



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF JULY 19, 2006

TIME: 10:10 – 12:00 Noon
DATE: Wednesday, July 19, 2006
PLACE: Canal Commission Office/Prallsville Grist Mill
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DeVecchio, Messrs. Martin
Jessen, David Knights, John Loos, Richard Albert, Paul Sedor;
Mayor Phyllis Marchand and Ms. Alison Mitchell

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

GUESTS:

Bill Bogosian, NJ Water Supply Authority
Gabrielle Kanter
Bruce Kanter
Bob Hillier
Nancy Kanter
Vicki Chirco, D&R Canal State Park
Stephanie Fox, D&R Canal State Park
Mike and Anne Kruimer, East Coast Greenway
Bill Bogosian, NJ Water Supply Authority
Joe Shepherd, NJ Water Supply Authority
Barbara Ross, D&R Canal Watch

Vice Chairman Jessen 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 JUNE 21, 2006

Mr. Loos moved approval of the meeting of June 21, 2006; Ms. Mitchell seconded the motion, and it passed unanimously.

REVIEW ZONE APPLICATIONS

Ms. Mitchell moved approval of the following "A" Zone applications:

06-3381 – Fleetwood Gallery – Lambertville

06-3360A – Karvalis Residence Addition Update – Lambertville

06-3379 – Pillar of Fire Oil Tanks Replacement – Franklin Township

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jon Corzine, Governor

Lisa P. Jackson, Commissioner

Regarding the Pillar of Fire application, Mr. Albert asked whether the original underground tanks would be removed. Mr. Hahn said they would. Mr. Loos seconded the motion, and it passed unanimously.

Ms. Mitchell then moved approval of the following "B" Zone applications with conditions as recommended by staff:

05-3126 – KBA Residential Development – Montgomery Township

04-3082 – Valley View – Monroe Township (*conditioned upon documentation from Monroe Township permitting the use of the municipal basin, revised conservation easements with revised legal descriptions, and recordation of conservation easements with the County Clerk*).

Mr. Loos seconded the motion and it passed unanimously.

The Commissioners agreed to wait for Chairman DeVecchio before reviewing a fourth "A" Zone application, the Kantor Art Shed.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported that architectural drawings have been rendered for the rehabilitation of the Hanover Street Bridgetender's House. He said the only exterior change would be an addition of a ramp for the disabled behind the house. He asked the Commissioners whether they considered this a "maintenance" project, forgoing formal action. The Commissioners agreed that the restoration work was maintenance. Mr. Loos asked whether the house would be used once repaired; Mr. Hahn said that there are several possible alternatives for use, one of them being an office for the Crossroads of the American Revolution Natural Heritage Area.

Mr. Hahn said that restoration of the Calhoun Street Canal House would start soon. He said that PSE&G is planning to bury the gas pipeline in South Bound Brook under the canal in September. He said that during the past month, the staff reviewed and determined 6 applications to be complete, 14 applications with deficiencies, 12 exemptions, and 2 jurisdictional determinations.

Ms. Holms said she would be taking some members of the Stony Brook Millstone Watershed Association on a tour of stream corridor restoration and mitigation sites in August or September, and invited Commissioners to join. Mr. Loos asked that they be notified of the date once determined.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Fox, naturalist for the Canal Park, said the campground at Bull's Island would be closed for the rest of the season because of the June flood. She said that the water rose above the washroom's roof, but that roadways on the island were for the most part intact except for the road near the river and the bridge to the island. Ms. Fox said the bridge should be repaired by next week so that the day use area could reopen. She also said that the farmers' bridges across the canal were being repaired by DOT and were nearly complete.

Ms. Fox announced that the D&R Canal would be featured on a "Modern Marvels" TV show on the History Channel on July 20th.

Mr. Loos asked whether the Division of Parks and Forestry has considered moving the campground to the Six Mile Run area. Mr. Sedor said the future of the Bull's Island campground was being discussed, but that the experience of camping along the river was not comparable to camping in the state's interior. He said he would take the suggestion back to the Division of Parks and Forestry for further discussion. Mr. Loos also mentioned two other areas that the Canal Park owns in Franklin Township that would be suitable for camping. Mr. Kruimer noted that he gets many requests from East Coast Greenway users for more camping facilities along the Greenway in New Jersey.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that debris was being removed as a result of the flood at Bull's Island and southward. He said the floodguard at Stockton was breached again and would be repaired by next week. He reported that a body was discovered in the canal in Trenton.

Chairman DelVecchio joined the meeting at 10:30 AM. He thanked the Water Supply Authority for opening the locks which gave Lambertville residents more time to move their possessions out of harm's way during the flood.

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

05-1477A – Kantor Art Shed – Stockton

He said the Commission denied without prejudice the application at June's meeting, requesting that the applicant be present to answer questions. Mr. Hillier, the applicant's architect, said the existing garage was in terrible shape and that the applicant is proposing to build a 2-story flat-roofed structure on the same footprint as the existing building. He said it would be 6'6" taller than what is there now. Materials would include cedar siding and barn "doors" on rollers to act as shutters for the windows. The building would be partially screened from the Canal Park path by a row of pine trees. Mr. Knights moved approval of the application and Mr. Jessen seconded the motion.

Mr. Loos asked whether the applicant had considered installing a roof garden; the applicant replied that he hadn't. Mr. Loos also asked whether the applicant was aware that the pines would ultimately block the window facing the path; Ms. Kantor replied that it was a condition of the approval and therefore was required. A discussion ensued about the location and type of trees to be planted. Mr. Knights amended his motion to approve the application conditioned that the trees be hemlocks, and that they be located no closer to the proposed building, but that they could be located closer to State property, to be decided by the Executive Director. Mr. Jessen seconded the amended motion.

Ms. Mitchell said the proposed building's design was not in keeping with the character of structures near the Canal Park. Mr. Jessen felt the new building would look better than the existing building, and Mr. Albert said it would be one of the least objectionable buildings along

the multi-use path. Mr. Sedor asked why the applicant wanted two floors; Mr. Hillier replied that they didn't want to expand the impervious surface for environmental reasons.

Messrs. Loos, Sedor, Knights, Jessen, Albert, and Mayor Marchand voted in favor of the amended motion; Ms. Mitchell opposed the motion. The motion passed.

PUBLIC FORUM

Mr. Kruimer announced that East Coast Greenway installed their directional signs on gate posts along the main stem of the canal and thanked Ms. Holms for her help with the project.

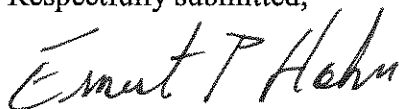
Chairman DeVecchio asked the Commissioners for their input on whether to consider designating the canal a "Category One" water body. Mr. Hahn explained that water bodies are designated C1 because of their ecological value, because they are drinking sources, or because they flow through public lands. The ramifications of a C1 designation include the prohibition of new outfalls within a 300-foot buffer.

Mr. Hahn said he is preparing a draft proposal to amend the Commission's regulations to include measures similar to the C1 regulations for streams that flow into the canal, and to specifically prohibit new outfalls in the canal. He said an alternative proposal would be to petition DEP directly to designate these streams as C1. The Commissioners felt that amending the Commission rules was a preferable strategy.

Mr. Knights moved approval of entering closed session. Mr. Jessen seconded the motion and it passed unanimously.

The public meeting reconvened and adjourned at 12:00 noon.

Respectfully submitted,



Ernest P. Hahn