



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF OCTOBER 15, 2008

TIME: 10:05 AM – 11:00 AM
DATE: Wednesday, October 15, 2008
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DelVecchio, 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
Joe Gorman, Allied Village Square
Eric Rupnarain, Allied Village Square
Linda Barth, D&R Canal Watch
Robert Barth, Canal Society of New Jersey
Rich McClellan, Delaware River Joint Toll Bridge Commission
Jacqueline Middleton
Bill Rawlyk, D&R Greenway Land Trust

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 SEPTEMBER 17, 2008

The Commission agreed to table action regarding the minutes for the meeting of September 17, 2008, because it was noted that page 3 was missing in their copies.

REVIEW ZONE ACTIONS

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

08-3718 Johnson Renovations, City of Lambertville

08-3719 Decibus Deck, City of Lambertville

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

08-3720 Ehrler Residence Improvements
08-3722 Segal Porch Steps, City of Lambertville
08-3714 Lambertville WAW Flags/Banners, City of Lambertville
08-3724 Tickles & Toes Sign, City of Lambertville
08-3726 Dona Fireplace Vent, City of Lambertville
08-3673A Stockton Inn Wagon House Renovations, Borough of Stockton
08-3372A Kuriakose Parking Lot, Franklin Township
08-3636 I-287/Easton Avenue Interchange Improvements, Franklin Township

Mr. Payne seconded the motion, and it passed unanimously.

Mr. Loos presented the following "A" Zone application for approval:

08-3646B DelVecchio Fence Replacement, City of Lambertville

Chairman DelVecchio recused himself from the discussion. Mayor Marchand moved approval of the application; Mr. Albert seconded the motion. Messrs. Payne, Loos, Albert, Mayor Marchand and Ms. Mitchell voted in favor of the motion. Chairman DelVecchio abstained; the motion passed.

Chairman DelVecchio presented the following "A" Zone application for waiver of the Stream Corridor Regulation, and approval:

05-3139 Allied Village Square, City of Lambertville

He said the project, involving six townhouses, now addresses drainage backflow problems in the vicinity, by adding new drainage inlets. Ms. Middleton, a Lambertville resident, expressed concern about the proposed stormwater management system for the new townhouses, stating that basements of nearby homes often flood from rising groundwater, as opposed to surface water from flood events. She said she was concerned that the project does not take into account the specific type of flooding that takes place in this neighborhood. Ms. Guru said she would research the water table data for this area and report back.

Mr. Loos said there was not enough evidence provided to justify a waiver from the Stream Corridor Regulation based on extreme economic hardship. He asked whether this property could be purchased for use as open space. Mr. Hahn said the staff recommendation for waiver was based on 1) the Commission had approved a project on this site for 10 townhouses in 1989; 2) the Alexauken Creek is located 800 feet from the site; 3) the site is surrounded by existing buildings, and 4) the DEP issued a Stream Encroachment Permit for the site.

After further discussion, Mr. Loos moved denial without prejudice the Allied Village Square application, directing the staff to further review the stormwater management system as it relates to groundwater in the area, and to ask for further documentation showing adequate evidence of extreme economic hardship. Mayor Marchand seconded the motion and it passed unanimously.

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

05-3161A DCI America's Data Center, Franklin Township
08-3710 Sica Patio & Deck, City of Lambertville
08-1704E Forsgate Building S-128F, South Brunswick Township
08-3051B Princeton South Corporate Center Modifications, Ewing Township

Mr. Albert moved approval of the applications as presented, Mr. Loos seconded the motion, and it passed unanimously.

Mr. Loos presented the final "B" Zone application for review and approval:

07-3599 Pennington School Improvements, Borough of Pennington

Chairman DelVecchio recused himself from the discussion. Ms. Mitchell moved approval of the application; Mayor Marchand seconded the motion. Messrs. Payne, Loos, Albert, Mayor Marchand and Ms. Mitchell voted in favor of the motion. Chairman DelVecchio abstained; the motion passed.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly workload.

CANAL PARK SUPERINTENDENT'S REPORT

Filling in for Superintendent Kalleser, Naturalist Stephanie Fox said that the Park would be reducing hours at Bull's Island in order to cut costs. She said the campgrounds were in full swing, and that she and Historian Vicki Chirco were currently working on an application for National Scenic Byway status for Route 29.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Alexauken Creek aqueduct repair was complete, and that the Authority would soon begin dredging a culvert near Passaic Street in Trenton. He said the repair of the Six-Barrel Waste Gate was almost complete.

OLD BUSINESS

Mr. Hahn presented a potential mitigation site for stream corridor buffer averaging. He said that the Commission approved a project in 2006 in Monroe Township, and as part of that approval, the applicant was required to contribute \$150,000 as mitigation for encroachment into the stream corridor. A Memorandum of Agreement was subsequently prepared between the Canal Commission and the D&R Greenway Land Trust, directing the land trust to use the money toward purchasing and preserving riparian lands in the Millstone watershed.

Mr. Rawlyk, representing D&R Greenway, said that although there may be potential mitigation sites within the Millstone watershed in the future, he proposed using the money toward

preserving land in the Wickecheokee watershed that was highly vulnerable to development. He said that Plum Brook, a major tributary to the Wickecheokee, traverses the 49-acre site. Mr. Hahn pointed out the Wickecheokee drains directly to the canal. Mr. Rawlyk said that Hunterdon County recently retracted previously-committed funds to the preservation project, and that without the use of the Commission's mitigation funds, the site would most likely be developed. Mr. Hahn said the Land Trust would co-own the property with Delaware Township, and that the Canal Commission would hold a Conservation Easement to ensure preservation of the acreage in perpetuity.

Mr. Loos moved approval of the concept of using the \$150,000 mitigation money from the project known as Greenfield Builders Office/Warehouse (05-3148) toward the purchase of the Jones property along Plum Brook in Delaware Township, authorizing staff to prepare an amended Memorandum of Agreement with the D&R Greenway Land Trust. Mr. Albert seconded the motion and it passed unanimously.

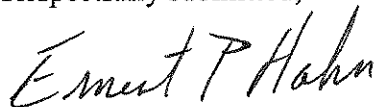
Ms. Mitchell felt this was a good opportunity to protect riparian lands within the canal's drainage basin, and also felt that the Commission should rethink the need for a policy that limits stream corridor offsite mitigation money to be used within the same watershed as stream corridor encroachment areas. Mr. Loos agreed, saying that the catchment area to be used as mitigation was everything within the canal's watershed. He requested that Mr. Rawlyk give the Commission a land management plan for the Jones property, once prepared.

NEW BUSINESS

Chairman DelVecchio noted that the November meeting date conflicts with the League of Municipalities conference, and asked that the date be changed from the 19th to the 12th. Mr. Loos moved approval of the November meeting date change, Mr. Payne seconded the motion, and it passed unanimously.

The meeting adjourned at 11:00 AM.

Respectfully submitted,



Ernest P. Hahn