



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF DECEMBER 21, 2005

TIME: 10:05 – 11:05 AM
DATE: Wednesday, December 21, 2005
PLACE: Canal Commission office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman DeVecchio, Messrs. Albert, Jessen,
Knights, Loos; Mayor Marchand and Ms. Cradic

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
Bill Bogosian, NJ Water Supply Authority
Sharmila Rahman, NJ Water Supply Authority
Joe Shepherd, NJ Water Supply Authority
Mike Kruimer, East Coast Greenway Alliance
Anne Kruimer, East Coast Greenway Alliance
Joseph E. Rosina, PSE&G
Joe Witkowski, Rutgers University
Bill Herriott, PSE&G
Noreen Merainer, PSE&G
Amy Martin, PSE&G
Jose O'Barrio, PSE&G
Susan Herron, D&R Canal State Park

Chairman DeVecchio 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 NOVEMBER 9, 2005

Mr. Albert moved approval of the minutes of the meeting of November 9, 2005;
Mr. Jessen seconded the motion. The motion passed unanimously.

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

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REVIEW ZONE APPLICATIONS

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

05-3250 - PSE&G Pole and Transmission Crossing – Franklin Township

Mr. Hahn said that the applicant (PSE&G) had formerly proposed locating an 85-foot-tall steel monopole with transmission lines crossing the canal and Raritan River adjacent to the Van Wyckle House in Franklin Township. The Commission discouraged the applicant from proposing this location. The applicant is now proposing to locate the pole and lines on Canal Park land adjacent to the 5-mile lock, just north of Route 287, on Easton Avenue in Franklin Township.

Mr. Hahn said the applicant has requested waiving several aspects of the Commission's regulation requirements, based upon extreme economic hardship and compelling public need. He said that the transmission lines are for the purpose of updating Rutgers' utility lines, and that the University would have to spend approximately 8 to 10 million dollars more if the pole could not be located at this location. He said the transmission was necessary for Rutgers to continue medical research, and to prevent brownouts and possibly blackouts.

He said that PSE&G has proposed one provision as mitigation which has already been made a condition of approval of another transmission line crossing of the Canal Park in Franklin Township. That condition consists of burying an existing gas pipeline that crosses the canal in South Bound Brook. He said that the applicant estimates the cost of burying the pipeline to be one million dollars.

Mr. Hahn recommended that in addition to this provision for mitigation, the applicant also be required to install interpretive signage, and to construct a pedestrian bridge across the canal near JFK Boulevard and Easton Avenue.

Mr. Albert questioned whether a claim of extreme economic hardship by PSE&G was supportable given that the project would generate future revenue for the applicant. Mr. Rosina replied that the economic hardship would be born by Rutgers, a not-for-profit institution.

Mr. Loos said he would support these additional conditions as mitigation for the harmful visual impact that the new pole and lines would have on the Canal Park. He moved approval of the application with conditions as presented. Mayor Marchand asked how the resolution would be prepared; Mr. Hahn replied that the Commission staff would prepare a draft resolution which would then be reviewed by Mr. Weyl. Mr. Jessen seconded the motion and it passed unanimously.

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

05-3260 – Finkral Residence Addition – Lambertville; proposed 2-story addition onto an existing single family house whose rear yard abuts the canal and towpath.

05-3248 – Spillway Station 26+00 Rehabilitation – Delaware Township; repair of a spillway located south of Bull’s Island by installing a concrete cap faced with stone, terminating with stone-filled gabions. Mr. Hahn recommended approval conditioned upon 1) submission of construction details of the stone work, 2) the top layer of stone in the gabions are to be of native material available on site or suitable imported material, and 3) the construction access plan must be approved by Commission staff before construction begins. Should the plan involve extensive removal of vegetation, the Commission may require that clearing be suspended during the bird breeding and migrating season, from April 15th through July 15th.

05-3243 – Spring Street Housing – Trenton; demolition of 5 dilapidated row homes and construction of 4 new row homes. The houses will not be visible from the Canal Park.

05-3258 – Cromarty Porch Enclosure – Lambertville; removal of an existing porch and construction of a 2-story addition on the former porch’s footprint. This project also will not be visible from the Canal Park.

05-3217 – Klag and Brenning Duplexes – Trenton; construction of 3 duplexes, not visible from the Canal Park.

05-3262 – Bull’s Island Restroom Oil Tank Replacement; replacement of an underground oil tank with an above-ground tank to prevent future fuel leaks in the Canal Park.

05-3268 – Riverview Crossing Apartments Stair Enclosure – Hopewell Twp.; enclosure of a stair tower to meet fire protection requirements; the project is not visible from the Canal Park.

05-3129 – Canal View Townhouses – Lambertville; demolition of a 2,925 square-foot garage and construction of 3 townhouses next to the towpath. Mr. Hahn recommended conditioning the approval upon procurement of a Special Use Permit or other approvals as required by the Division of Parks and Forestry for any work done on Park property, and 2) procurement of State House Commission approval for the diversion of park land associated with transferring ownership of the existing retaining wall, and 3) applicant and subsequent owners in title shall maintain the existing stone retaining wall adjacent to the towpath in its present condition.

05-3263 – Titus Development Housing – Trenton; demolition of 6 dilapidated row homes and construction of 10 new townhouses. The project will not be visible from the Canal Park.

Mr. Hahn said for those projects that will not be visible from the Canal Park he recommended waiver from the Commission’s Visual Impact review, and approval of the “A” Zone applications as presented. Mr. Loos moved approval of the “A” Zone applications with conditions as presented; Mr. Jessen seconded the motion and it passed unanimously.

Mr. Hahn presented the following “B” Zone applications for review and approval:

- 03-2915 – Horzepa Farm – Millstone Township, Monmouth County
- 04-3025 – Pat Richard Warehouse – Hillsborough
- 05-3002 – Enchantment at East Windsor

Mr. Hahn said the applications were in compliance with the Commission's regulations and recommended approval. He recommended that the project "Enchantment at East Windsor" be conditioned upon receipt of two executed conservation and maintenance easements for its detention facilities. With that condition, Mr. Jessen moved approval of the "B" Zone applications, Ms. Cradic seconded the motion, and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported that the Canal Park staff has moved its main office from Blackwell's Mills to the former Princeton Nurseries property on Mapleton Road in Kingston. She also said that new historic and natural resource exhibits will be installed in the office at Bull's Island.

WATER SUPPLY AUTHORITY REPORT

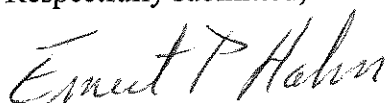
Mr. Shepherd reported that dredging at the inlet was delayed because of the cold weather. He said that the Six Mile Run culvert has been cleaned out. He also reported that a representative from the USGS gave a presentation on real-time water quality monitoring for the canal.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn said that the staff had reviewed 26 projects and found them to be deficient; they reviewed 13 projects and declared them complete for review at the December meeting. He said the staff also made jurisdictional determinations and inspected stream corridor easement areas.

Mr. Jessen moved adjournment of the meeting; Mayor Marchand seconded the motion, and it passed without dissent. The meeting adjourned at 11:05 AM.

Respectfully submitted,



Ernest P. Hahn