



DELAWARE AND RARITAN  
CANAL COMMISSION

**MINUTES OF THE MEETING OF MARCH 21, 2007**

TIME: 10:00 AM – 11:00 AM  
DATE: Wednesday, March 21, 2007  
PLACE: Canal Commission Office  
Stockton, New Jersey

**ATTENDING:**

**COMMISSIONERS:** Chairman David DelVecchio, Messrs. Martin Jessen  
John Loos, Jose Fernandez, Richard Albert; Ms. Alison Mitchell

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

**GUESTS:**

Joe Shepherd, NJ Water Supply Authority  
Bill Bogosian, NJ Water Supply Authority  
Vicki Chirco, D&R Canal State Park  
Stephanie Fox, D&R Canal State Park  
Andrew Tandler, PEC/SKP Land  
Mike Textores, Schoor DePalma  
Paul Giordon, Van Note-Harvey Associates  
Gary Nucera, Hillsborough Twp. MUA

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 FEBRUARY 21, 2007**

Mr. Loos moved approval of the minutes of the meeting of February 21, 2007; Mr. Albert seconded the motion and it passed unanimously.

**REVIEW ZONE APPLICATIONS**

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

07-3471 Danese Addition, Stockton Borough  
07-3474 Young Addition, Stockton Borough  
07-3476 McGill Sign, City of Lambertville  
07-3465 Calhoun Street Canal House Rehab, City of Trenton  
06-2722A Bo Robinson Treatment Expansion, City of Trenton  
07-3468 It's Nutts Awning, Hopewell Township

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Jon Corzine, Governor Lisa P. Jackson, Commissioner

Mr. Albert seconded the motion and it passed unanimously.

Mr. Hahn then presented the following application for review:

07-2498A Yorkshire Village Residence, Lawrence Township

Mr. Hahn said that in 1995, the Commission approved a large housing development in Lawrence Township called "Yorkshire Village". Part of that approval involved the relocation of 3 farmsteads. Two were successfully moved but the third was condemned for structural damage that occurred during the move, and subsequently demolished. The applicant is now proposing to build a new house on that lot. Mr. Hahn said the new house would have a larger footprint than the demolished house, and would not be in conformance with the Commission's setback regulations for this area of the Canal Park (250 feet). He recommended denial.

Mr. Loos moved denial of the Yorkshire Village Residence; Mr. Fernandez seconded the motion, and it passed unanimously. Several Commissioners expressed skepticism that construction of any size house within the setback would be acceptable to the Commission and would need to meet the prerequisite of a hardship waiver.

Mr. Albert moved approval of the following "A" Zone application:

07-2091C – NJ American Water Co. Expansion – Franklin Township

Mr. Loos seconded the motion. Mr. Albert asked Ms. Guru whether any of the company's effluent discharges toward the canal. She replied that if it did, it would be scrutinized and regulated by the Department of Environmental Protection. The motion passed unanimously.

The following "B" Zone applications were presented for review and approval:

06-3361 Moriello Plaza, Lawrence Township

06-2294E Lawrenceville School Athletic Field Quadrant, Lawrence Township

06-3415 Applegarth Elementary School, Monroe Township

06-3400 Kerani Housing Development, Franklin Township

04-3061 Gateway @ Sunnymede, Hillsborough Township

Mr. Albert asked about the type of land use involved with regard to the stream corridor averaging proposal submitted for Gateway @ Sunnymede, and whether the Commission was accepting compensatory land as mitigation that was already protected. Mr. Hahn said that the Commission required compensatory lands to be ecologically equivalent to any land proposed to be encroached upon. He also said that any proposed compensatory land must be developable and not already protected, such as wetlands. Mr. Albert moved approval of the "B" Zone applications as presented; Mr. Fernandez seconded the approval, and it passed unanimously.

Mr. Hahn then presented a request to amend a conservation easement held by the Commission that was required as a formerly-approved project, the True Jesus Church, in Hillsborough Township (#02-2824). He said the Hillsborough Municipal Utility Authority is seeking to relocate and upgrade an existing sewer line which presently exists within the preserved stream

corridor area for this project. The Authority is required to restore any vegetation that may be disturbed as a result of the relocation. Mr. Albert moved approval of amending the conservation easement for the purpose of relocating and upgrading the sewer line; Mr. Loos seconded the motion, and it passed unanimously.

#### RESOLUTION FOR SUPPORT OF DELAWARE RIVER SCENIC BYWAY CORRIDOR MANAGEMENT PLAN

The Commissioners agreed to postpone discussion of the Scenic Byway Corridor Management Plan until after they had a chance to review the Plan.

#### DISCUSSION OF PROPOSED DRAFT REGULATIONS

Mr. Hahn noted that a draft of new regulations for the Commission had been distributed to the Commissioners. He asked them to comment on the draft before or at the next Commission meeting.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the monthly staff work tally. He said he recently attended a meeting concerning the proposed expansion of the Route 95 bridge over the Delaware River at Scudders Falls. He said the proposed bridge would have 7 lanes with 2 exit ramps. The Department of Transportation said a proposed bikeway across the river would cost approximately 12 to 14 million dollars. Mr. Albert said that the Scudders Falls bridge area could use more interpretive signage.

Chairman DelVecchio joined the meeting at 10:40 AM.

Mr. Jessen moved approval of the following Review Zone project applications:

- 07-3467 – Griggstown Grassland Preserve Sign – Franklin Township
- 06-3380 – Route 27 Retail Plaza – Franklin Township

Messrs. DelVecchio, Jessen, Albert, Fernandez and Ms. Mitchell voted in favor of the motion; Mr. Loos recused himself. The motion passed.

Chairman DelVecchio suggested that a special Commission meeting be held to discuss the proposed new regulations. It was agreed to hold the meeting on April 10, 2007 at 9:00 AM at the D&R Canal State Park Headquarters in South Brunswick.

#### D&R CANAL STATE PARK REPORT

Ms. Fox reported that the maintenance staff has been working in preparation for opening the Bull's Island campground on April 1<sup>st</sup>. She said an appeal for Land Management Review was successfully made regarding mowing certain areas next to the multi-use path. She said a new park policeman has started working at Washington Crossing State Park. Ms. Fox also noted that as a result of two houses being moved across State Park property, an 85-year-old specimen

Gingko tree was cut, requiring its removal. The Park will be seeking compensation.

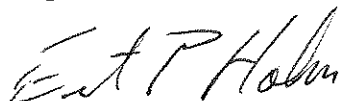
Mr. Fernandez reported that the Division of Parks and Forestry had recently hired a new law enforcement director, Frank Rogers, to oversee the State Park Police.

#### WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Authority removed 1,100 cubic yards of sediment from the canal at Prallsville Mills. He said they were conducting annual maintenance work at the Island Weir.

The meeting adjourned at 11:00 AM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ernest P. Hahn".

Ernest P. Hahn  
Secretary