



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF SEPTEMBER 21, 2005

TIME: 10:05 AM – 11:30 AM
DATE: Wednesday, September 21, 2005
PLACE: Canal Commission office
Stockton, NJ

ATTENDING:

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

GUESTS:

Vicki Chirco, D&R Canal State Park
Stephanie Fox, D&R Canal State Park
Barbara Ross, D&R Canal Watch
Robert von Zumbusch
Ron Preston, Princeton Hydro
Colin Driver, Borough of South Bound Brook
Bill Bogosian, NJ Water Supply Authority
Joe Shepherd, NJ Water Supply Authority
David Fisher, Matzel and Mumford

Chairman DelVecchio 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 AUGUST 10, 2005

Ms. Mitchell asked that the minutes of the meeting of August 10, 2005 include her suggestion that stormwater control devices required by the Canal Commission should be monitored for their effectiveness. With that addition, Mr. Albert moved approval of the minutes of August 10, 2005, Mayor Marchand seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Hahn presented the following "A" Review Zone permit application for review and approval:

05-3235 – United Water Lambertville Intake Structure

Mr. Hahn said this was a proposal to install a 12"x38" stainless steel intake structure in the canal for the purpose of diverting water from the canal. The structure would be placed four feet below

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

the normal operating level of the water surface. Mr. Hahn recommended approval conditioned upon 1) approval by the Division of Parks and Forestry, 2) approval by the Historic Preservation Office, and 3) submittal of plans showing the structure to be painted a color that blends with the bottom of the canal. Chairman DeVecchio requested that the approval also be conditioned upon requiring the applicant to reduce the noise from the pumping station to the fullest extent possible, and to notify the City of Lambertville when water is to be diverted. With those five conditions, Mayor Marchand moved approval of the permit application, Mr. Jessen seconded the motion, and it passed unanimously.

Mr. Loos joined the meeting at 10:15 AM.

Mr. Hahn presented the following "A" Zone project application for review and approval:

05-3128A – Canal Crossing Utility Lines Relocation – South Bound Brook

Mr. Hahn said that a large residential development on the former GAF industrial site was approved by the Commission in May of 2005, and that the applicant is requesting to relocate utility lines as part of the development. The lines presently cross the canal at a railroad bridge will be restored for pedestrian use. The applicant is proposing to move the lines away from the bridge to an existing line crossing. Three poles on Canal Park property will be removed and four new poles will be installed. Mr. Hahn recommended approval conditioned upon receipt of approvals from the Division of Parks and Forestry and the Historic Preservation Office; and receipt of a current lease from the NJ Water Supply Authority for each utility crossing of the Canal Park. With those conditions, Mr. Jessen moved approval of the Canal Crossing Utility Line Relocation application, Mayor Marchand seconded the motion, and it passed unanimously.

Mr. Knights joined the meeting at 10:20 AM.

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

05-2319 – Atrio Café Roof – Stockton
 05-1413B – Brady Carriage House – Lambertville
 05-2186C – Detrano Alterations – Lambertville
 05-3226 – Donahue Shed Roof – Stockton
 05-3218 – Gilbert Garage – Stockton
 05-3211 – Harrison/Wright House Addition – Delaware Township
 05-3227 – Joy Jones Pool Relocation – Franklin Township
 05-3223 – McDaniel Roof and Fencing – Stockton
 05-3183 – Route 29 Reconstruction/Drainage Improvements – Lambertville
 05-3223 – Sierputowski Residence Addition – Hopewell Township
 02-2874A – Springdale Golf Club Improvements – Princeton Township
 05-3231 – Starr Residence Addition – Stockton
 05-3232 – Steffanelli Residence Addition – Stockton
 05-3234 – USGS/NJWSA Gaging Station – Stockton
 05-2786A – Yerkes Residence – Stockton

With the exception of the Springdale Golf Club Improvements, the Yerkes Residence, the USGS/NJWSA Gaging Station, and the Route 29 Reconstruction/Drainage Improvements, Mr. Jessen moved approval of the "A" Zone applications, Mr. Loos seconded the motion, and the motion passed without dissent.

Mr. Jessen moved approval of the Springdale Golf Club Improvements; Ms. Mitchell seconded the motion. Messrs. DelVecchio, Jessen, Albert, Loos, Sedor, Mayor Marchand and Ms. Mitchell voted in favor of the motion; Mr. Knights abstained. The motion passed.

Mr. Knights moved approval of the Yerkes Residence conditioned upon the project receiving a DEP Stream Encroachment Permit, with the understanding that the Stream Encroachment Permit may require the house to be built on 12-foot-high piles. Mr. Loos seconded the motion and it passed unanimously.

Mr. Albert moved approval of the USGS/NJWSA gaging station, with the condition that the station not be removed without Canal Commission approval. Mayor Marchand seconded the motion, and it passed unanimously.

Mr. Jessen moved approval of the Route 29 Reconstruction/Drainage Improvements, and Mr. Loos seconded the motion. Chairman DelVecchio noted that this project would result in less runoff entering Swan Creek. The motion passed unanimously.

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

- 04-3051 – Ewing Corporate Park – Ewing Township
- 03-2991 – Millenium Homes – South Brunswick Township
- 05-3184 – Plainsboro Plaza – Plainsboro Township
- 05-3208 – Scudders Mill/Dey Road Improvements – Plainsboro Township
- 04-3073 – Terra Tract – East Windsor Township
- 05-2215H – Timberlane Middle School Basin Modification – Hopewell Township
- 05-2956 – Waters Farm – Millstone Township, Monmouth County
- 05-3160 – Windsor Business Park West – West Windsor Township
- 04-3104 – Woods at Plainsboro – Plainsboro Township

The Commissioners discussed the Commission's regulations for drainage review with regard to how they compared with DEP's new stormwater regulations. Mr. Loos moved approval of beginning the process to revise the Commission's regulations, for the purpose of incorporating the new DEP standards. Ms. Mitchell seconded the motion, and it passed without dissent.

Ms. Guru said the "B" Zone projects complied with the Commission's standards for stormwater management and water quality. Ms. Holms presented two requests for waiver from strict compliance of the Stream Corridor Impact Regulation; Ewing Corporate Park and Terra Tract. She recommended the waivers be granted. Mr. Jessen moved waiver of strict compliance of the Stream Corridor Impact Regulation and approval of Ewing Corporate Park, Mr. Albert seconded the motion; the motion passed unanimously. Mr. Loos moved waiver of strict compliance of the

Stream Corridor Impact Regulation and approval of Terra Tract, Mr. Knights seconded the motion, and this motion also passed without dissent.

Mr. Jessen then moved approval of the Scudders Mill/Dey Road Improvements, the Timberlane Middle School Basin Modification, Waters Farm, Windsor Business Park West, and Woods at Plainsboro; Mayor Marchand seconded the motion. The motion passed unanimously.

Mr. Jessen moved approval of Millenium Homes and Plainsboro Plaza and Mr. Albert seconded the motion. Chairman DelVecchio, Messrs. Jessen, Albert, Sedor, and Loos, Mayor Marchand and Ms. Mitchell voted in favor of the motion, Mr. Knights abstained. The motion passed.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn noted that equipment used to treat the oil spill in the canal in Hopewell Township has been removed but that the staging area has not been not restored. He requested that the Division of Parks and Forestry follow up on the status.

He gave an update on the status of the Scenic Byway designation for Route 29, and said that he was optimistic that funding could be secured to produce tourism brochures. He has been working with DOT representatives to plan for the removal of the gas station at the intersection of Route 29 and Washington Crossing Road.

Mr. Hahn Reported the following work load performed by the Staff between August 11 and September 21:

- Deficiencies: 25
- Exemptions: 21
- Jurisdictional Determinations: 11
- Projects for Presentation: 25
- Site evaluations: 2
- Permits: 1

D&R CANAL STATE PARK REPORT

Ms. Fox, Canal Park Naturalist, reported on several interpretive programs that were ongoing in the Canal Park. Ms. Chirco, Canal Park Historian, reported that park staff would be moving to new headquarters at the former Princeton Nurseries building on Mapleton Road.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Bull's Island feed gate repair has been completed, and that over 2500 cubic yards of silt has been dredged at Bull's Island. He said repairs to the flood bank in Stockton were ongoing.

Chairman DelVecchio noted that the Commission meeting slated for November 16 would conflict with the League of Municipalities conference, and suggested that the meeting be moved to November 9th. The Commissioners agreed to the date change.

PUBLIC FORUM

Mr. von Zumbusch reported that a breach in the dike of the Kingston mill pond that occurred some time ago is still not repaired. He noted that it is on State property, and that water is bypassing the pond and going directly into Heathcote Brook. He said the mill pond has already dropped 3-4 feet as a result, and thought the breach could eventually compromise the Lake Carnegie dam. Mr. Sedor said he would look into the matter.

Mr. Loos moved adjournment of the meeting; Mayor Marchand seconded the motion. The motion passed unanimously. The meeting adjourned at 11:30 AM.

Respectfully submitted,



Ernest P. Hahn