



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF OCTOBER 17, 2007

TIME: 10:00 AM – 12:05 PM
DATE: Wednesday, October 17, 2007
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DelVecchio, Richard Albert; John Loos, David Knights, Marty Jessen; Ms. Alison Mitchell and Mayor Phyllis Marchand

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

GUESTS:

Bill Bogosian, NJ Water Supply Authority
Patricia Kalleser, D&R Canal State Park
Linda Barth, D&R Canal Watch
Barbara Ross, D&R Canal Watch
Christine Smeltzer, Cranbury Township
Joe Shepherd, NJ Water Supply Authority
Bill Bogosian, NJ Water Supply Authority
Cathleen Marcelli, Hatch Mott MacDonald
Larry Plevier, Hatch Mott MacDonald

Chairman DelVecchio announced that this was a rescheduled 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 SEPTEMBER 24, 2007

Mr. Albert moved approval of the minutes of September 24, 2007. Mr. Knights seconded the motion and it passed unanimously.

Mr. Loos joined the meeting at 10:05.

REVIEW ZONE APPLICATIONS

Mr. Jessen moved approval of the following "A" Zone applications:

07-3545B People Store Alterations, City of Lambertville
07-3570 Spreen Fence, City of Lambertville

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

07-3574 Parker Addition, Borough of Stockton
07-3578 Piatek Shed, Hopewell Township
07-3564 Josten Barn Addition, Franklin Township

Mr. Knights seconded the motion and it passed unanimously. Ms. Mitchel then moved approval of the following "A" Zone application:

07-3571 Papadopoulos Addition, City of Lambertville

Mr. Jessen seconded the motion. Messrs. Jessen, Albert, Loos, Knights and Ms. Mitchell voted in favor of the motion; Chairman DelVecchio abstained. The motion passed.

Mr. Jessen moved approval of the following "B" Zone applications:

07-2756A Muslim Foundation Mosque, Franklin Township
06-3421 Ewing Independent Living, Ewing Township

Ms. Mitchell seconded the motion and it passed unanimously.

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

06-3334 CVS Pharmacy & Retail, Hillsborough Township

Mr. Hahn said the applicant for this project has proposed monetary mitigation in exchange for encroaching into the stream corridor's 100-foot buffer by .56 acre, for the purpose of installing a detention basin. Mr. Loos expressed concern about that method of mitigation, and asked how the funds would be designated. Mr. Hahn replied that a non-profit organization would direct the money toward purchase of land in the same watershed as the project's stream corridor (Royce Brook). Ms. Mitchell said she wasn't convinced that the proposed mitigation would satisfy the intent of the regulation for waiver. Mr. Loos said he would like to see any potential areas slated for acquisition as mitigation on an aerial map, with descriptions of their land use. Chairman DelVecchio said it was the applicant's responsibility to provide the Commission with the means for how land for mitigation would be acquired.

After further discussion among the Commissioners, Mr. Loos moved denial without prejudice the CVS Pharmacy and Retail; Ms. Mitchell seconded the motion, and it passed unanimously.

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

07-3506 Liberty Way North Expansion, Cranbury Township

Ms. Marcelli, Cranbury Township Engineer, described the history of the road project, saying that the Township determined in 1990, and again in 1998, that the road was needed to alleviate increasing traffic on Route 130. She said much of the road was paid for by neighboring developers. She said the township was now requesting a waiver from strict compliance of the Commission's regulations for stormwater management and water quality, based upon extreme economic hardship and compelling public need. She said that if the road were built to conform

to the Commission's standards, a large detention basin would be needed, and the cost of acquiring the land to install the basin was prohibitive.

The Commission discussed a separate but related issue regarding the road. Mr. Hahn said that as part of the roadwork, a detention basin was built within a stream corridor owned by ProLogis, a violation of the terms of the Conservation Easement that is held by the Commission. The Township said they are in the process of putting together a proposal to mitigate the violation.

A discussion ensued about various methods of improving water quality standards for the road design. Ms. Guru said it would be possible to install storm filters to enhance water quality, and estimated the cost to be approximately \$80,000. She said that installing a series of berms and scour holes to slow flow within the existing swale would also improve water quality.

After further deliberation, Mr. Knights moved waiver of strict compliance of the Commission's Regulations for managing runoff volume (water quantity) for the road project application; Mr. Albert seconded the motion, and it passed unanimously.

Mr. Knights then moved waiver of strict compliance of the Commission's Regulations for addressing water quality for the road project application, conditioned upon the following:

- The present proposal to address water quality must be improved and found to be acceptable by Commission staff.
- Mitigation for the violation regarding intrusion into the Commission's stream corridor on the ProLogis site must be submitted within one year's time from the date of this waiver.
- Implementation of the mitigation must be completed by one year from the date that the Commission accepts the mitigation proposal.

Mayor Marchand seconded the motion, and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

The Commissioners agreed to hold November's meeting at its regularly scheduled date and time (Wednesday, November 21, at 10:00 AM).

Mr. Hahn reported on a meeting with Parks officials and DOT, and said that DOT would resurface the towpath that was damaged during the last flood. He said DOT repaired the surface at the Landing Lane spillway by infilling the stone rip rap with crushed red shale.

Chairman Del Vecchio and Ms. Mitchell left the meeting at 12:00 PM.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd said the Authority was repairing the decking on the Alexauken Creek aqueduct; they completed dredging at the Lockatong spillway, and work at Station 26 was almost complete.

NEW BUSINESS

Mr. Loos asked whether deer hunting was allowed in the Millstone River floodplain in Somerset County. Superintendent Kalleser said that she would have to discuss the request with the Park Police Sergeant. Mr. Shepherd noted that hunting had been permitted previously, as a Special Use.

PUBLIC FORUM

Ms. Barth suggested installing signage on the Parkside Aqueduct that identified the D&R Canal.

The meeting adjourned at 12:05 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ernest P. Hahn". The signature is written in dark ink and is positioned above the printed name and title.

Ernest P. Hahn
Secretary