton

Mr. Hahn said that the applicant wishes to replace an existing storage shed at the back of his property with a larger one which would be visible from the Canal Park path. After further discussion with the applicant about appropriate plantings to screen the shed, Mr. Jessen moved

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Richard J. Codey, Acting Governor Bradley M. Campbell, Commissioner

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approval of the shed replacement with the condition that plantings be installed within 7 months of the shed installation, location and type to be found acceptable to Director Hahn. Mr. Sedor seconded the motion and it passed unanimously.

03-3000 – Griggstown Causeway Bridge over Millstone River Rehabilitation – Franklin and Montgomery Townships

Mr. Hahn said that Somerset County is proposing to rehabilitate the existing one-lane truss bridge by replacing the truss superstructure with one of like kind, improving the abutments, and paving the bridge floor. The bridge will remain one lane. As mitigation for minor parkland diversion, improvements will be made to an adjacent parking area. A large Sycamore on the west bank of the Millstone will be removed as a result of the work; the County will replace trees on a 2:1 basis, as well as restabilize the streambank with vegetation.

Mr. Jessen asked whether the County had considered building a new crossing over the Millstone. Mr. Menino replied that new crossings were researched, but that much of the community was opposed to the idea. Ms. Palius commended the County on the design of the bridge, but said she and Mr. von Zumbusch were concerned about blacktopping the parking lot. The Commission's consensus was that blacktopping was preferred because of the parking lot's location in the floodplain.

05-3136 – Miller Residence Fence – Hopewell Township

Mr. Hahn said he visited the site of the proposed fence and noted that it was already built. It is almost 200 feet from the Canal Park and does not present a harmful visual impact. The Commission directed Mr. Hahn to notify the local construction official that the fence installation was in violation of State law because it had not yet received Commission approval.

Mr. Jessen moved approval of the Griggstown bridge rehabilitation and the Miller fence; Mr. Knights seconded the motion, and it passed unanimously.

Ms. Guru presented the following "B" Zone applications for review and approval:

04-3092 – Applegarth Professional Center – Monroe Township

Ms. Guru said the project conformed to the Commission's regulations for stormwater management and water quality. Mayor Marchand moved approval of the Applegarth application; Mr. Jessen seconded the motion, and it passed unanimously.

00-2587A – Ruby Tuesday at Courtyard by Marriott – Franklin Township

04-3105 – Glaze Realty Warehouse – Franklin Township

03-2962 – Renaissance at West Windsor – West Windsor Township

04-0030D – Dow Jones Residential Subdivision – South Brunswick Township

04-3124 – Plumber Pipefitter Union Building – East Windsor Township

04-3049 – WWM Properties Village Center – West Windsor Township

Ms. Guru said that the remaining "B" Zone projects also conformed to the Commission's regulations for stormwater management and water quality. In the case of Renaissance at West

Windsor, Ms. Holms noted that the project had received a waiver from strict compliance with the Stream Corridor Impact Regulation in November. Ms. Armstrong moved approval of the above-referenced "B" Zone applications; Mr. Jessen seconded the motion, and it passed unanimously.

DISCUSSION OF PROPOSED CHANGES TO BYLAWS

Mr. Weingart said that the Commission considered eliminating the "Treasurer" position at the January meeting, which would require changing the Commission's bylaws. Mr. Hahn said the staff was considering charging fees for development applications, and thus the Treasurer position may be needed in the future. Mr. Weingart suggested electing officers at the March meeting.

CANAL PARK SUPERINTENDENT'S REPORT

Canal Park Historian Vicki Chirco said that she led a successful walk on February 5th from DeMott Lane to the Five-Mile Lock in Somerset County. She said the rangers and maintenance staff have acquired two new vehicles, and she announced that Stephanie Fox, the Canal Park's Naturalist, gave birth to a baby boy on January 11th.

Mr. Hahn thanked Vicki and Superintendent Herron for having the foresight to bring a model swing bridge to a meeting held by the Department of Transportation for the purpose of building a pedestrian bridge at Moore's Station in Hopewell Township. The model was a big factor in persuading DOT representatives and their consultants to design a working swing bridge.

WATER SUPPLY AUTHORITY'S REPORT

Mr. Shepherd said the Authority is currently dredging at the confluence of the canal and the Wickecheoke, where there is a large gravel bar. He said they are also working on the lower road at Bull's Island.

Mr. Loos joined the meeting at 10:45 AM.

OLD/NEW BUSINESS

Mr. Hahn discussed the status of the gas pipeline in South Bound Brook. He said Commissioner Campbell is not averse to taking legal action to require that the pipeline be buried.

Ms. Armstrong made a motion directing Mr. Hahn to continue pursuing the requirement that PSE&G or its successor bury the gas pipe; Mr. Albert seconded the motion, and it passed unanimously.

Mr. Loos asked the Commission to consider what type of mitigation was appropriate to ask of applicants if they were not in compliance with the regulations. He asked, for example, whether the Commission had the authority to require offsite mitigation. Mr. Weyl said the Commission does not have the authority to ask for money as mitigation, stating that the Commission is constrained by its statute to that effect.

PUBLIC FORUM

Ms. Palius expressed concern about a potential cell tower proposed for the Griggstown Historic District. The Commission discussed whether a cell tower regulation should be promulgated.

Mr. Jessen then made the following motion:

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

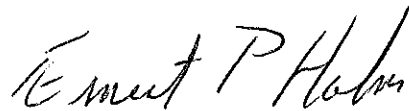
Whereas the Commission desires to retire to closed session to discuss such real estate acquisition matters and matters subject to attorney-client privilege; now

Therefore be it resolved that the Commission shall at this time meet in closed session to discuss real estate acquisition matters and 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.

Mr. Albert seconded the motion and it passed unanimously.

The Commission entered Executive Session at 11:15 AM. At 11:35 AM, the public meeting resumed. Mr. Jessen moved adjournment, Mr. Knights seconded the motion, and it passed unanimously. The meeting adjourned at 11:35 AM.

Respectfully submitted,



Ernest P. Hahn
Executive Director