



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF SEPTEMBER 17, 2008

TIME: 10:10 AM – 11:10 AM
DATE: Wednesday, September 17, 2008
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Vice Chairman Martin Jessen, John Loos, Richard Albert, and Al Payne; Mayor Phyllis Marchand and 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
Stephanie Fox, D&R Canal State Park
Barbara Ross, D&R Canal Watch
Michael Catania, Conservation Resources
Rafael Martinez, T&M Associates
Paul Cinico, T&M Associates
Tricia Smith, Somerset County Engineering
Carl Andreassen, Somerset County Engineering
Tom Stearns, Stearns Associates
Pam Hersh, Princeton HealthCare
Mark Solomon, Esq., Pepper Hamilton
Mark Wizeman, RMJM Hillier

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 AUGUST 20, 2008

Mr. Loos moved approval of the minutes of the meeting of August 20, 2008; Mr. Albert seconded the motion, and it passed unanimously.

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

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CVS STREAM CORRIDOR PROPOSED OFFSITE MITIGATION

Mr. Catania updated the Commissioners about a proposed mitigation site for a CVS pharmacy building that the Commission approved in Hillsborough that involved encroachment into a stream corridor. He said the mitigation site, also in Hillsborough, totaled 110 acres and consisted of floodplain and upland. The site is the former Belle Mead GSA depot. He said Somerset County will use its Open Space funds to purchase the property, and in exchange for the cash contribution that would come from the CVS project's encroachment, they would preserve 110 acres within the site through a conservation easement to be held by the Canal Commission. He said he was directed by the Commission to ask that the County also donate an additional lot adjacent to the preservation area; he reported that the County needs that lot for access and declined. He went on to say, however, that a gas pipeline proposed to be located in the stream corridor will now be relocated outside of the corridor.

Mr. Loos said he continues to oppose the proposed mitigation site, because it was already being preserved by County Open Space funds, and the only difference would be that as a result of the Commission's participation, part of the upland area would be restricted from recreational development. He also disputed Mr. Catania's contention that the Commission directed him to ask the County to donate a particular lot adjacent to the corridor; he said that the Commission had asked Mr. Catania to request that the County donate additional land, in general.

The Commission agreed to table the discussion until Commissioner Mitchell arrived.

REVIEW ZONE ACTIONS

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

08-3697 Van Arsdale Fence, City of Lambertville
 08-3646 DelVecchio Porch Steps, City of Lambertville
 08-3700 Dorsey Fence & Entry Roof, City of Lambertville
 08-3476A Panoply Sign, City of Lambertville
 08-3703 Hammill Shed Replacement, City of Lambertville
 08-3699 McDonald Addition, City of Lambertville
 08-3704 Johnson Shed, Borough of Stockton
 08-3704A Johnson House Renovation, Borough of Stockton
 08-2392A Fischer Porch Roof, Hopewell Township
 08-3709 Monitoring Well Installation, City of Trenton
 08-3018A Djeu Residence Addition, Franklin Township

Mr. Hahn noted that the Monitoring Well Installation application has changed. Instead of installing one well, they are proposing to install two. Mr. Loos moved approval of the "A" Zone applications, Mr. Albert seconded the motion and it passed unanimously.

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

08-3660 Princeton Charter School, Princeton Township
 08-3430 East Windsor Research Park, East Windsor Township

08-3658 Princeton Forrestral Art Storage, Plainsboro Township
08-3341 Princeton Health Care System, Plainsboro Township
08-3083A Courts @ Monroe, Monroe Township

Ms. Mitchell joined the meeting at 10:25 AM. Mr. Loos seconded the motion; Vice Chairman Jessen, Mr. Loos, Mr. Payne, Mr. Albert, and Mayor Marchand voted in favor of the motion; Ms. Mitchell abstained. The motion passed.

The following "B" Zone application was then discussed:

08-3580A Route 518 Reconstruction, Franklin Township

Mr. Loos said that if the proposed 7-foot shoulders are being designed to handle bicycle traffic, then they should also be signed and striped to encourage bicycle use. Ms. Smith said that the issue had been raised with Franklin Township, and because this part of the road was not part of the Franklin Township bicycle circulation plan, and because it would be the Township's responsibility to maintain it as a bicycle path, signage and striping was not considered as part of the project. Mr. Loos felt that it would be a safer road for bicyclists if it was signed and striped, and because the application before the Commission was for a waiver based on public safety, he felt that the Commission should make signage and striping a condition of the approval. Ms. Smith suggested that the County work with the Township to determine whether signage and striping could be incorporated as part of Phase II of the project. Mr. Loos then moved approval of the Route 518 Reconstruction project as presented, with the condition that the County work with the Township to investigate the appropriateness of bicycle signage and striping for the shoulders, as part of "Phase II" of the project. Mayor Marchand seconded the motion and it passed unanimously.

Mr. Catania reviewed the CVS/Belle Mead depot mitigation proposal for Ms. Mitchell, who was not present at the earlier presentation. After further discussion among the Commissioners, Mr. Payne moved approval of the mitigation proposal as presented by Mr. Catania, and Ms. Mitchell seconded the motion. Vice Chairman Jessen, Commissioners Albert, Mitchell, Payne, and Marchand voted in favor of the motion; Commissioner Loos voted against the motion. The motion passed.

REQUEST TO MODIFY RENAISSANCE @ MONROE STREAM CORRIDOR EASEMENT

Mr. Hahn presented a request to modify an existing stream corridor Conservation Easement for a housing development known as Renaissance at Monroe in Monroe Township. He said that the site was formerly a farmfield with a stream that had been degraded and channelized. The housing development preserved a significant amount of stream corridor land as well as wetlands, but now requested encroaching by approximately 1,800 square feet, and adding an additional 1,800 square feet. The encroachment areas were next to residents' backyards. Mr. Hahn recommended that the easement be modified to reflect the land swap. Mr. Loos moved approval of the easement modification, Mr. Albert seconded the motion, and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the monthly work tally, and said that the Washington Crossing barrier-free access project was moving forward.

Mr. Loos asked about the status of the towpath surface at Blackwell's Mills. Mr. Payne said that representatives from DOT had looked at it and are working to find a solution to the problem.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Fox, Park Naturalist, reported that a committee had met to discuss the commemoration of the 175th anniversary of the D&R Canal. She said PSE&G is in the process of trimming trees for their monopoles.

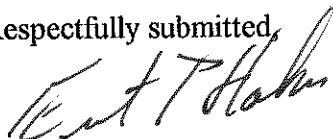
WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the rehabilitation of the Six Barrel Waste Gate as well as work on the southwest corner of the Alexauken aqueduct were almost complete. He said that repair of the west guardbank in Stockton was ongoing.

Mr. Hahn reported that a 19th century brick culvert holding Peddie's Run in Trenton was being excavated, as were several foundations and buildings from both the 18th and 19th century. He said a proposal has been made to divert water from the canal to supply Peddie's Run as a partial interpretive reconstruction of the site, and also to supply a stormwater filtration system that will eventually be part of a new Capitol State Park.

The meeting adjourned at 11:10 AM.

Respectfully submitted,



Ernest P. Hahn
Secretary