



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF MARCH 16, 2005

TIME: 10:30 AM – 11:55 AM
DATE: Wednesday, March 16, 2005
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Albert, Fernandez, Jessen, Knights,
Loos, Weingart; 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
Susan Herron, D&R Canal State Park
Vicki Chirco, D&R Canal State Park
Liz Palius, Millstone Valley Preservation Coalition
Robert H. Barth, Canal Society of New Jersey
Sharon Burke, Vanasse, Hangen Brustlin, Inc.
Jim Duerbig, Hill Environmental Group, Inc.
Robert Meisner, Hydro-Environmental Technologies
Steve Ellis, Division of Parks & Forestry Central Region

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 FEBRUARY 16, 2005

Mr. Jessen moved approval of the minutes of February 16, 2005; Mr. Albert seconded the motion. The motion passed without dissent.

Mr. Loos joined the meeting at 10:35.

LEASES AND PERMITS

Mr. Hahn said that the Division of Parks and Forestry is requesting an approval for a Special Use Permit. Mr. Ellis described an oil spill that took place in Titusville from a ruptured home heating oil tank. Mr. Duerbig of Hill Environmental Group proposed to remediate the spill by pumping

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Richard J. Codey, Acting Governor Bradley M. Campbell, Commissioner

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

out contaminated groundwater into a frac tank, which would then get filtered twice before discharging into the canal. He said approximately ¼ acre of land in Washington Crossing State Park on the east side of Route 29 would be needed as a staging area, and that some trees would need to be removed.

Mr. Jessen moved approval of the permit application with the condition that Director Hahn be authorized to take any measures needed to ensure that all conditions of the DEP permits required for this project have been met; Mr. Albert seconded the motion and it passed unanimously.

REVIEW ZONE ACTIONS

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

04-2540A – Ryan Plaza – Route 27 and Thomas Avenue, North Brunswick Twp.

Ms. Guru said the application conformed to the Commission's standards for stormwater management and water quality. Mr. Jessen moved approval of Ryan Plaza; Mr. Loos seconded the motion and it passed unanimously.

04-3027 – Canal Walk II – Schoolhouse Road, Franklin Township

Ms. Guru said this project is also in compliance with the Commission's regulations for storm drainage. Mr. Hahn noted that although this project was separate from an adjacent Canal Walk development, it was owned by the same developer, and that a condition for the earlier project, the restoration of the Weston Canal House, had not yet been met. Mr. Knights moved denial without prejudice the project known as Canal Walk II; Mr. Loos seconded the motion, and it passed unanimously.

04-3102 - Montgomery/Rocky Hill Park – Princeton Avenue, Montgomery Twp. & Rocky Hill

Ms. Guru said this project is in compliance with the Commission's storm drainage regulations. Ms. Holms presented a waiver request from strict compliance with the Stream Corridor Impact Regulation; in this case, the applicant is proposing to add an additional ¼ acre of land to the stream corridor as mitigation for encroachment by approximately the same amount. The area of encroachment would be planted with a native wildflower mix. Ms. Holms recommended the waiver be granted.

00-2641 – Pennington Maintenance Building – North Main Street, Pennington

04-2632B – Princeton Day School Expansion – The Great Road, Princeton Township

04-1943B – GFA Office/Warehouse – Apgar Drive, Franklin Township

The above three applications were found to be in conformance by the Commission's staff with the regulations for stormwater management, water quality, and stream corridor impact. Mr. Loos moved waiver of the Montgomery/Rocky Hill Park from strict compliance of the stream corridor regulation, and approval of the four "B" Zone applications. Mr. Knights seconded the motion and it passed unanimously.

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

05-3135 – Curley Storage Shed – Route 29, Hopewell Township

Mr. Hahn said that this was the second project in two months in Hopewell Township that has been built without Commission approval. He said he would recommend the project be approved, but that he now felt it necessary to meet with the township's administrator and building official to discuss this issue. The Commission suggested methods of mitigation for the violation. Mayor Marchand suggested that Mr. Hahn request an acknowledgement in writing from the township regarding the Commission's review authority in these matters. It was the consensus of the Commission that the approval be conditioned upon planting evergreen trees in front of the shed to help screen it from the Canal Park.

05-3145 – Ellarslie Mansion A/C Enclosure – Parkside Avenue (Cadwalader Park), Trenton

Mr. Hahn said that the mansion is 600 feet from the Canal Park, and that the enclosure is not noticeable from this distance. He said the new enclosure would be a block structure with a standing-seam roof and painted to match the color of the main building. He recommended approval.

04-2429B – Ukrainian Orthodox Church Museum – Easton Avenue, Franklin Township

Mr. Hahn said the applicant is proposing to build a 2-story building in an existing complex of buildings located 600 feet from the Canal Park. Easton Avenue is between the park and the site, and the proposed building will be screened by existing vegetation and buildings.

Mayor Marchand moved approval of the "A" Zone applications with the landscaping condition as suggested for the Curley Storage Shed; Mr. Loos seconded the motion and it passed unanimously.

ELECTION OF OFFICERS

Mr. Loos moved approval of the nomination of Martin Jessen as Vice-Chair; Mr. Knights seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that Chief Ranger Burillo met with the Glen Afton Civic Association to discuss the ongoing problem of all-terrain-vehicles being driven illegally on the multi-use path. The Canal Park has agreed to install additional posts near the gates to prevent ATVs from accessing the path. She also distributed *The Milepost*, the Canal Park's newsletter. Mr. Loos asked whether the Canal Park had increased their staff; Ms. Herron said no, and Director Fernandez said it was unlikely that any staff increase would come about in the near future. Mr. Weingart suggested renewing the Mayors' Forum for the purpose of seeking other funding sources.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that dredging at Prallsville Mills and repair of the Bull's Island lower road were complete, and that the Authority is in the process of replacing stems for the headgates at Bull's Island. He said the annual maintenance of the Island Farm Weir would begin soon, and an engineering firm has been selected for the repair of the waste gate at Station 122.

Director Fernandez commented on the wonderful job that the Canal Park staff has been doing to repair the extensive damage at Bull's Island from Hurricane Ivan, in preparation for the 2005 camping season.

Mr. Loos asked about the status of designating the canal a C1 waterway. The Commission asked Mr. Hahn to make a presentation at April's meeting showing the pros and cons of the designation.

Mayor Marchand announced that a symposium on the D&R Canal will be held on June 1st and asked the Commissioners to save the date.

PUBLIC FORUM

Mr. Barth showed the Commissioners a children's book that Linda Barth had just published about the canal, entitled *Bridgetender's Boy*. He also showed them a recently-published map of all the canals in North America.

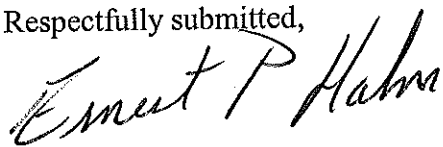
Mr. Hahn told the Commissioners he met with Mr. Loos in Franklin Township and visited the Freda Marden access area on Easton Avenue, which is suggested in the 2003 Development Plan as a location for a pedestrian bridge. He concurred with Mr. Loos, that the site is difficult to access, and that a better location for a pedestrian bridge would be next to the diner on Easton Avenue, across from JFK Boulevard. Mr. Loos reported that the Franklin Township Open Space Committee has recommended to the Township Council that it be a partner in seeking funding for the bridge.

Ms. Palius suggested the Commission consider prohibiting paved paths. Ms. Holms replied that paths in stream corridors or in the park itself are usually required to be unpaved, but that the Commission does not have the jurisdictional authority to prohibit paved paths elsewhere.

Mr. Bond encouraged the Commission to designate the canal Category 1.

The meeting adjourned at 11:55 AM.

Respectfully submitted,



Ernest P. Hahn
Secretary