



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF JUNE 20, 2007

TIME: 10:00 – 11:10 AM
DATE: Wednesday, June 20, 2007
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DelVecchio, Messrs. Marty Jessen,
David Knights, John Loos, Al Payne, and Richard Albert;
Ms. Alison Mitchell

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

GUESTS:

Bill Bogosian, NJ Water Supply Authority
Darren Dapas, Canal Walk and McAteers
Diane Constantine, law office of Alan Zublatt on behalf of Sprint
Patricia Kalleser, D&R Canal State Park
Vicki Chirco, D&R Canal State Park
Barbara Ross, D&R Canal Walk

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. He said descriptions of the applications deemed complete for review had been posted on the Commission's website.

MINUTES OF THE MEETING OF MAY 16, 2007

Mr. Albert moved approval of the meeting of May 16, 2007; Ms. Mitchell seconded the motion, and it passed unanimously.

REVIEW ZONE APPLICATIONS

Mr. DelVecchio asked the Commissioners if they had any questions or concerns regarding the "A" Zone applications. Ms. Mitchell inquired about the Water Supply Authority's application to rehabilitate the Swan Creek Aqueduct, expressing concern about the use of gabions. Mr. Hahn said the application was for concept approval only, and thus recommended it be approved with the understanding that the Commission would not favor the use of gabions in the final design unless there was no alternative.

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

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

Mr. Loos moved approval the following "A" Zone applications with conditions as recommended and presented by staff:

07-3510 Fradella Shed, Hopewell Township
07-3226A Donahue/Ward Addition, Borough of Stockton
07-3134C Edwards Generator Installation, Borough of Stockton
07-3233A McDaniel Porch Addition, Borough of Stockton
07-3516 Holmes Roof Raising, Borough of Stockton
07-3515 Ellis-Green Residence Expansion, City of Lambertville
07-3511 Sciascia Basement Entry, City of Lambertville
06-3283A Swan Creek Aquaduct Rehab, City of Lambertville
07-1885C McAteers Sign, Franklin Township: conditioned upon all sign lighting be controlled with either photo sensors or timers to go on at sunset and off at sunrise
06-3141C Canal Walk Shopping Center, Franklin Township: conditioned upon receipt of county approval

Mr. Jessen seconded the motion and it passed unanimously.

David Knights joined the meeting at 10:05 AM.

The Commissioners then discussed the following "A" Zone application:

07-3473 – Prall Monument – Stockton

Mr. Hahn said he learned after the application had been deemed complete that the owner of the property site, New Jersey Conservation Foundation, had not been informed of the applicant's desire to install a statue on their property. He recommended that the project be tabled until this matter could be resolved. Mr. Loos suggested that if the application is presented to the Commission again, the property owner should be a co-applicant. Several Commissioners concurred. Mr. Loos moved denial without prejudice of the Prall Monument application; Mr. Albert seconded the motion, and it passed without dissent. Mr. Knights abstained.

A final "A" Zone application was presented for review and approval:

07-3514 Mather Residences, City of Lambertville

Mr. Loos asked about the staff recommendation to waive strict compliance with the Commission's standards for stormwater management and water quality. Ms. Guru explained that because this project would result in a very small amount of new impervious surface, and because the alternative to granting a waiver would require disturbance of a heavily-wooded steep slope and installation of more impervious surface, she recommended that the waiver be granted. Mr. Albert moved approval of the Mather Residences application; Mr. Knights seconded the motion and it passed unanimously.

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

07-3505 Gomes Homes Subdivision, Franklin Township
07-3451 Cardinal Health & Parking, Franklin Township
06-3370 Turtlebrook Bank & Pharmacy, Franklin Township
07-2955A Sprint Antenna Co-location, Hillsborough Township
07-3504 Hillier Lot Consolidation, Princeton Township
07-3470 Hopewell Bank & Office, Hopewell Township
05-3156 Stonebridge Phase II, Monroe Township
06-3394 Jen-Dar Office Park, Cranbury Township
07-3458 Forsgate Building S-139, South Brunswick Township

Regarding the application for Stonebridge Phase II, Ms. Holms described a buffer averaging plan proposed as mitigation for waiver of strict compliance with the Commission's Stream Corridor Impact regulation. Regarding the application for Jen-Dar Office Park, Ms. Guru said the applicant had submitted revised plans subsequent to the application being deemed complete. The revised plans show a smaller building footprint, reduced parking, and additional drywells. She said the application still conforms to the Commission's standards for stormwater management and water quality. Mr. Jessen moved approval of the "B" Zone applications, Mr. Loos seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported that the New Jersey Senate passed legislation enabling the Commission to charge fees and issue General Permits. He said the bill is scheduled to be voted on by the Assembly on Thursday.

Chairman DeVecchio welcomed the new Canal Park Superintendent, Patricia Kalleser.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Kalleser reported that a pilot seasonal personnel program will be starting in which a seasonal supervisor will be working in the Trenton section of the Park five days a week and will be working to enhance public awareness. She said several city, county and state agencies are working together to try and remove debris from the multi-use path near Calhoun Street.

WATER SUPPLY AUTHORITY REPORT

Mr. Bogosian said the Authority has applied to FEMA for reimbursement of costs incurred to remove debris and repair the path, work that was required as a result of April's flood. He said repair of the Stockton berm was ongoing, and that the headwaters of the canal near Raven Rock would be dredged in July. He said dredging near Brookville Hollow would be undertaken in July, and that repair of the spillway at Station 26 would also begin in July.

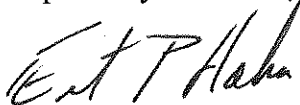
PUBLIC FORUM

Ms. Mitchell asked whether there was any possibility of preventing the Department of Transportation from spraying herbicide on Route 29 next to the canal. Mr. Hahn said that DEP and DOT had determined that the herbicide being used was not detrimental and doubted that anything could be done.

Mr. Jessen moved approval to enter into Executive Session to discuss litigation involving the Commission; Mr. Loos seconded the motion and it passed unanimously.

The Commission entered Executive Session at 10:55 AM. The public meeting reconvened and adjourned at 11:10 AM.

Respectfully submitted,



Ernest P. Hahn
Secretary