



DELAWARE AND RARITAN  
CANAL COMMISSION

**MINUTES OF THE MEETING OF JULY 16, 2008**

TIME: 10:10 AM – 12:05 PM  
DATE: Wednesday, July 16, 2008  
PLACE: Canal Commission Office  
Stockton, New Jersey

**ATTENDING:**

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

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

**GUESTS:**

Bill Bogosian, NJ Water Supply Authority  
Joe Shepherd, NJ Water Supply Authority  
Patricia Kalleser, D&R Canal State Park  
Robert H. Barth, Canal Society of New Jersey  
Denis McGrath, Franklin Township Resident  
Mark Wizeman, RMJM Hillier  
Pam Hersh, Princeton HealthCare  
Linda J. Barth, Celebrate New Jersey, D&R Canal Watch  
Charleen Stevens, Lambertville Resident  
David Stevens, Lambertville Resident  
David Bosco, Bosco Architects  
Drew French, FPA  
Philip Toussaint, RMJM Hillier  
Tom Stearns, Stearns Associates, LLC  
Barbara Ross, D&R Canal Watch  
Louis N. Magazzu, Magazzu Associates  
Anne Kruimer, East Coast Greenway

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 JUNE 18, 2008**

Mr. Loos noted an error on page 2, last sentence, in the minutes of the meeting of June 18, 2008. He said the sentence should be corrected to state that "Mr. Loos felt that County-owned open

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

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space land may not be a good option for mitigation...” With that correction, Mr. Loos moved approval of the minutes of the meeting of June 18, 2008; Mr. Albert seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

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

- 08-3677 Hara Deck Extension & Stairs, City of Lambertville
- 08-3679 Stevens Pool, City of Lambertville
- 08-3680 Harren Sign, City of Lambertville
- 08-3675 Bertland Addition & Remodel, Borough of Stockton
- 08-3678 Hargreaves Entry Roof, Hopewell Township
- 08-2554A Lawrence Lexus, Lawrence Township
- 07-3598 Colonial Park Pedestrian Bridge, Franklin Township

Mr. Albert seconded the motion.

A discussion ensued regarding the application for the Colonial Park Pedestrian bridge. Mr. McGrath said the bridge should be a swing bridge for educational purposes. Mr. Hahn said the cost differential was in the millions, and because it was a Somerset County project, he felt that the Commission could not impose that requirement. Ms. Barth asked about the bridge’s height. Mr. Hahn said there would be six feet of clearance between the water and the bridge at its highest point. Mr. Barth suggested that the Commission adopt a policy requiring all future canal crossings to have a minimum 9-foot clearance, to accommodate recreational navigation of the canal. Mr. Hahn said that because bridges have to be handicapped-accessible, the 9-foot minimum would be problematic.

After further discussion of the proposed bridge, the Commissioners voted on the motion and it passed unanimously.

Ms. Mitchell then moved approval of the following “A” Zone application:

- 08-3683 Petty’s Run Archaeological Exploration, City of Trenton

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

Mr. Albert suggested that a committee be formed to look into bridge clearances for recreational navigation. Commissioners Loos and Albert, as well as Mr. Barth, volunteered to participate on the committee.

Mr. Albert moved approval of the following “B” Zone applications:

- 08-3622 Millstone Road WPC Modifications, East Windsor Township
- 04-3058 Staybridge Hotel, City of North Brunswick

Mr. Knights seconded the motion and it passed unanimously.

Chairman DelVecchio and Commissioner Knights left the meeting at 10:35 AM.

Mr. Hahn presented the following application for concept approval of stream corridor waiver:

06-3341 Princeton Health Care Hospital and Skilled Nursing Facility, Plainsboro Twp.

Mr. Hahn said the proposed hospital would be located on the north side of Plainsboro Road, adjacent to Route One, and the nursing facility would be on the south side. He said as mitigation for encroaching into the Millstone River's stream corridor by 0.88 acre, the applicant has proposed mitigation in the amount of 7.32 acres of land that currently contains existing buildings and pavement. The buildings and pavement would be removed. He said, however, that because these buildings are currently leased through 2011, the applicant has requested that the nursing facility be allowed to be built before the buildings within the stream corridor are demolished.

Mr. Hahn said he was concerned that once the nursing facility was built there may not be sufficient funds to demolish the buildings, or that the hospital may want to rent them as a source of future funding. He said, however, that the applicant and Plainsboro Township has a Developer's Agreement which requires the demolition, placement of a conservation easement, and stipulation that no further development occur on the area that will be to become open space. He said the Developer's Agreement requires bonding to ensure those guarantees. Mr. Hahn recommended that the Commission be a beneficiary of the Developer's Agreement. Mr. Soloman, attorney for the applicant, said that that condition would probably be agreeable to the applicant.

After further discussion regarding the details of the Agreement, Mr. Loos moved concept approval of the stream corridor waiver as presented, with the condition that the Canal Commission be named a beneficiary in the Developer's Agreement between Princeton HealthCare and Plainsboro Township. Mr. Albert seconded the motion and it passed unanimously.

Mr. Knights rejoined the meeting at 11:10 AM.

Mr. Hahn then asked Mr. Michael Catania of Conservation Resources Inc. to update the Commissioners on a stream corridor mitigation proposal for a project in Hillsborough (DRCC #06-3334). Mr. Catania reviewed the history of the application, saying that as mitigation for encroaching into the Royce Brook stream corridor by ½ acre, the applicant gave the Commission \$255,000, an amount that was determined to be the value worth three times the impacted land. He said he was directed by the Commission to search for available land within the Royce Brook watershed and adjacent to the corridor to compensate for the encroachment. He said he contacted all of the relevant non-profit conservation organizations as well as townships and Somerset County. He said that although he was not able to find available land within the Royce Brook watershed, he found an opportunity to preserve corridor acreage within the Pike Run watershed. Both the Royce Brook and Pike Run are tributaries to the Millstone River.

Mr. Catania said the Somerset County Park Commission and Hillsborough Township are intending to purchase a former GSA depot site, totaling over 300 acres. The site, for the most part, would be used for active recreation. Mr. Catania proposed that the Commission's mitigation funds be used toward the purchase of the site, and in return, the County would agree to preserve 110 acres of land adjacent to Pike Run. He said the only encumbrance on the 110 acres would be a possible gas pipeline that has already received federal permits for construction. He said this proposal would prevent the 110 acres (approximately 70% of which are developable) from being turned into active recreation fields.

Mr. Loos expressed reservations about the proposal. He stated that he was a member of the Somerset County Open Space Advisory Committee, and had recommended that the land be purchased by the County for open space purposes. He felt, however, that the \$255,000 that the Commission received for mitigation should be used to acquire land in the same sub-watershed as that which had the impact, and more important, that it be used to increase open space, and not used for a project that was already slated for open space preservation. He went on to say that because of open space restrictions that would be placed on the depot lands as part of the County proposal, he felt that the 110 acres proposed for preservation may not be worth \$255,000. He proposed that additional acreage be sought for preservation to supplement the 110 acres. Mr. Catania said he would ask the County, but felt there could be a risk in losing the opportunity to preserve well over the acreage required by the Commission as mitigation for stream corridor impact.

Several motions were proposed and then withdrawn; after further discussion the Commission directed Mr. Catania to find out if the County could preserve additional land for the \$255,000.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the monthly work tally. He distributed an article about Franklin Township being the fifth best location to live in the nation, which cited the Canal Park as one of the reasons. He also distributed a list of capital projects within the Canal Park that will be or are presently under construction. Finally, Mr. Hahn said the proposal to build handicapped access ramps to the multi-use path in Washington Crossing State Park was moving forward.

Mr. Loos asked about the status of the proposed bike lane at Mapleton Road; Mr. Hahn reported that after inspecting the site, he and other State officials concluded that there were two locations where a separate bike lane would be infeasible, but that the remainder of the roadway could have a separate bike lane.

#### CANAL PARK SUPERINTENDENT'S REPORT

Superintendent Kalleser reported that she would be taking maternity leave on July 25<sup>th</sup> and that the Superintendent of Washington Crossing State Park, Dave Donnelly, would be Acting Superintendent of the Canal Park in her absence. She reported that the new path between Locks One and Two was almost complete, and that Historian Vicki Chirco and Naturalist Stephanie Fox were working with Gregg Rackin on the Delaware River Scenic Byway application for federal designation. She reported that the Calhoun Street Canal House restoration was underway.

## WATER SUPPLY AUTHORITY REPORT

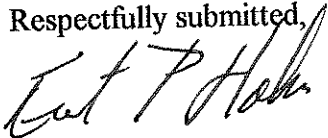
Mr. Shepherd said that rehabilitation of the Six-Barrel Culvert started, as well as repair of the Alexauken Creek aqueduct embankment and the Swan Creek culvert. He said renovation of the lock gates at Prallsville Mills and Lambertville was awaiting SHPO approval, and that the design for the rehabilitation of the Four-Mile Spillway was underway.

Ms. Mitchell noted that there were rusty pipe railings dangling from the underside of the Brookville railroad bridge crossing the canal. Mr. Loos said that the towpath north of Blackwell's Mills was rough, and difficult to bike. Superintendent Kalleser said the surface had recently been re-rolled by DOT and is improved. Ms. Ross reported that the area between the canal and Quaker Road in Lawrence Township was recently sprayed with herbicide. Ms. Holms said she would contact the County.

Mr. Catania reported that he was not able to reach the County's attorney regarding the Hillsborough stream corridor mitigation proposal, but would follow up.

The meeting adjourned at 12:05 PM.

Respectfully submitted,



Ernest P. Hahn  
Secretary