



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF NOVEMBER 21, 2007

TIME: 10:15 AM – 11:45 AM
DATE: Wednesday, November 21, 2007
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Martin Jessen (via conference phone), Chairman
David DelVecchio, John Loos, David Knights, Al Payne; Ms.
Alison Mitchell

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

GUESTS:

Patricia Kalleser, D&R Canal State Park
Bob Barth, D&R Canal Watch
Joe Shepherd, NJ Water Supply Authority
Bill Bogosian, NJ Water Supply Authority
Philip Robbins, Somerset Roller Mills
Mr. and Mrs. John Steffanelli, Stockton residents
Michael Catania, Conservation Resources
Frank Linnus, Esq.
Jim Houston, Bohler Engineering
Steve Gardner, Van Note Harvey Associates
Tony Ziccardi, Brandywine Realty Trust
Howie Glick, Central Jersey Bicycle Club
Anne Kruimer, East Coast Greenway
Steve Dalton, Esq.
Sean Leonard

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.

MINUTES OF THE MEETING OF OCTOBER 17, 2007

Ms. Mitchell moved approval of the minutes of October 17, 2007. Mr. Loos seconded the motion and it passed unanimously.

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

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REVIEW ZONE APPLICATIONS

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

- 07-3590 Hettman Chimney, Borough of Stockton
- 07-3182A Brundage Fence, Hopewell Township
- 07-3581 Nutt Shed, Hopewell Township
- 07-3245A Robbins Barn Conversion, Hopewell Township

Ms. Mitchell seconded the motion and it passed unanimously.

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

- 07-3576 George Street Reconstruction, City of Lambertville
- 07-3583 Matthews Building Improvements, City of Lambertville
- 07-2524A Buho's Restaurant, City of Lambertville
- 07-3591 First Presbyterian Church Lightning Rods, City of Lambertville
- 06-3475 Brandywine Office & Parking, Lawrence Township

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

Mr. Jessen withdrew from the meeting at 10:25 AM.

Mr. Knights moved approval of the following "B" Zone applications as presented by Commission staff:

- 01-2750 Furniture Mill Storage Facility, Ewing Township
- 07-3479 Locandro Subdivision, Delaware Township (conditional)
- 07-3500 Twin View Estates, Franklin Township (conditional)
- 07-3161A Project Oasis, Franklin Township

Mr. Weyl recommended the following amended conditions for the Locandro and Twin View Estates Subdivision approvals:

Regarding the Locandro Subdivision, the approval is conditioned upon the following: "Any construction on the 9.969-acre parcel currently known as tax Lot 17 of Block 56 of the official 2007 tax map will require full review and approval by the Delaware and Raritan Canal Commission once the total cumulative impervious cover on the lot(s) exceeds one acre since January 11, 1980, or the current regulatory threshold at the time of proposed construction. The applicants for future construction on these lots should consult with the Commission when seeking municipal approval to determine what the regulatory threshold is at that time."

Regarding the Twin View Estates Subdivision, the approval is conditioned upon the following: "Any construction on the lots created by this subdivision, i.e. Lots 51.01 and 53.01 of Block 227 will require full review and approval by the Delaware and Raritan Canal Commission once the total cumulative impervious cover on the lots exceeds since January 11, 1980 or the current

regulatory threshold at the time of the proposed construction. The applicants for future construction on these lots should consult with the Commission when seeking municipal approval to determine what the regulatory threshold is at that time.”

Mr. Knights changed his motion to reflect the amendments to the conditions as recommended by Mr. Weyl; Mr. Loos seconded the amended motion and it passed unanimously.

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

06-3334 CVS Pharmacy & Retail, Hillsborough Township

Mr. Linnus, attorney for the applicant, reviewed the history of the application. He said the applicant is proposing to construct two buildings on a 5.38-acre site with a stream corridor onsite. As mitigation for encroaching into the corridor by .56 acre, the applicant has proposed to donate funds toward the purchase of property within the Royce Brook Watershed in the amount of \$255,000, which is twice the value of the land that is proposed to be encroached upon. This application was presented at October’s Commission meeting at which time the Commission requested more information regarding the type of land that would be purchased as mitigation.

Mr. Linnus said that Conservation Resources, Inc., a non-profit organization, has agreed to facilitate the mitigation transaction. Mr. Catania, President of CRI, said his organization coordinates regional land trusts and other environmental organizations with governmental agencies to buy land for preservation purposes.

The Commissioners discussed perimeters that they would like to see in the type of land that would be purchased. Mr. Catania said that these perimeters could be met. After further discussion, Mr. Knights moved approval of the CVS Pharmacy and Retail application, conditioned upon the following:

1. Mitigation for encroachment into the stream corridor, in the amount of \$255,000, shall be donated to the non-profit agency Conservation Resources, Inc. for the purpose of preserving appropriate open space within the Royce Brook Watershed.
2. A Memorandum of Agreement describing the terms of the mitigation shall be prepared and executed by the applicant and Conservation Resources, Inc. and approved by Commission staff.
3. A Regulatory Contribution Agreement describing the Commission’s requirements and guidelines for the purchase of property as mitigation shall be prepared and executed by the Commission and Conservation Resources, Inc.

Mr. Loos seconded the motion and it passed unanimously.

Mr. Hahn then presented the following “A” Zone application for review:

07-3232A Steffanelli Fence, Borough of Stockton

Mr. Hahn said the applicant had installed a 6-foot cedar fence along the perimeter of their backyard without receiving Commission approval. He said the fence abuts the Canal Park and

recommended denial of the fence application because the fence blocks the open visual nature of this area of the Park. Mr. and Mrs. Steffanelli said they were not aware that an Approval was required to install the fence, and that they had installed it to help prevent their dogs from barking at passers-by, and to give them privacy when the neighboring firehouse holds public events. They distributed photos of other privacy fences along the Park's multi-use path; Mr. Hahn said these fences were most likely installed without receiving Commission approval prior to his becoming Executive Director.

The Commissioners questioned the applicants about the proximity of the fence to the path; Mr. Steffanelli replied that the fence was below the grade of the path and thus much of the backyard was visible from the viewpoint of a Park user. The Commissioners agreed in principle with Mr. Hahn that fences should not create a barrier between the Canal Park and its surrounds, but that in this case the fence was not as imposing as those fences that are directly adjacent to the path and at the same level. They suggested the applicant install appropriate plantings to help screen the fence from the Park. Mr. Loos moved approval of the fence conditioned upon submission of a landscape plan for plantings to be installed between the fence and the Canal Park along the section that faces the park and along the side that faces the firehouse, to be approved by the Commission's Executive Director. Mr. Knights seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the monthly work performed by Commission staff, including an emergency permit granted to Mr. Phil Robbins to repair a leak in a pipe that takes water from the canal to his property in Hopewell Township.

CANAL PARK SUPERINTENDENT'S REPORT

Superintendent Kalleser reported that the Kingston Locktender's House roof requires repair. She also said that the Canal Park's Halloween party was very successful, with over 300 people in attendance.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd said that instrumentation has been installed at the Perdicaris Waste Gate so that it can be opened and closed remotely from the Authority's office. He said intake booms near Route 18 were replaced, and that the Swan Creek trash boom was replaced. He said the Parkside Aqueduct was nearly complete.

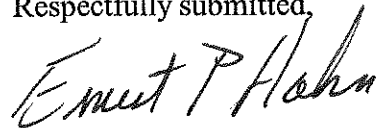
PUBLIC FORUM

Mr. Barth announced that the Canal History and Technology Symposium will be held at the National Canal Museum in Easton Pennsylvania on March 15th. He also requested the Commission to better accommodate the audience at Commission meetings when visual displays were being presented. Chairman DelVecchio apologized for the oversight and said the problem would be remedied in the future.

Mr. Loos moved entering into Executive Session for the purpose of discussion litigation between the Commission and PSE&G. Ms. Mitchell seconded the motion and it passed without dissent. The Commission entered closed session at 11:40 AM.

The public meeting resumed and adjourned at 11:45 AM.

Respectfully submitted,

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

Ernest P. Hahn
Secretary