



DELAWARE AND RARITAN  
CANAL COMMISSION

**MINUTES OF THE MEETING OF JANUARY 21, 2009**

TIME: 10:10 AM – 11:20 AM  
DATE: Wednesday, January 21, 2009  
PLACE: Canal Commission Office  
Stockton, New Jersey

**ATTENDING:**

**COMMISSIONERS:** Chairman David DelVecchio, Messrs. Richard Albert, David Knights, John Loos, and Martin Jessen;  
Ms. Alison Mitchell, Ms. Jean Mroczko, and Mayor Phyllis Marchand

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

**GUESTS:**

Joe Shepherd, NJ Water Supply Authority  
Patricia Kalleser, D&R Canal State Park  
Mike and Anne Kruimer, East Coast Greenway  
Robert Torok, Hillsborough Twp. resident  
Leslie Torok, Hillsborough Twp. resident  
Anna Mae Grenfell, Hillsborough Twp. resident  
Glen Belnay, Hillsborough Twp. Health Officer  
Kevin Davis, Hillsborough Twp. Administrator  
Peggy Savage, Stony Brook Millstone Watershed Association  
Patricia Kalleser, D&R Canal State Park  
Mike Kruimer, East Coast Greenway Alliance - NJ  
Anne Kruimer, East Coast Greenway Alliance – NJ  
Sue Brasfield, Maser Consulting  
John Van Dorpe, Maser Consulting

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 DECEMBER 17, 2008**

Mr. Jessen moved approval of the minutes of the meeting of December 17, 2008; Mr. Albert seconded it. Ms. Holms noted a typo on page 3, under “Public Forum”, stating that the word “Author’s” should be changed to “Authors”. With that change, the motion passed unanimously.

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

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## REVIEW ZONE ACTIONS

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

05-1106C Kapoor Carwash, Franklin Township  
 08-3737 Hewitt-Dauphiny Addition, Franklin Township  
 08-3253A East Coast Greenway Kiosk, Franklin Township  
 08-3751 Fertonardo Demolition, Franklin Township  
 09-3210A Maclean Residence Addition, Hopewell Township  
 08-3616 Decibus Minor Subdivision/Door Replacement, City of Lambertville  
 09-3755 Zatuchni & Associates Sign, City of Lambertville  
 09-3757 Simon Pent Roof Installation, City of Lambertville  
 08-3723 Fordyce Residence, City of Lambertville  
 06-3212 Prallsville Sawmill Rehabilitation, Borough of Stockton

Mr. Albert seconded the motion.

Regarding the Fertonardo House Demolition application, Ms. Mitchell asked whether anything would be built on the site of the house after it was demolished; Mr. Hahn said that it would remain undeveloped. After further discussion regarding the East Coast Greenway Kiosk, the Commission voted unanimously in favor of the motion.

Mr. Knights moved approval of the following “A” Zone application:

08-3729 Peoples’ Subdivision & Consolidation, Ewing Township

Mr. Weyl recommended that the project be approved conditioned upon the following:

1. Prior to release of the Certificate of Approval, the applicant shall ensure that a Notice of Jurisdictional Determination is recorded on both of the subdivided or re-subdivided lots.

Chairman DeVecchio recommended a second condition:

2. The Notice of Jurisdictional Determination must be printed on the plat that is to be recorded or in the minor subdivision deed that creates the new lot.

Mr. Knights amended the motion to include those conditions. Mayor Marchand seconded the amended motion and it passed unanimously.

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

08-3744 Spring Hill Suites by Marriott, Ewing Township  
 08-2294F Lawrenceville School Carter House, Lawrence Township  
 09-3754 Novel Labs Cat-Ox Installation, Franklin Township  
 08-3407A Stitching Horse Parking Modifications, South Brunswick Township  
 06-3439 Chabad House of Monroe, Monroe Township  
 06-3408 Applegarth Business Park, Monroe Township

Mr. Albert seconded the motion. After some discussion of the stream corridors on two of the applications, the Commission voted unanimously in favor of the motion.

#### STATUS OF FLOWER SHOP PROPERTY

Mr. Hahn reported that Green Acres purchased property on the canal bank in Titusville that had a non-historic building on it, housing a flower shop. He said the shop was demolished and the property would remain undeveloped.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly workload, as well as the status of public comments that have been submitted regarding the proposed new Regulations.

#### CANAL PARK SUPERINTENDENT'S REPORT

Superintendent Kalleser said that the rehabilitation work on the Calhoun Street Canal House was complete. She said she met with Mr. Hahn and Bart Hoebel about the possibility of using derelict rail cars in Lambertville for use as classroom facilities and interpretive exhibits. She said she met with a representative from Green Acres regarding the potential purchase of a house that is adjacent to the Canal Park at Prallsville Mills, and that the East Coast Greenway would like to erect a kiosk in the Trenton area.

#### WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported on towpath repair near the recent water main break at Weston Canal Road in Franklin Township, and replacement gates at Prallsville and Lambertville.

Mr. Loos asked about the status of the towpath surface repair north of Blackwell's Mills, and about trees that were cut along the towpath between Griggstown and Blackwell's Mills. Superintendent Kalleser said she would find out and report back to him.

Mr. Hahn presented a final "A" Zone application for concept discussion:

08-3750 Claremont Sanitary Sewer Pump House – Hillsborough Township

Mr. Hahn said the project involved State parkland, which would therefore require approvals from the Division of Parks and Forestry and Green Acres, besides an approval by the Commission. He said that the presentation of the project, therefore, was very preliminary, and did not require formal action by the Commission at this time.

Mr. Davis, Hillsborough Township Administrator, said that a 194-house development was built in the 1960's with individual septic systems, which were now failing. He said that for public health and safety reasons, the Township needed to build a sewerage line and pump station to tie the development into the township's sewerage system. He said the Township looked at several locations for the pump station and concluded that the only viable location was one between two

existing houses within the development. The development is adjacent to the Canal Park, and he asked that the pump station be built within the Park, so that it would be out of the viewshed of the two houses. He said that as mitigation for the encroachment, the Township would build a 3-car parking lot behind the pump station, and a path through the Park down to the Millstone River.

Chairman DelVecchio asked about the cost of the land that was needed to build the pump station, compared to the cost of installing a parking lot and trail. The mitigation required for a Green Acres "diversion" was also discussed. Mr. Belnay said that both groundwater and surface water quality in the area would improve as a result of this project.

Ms. Mitchell asked about the neighbors' concerns. Mr. Belnay said they were concerned about the potentially adverse visual impact of the building. Mr. Albert said he didn't believe that the pump house would necessarily have an adverse visual impact. Ms. Torok spoke to the Commission about her concerns, stating that the pump house would lessen the value of her house. Ms. Mitchell asked Mr. Davis whether the township-owned land was officially designated as open space; Mr. Davis replied that it was not, that it was, in fact, a "paper street."

After further discussion, Mr. Loos said he was open to the proposal to use parkland for the pump station and as mitigation, provision of a trail and public access to the Millstone River in this area. He said he would also want to see the Green Acres two-to-one ratio of land preservation implemented, as well as a requirement that the Township maintain the trail. Mr. Knights agreed with Mr. Loos. Ms. Marchand said that it was important to provide the sewer line for public health reasons, and was in favor of putting the pump station in the Park.

Mr. Hahn reiterated the staff recommendation, saying that while it was clearly necessary to install the sewer line and pump station for public health reasons, it did not have to be built in the Park to satisfy that need. Ms. Mitchell agreed with Mr. Hahn.

Mr. Weyl said the Commission could conduct a straw vote, which would not be considered as formal action. Ms. Mitchell said she would prefer to wait until the Division of Parks and Forestry made a determination before undertaking a position by the Commission.

Mr. Jessen moved approval of conducting a straw vote to determine whether the Commissioners favored the proposal to construct a pump station in the Canal Park. Mr. Knights seconded the motion. Mr. Loos, Mr. Knights, Mayor Marchand, Mr. Jessen, and Chairman DelVecchio voted in favor of the motion. Ms. Mitchell and Mr. Albert voted against the motion; Ms. Mroczko abstained. The motion passed.

Mr. Knights then moved approval of a straw vote to indicate that the concept plan as presented by the Township could go forward. Mr. Loos seconded the motion. Mr. Loos, Mr. Knights, Mayor Marchand, and Mr. Jessen voted in favor of the motion; Ms. Mitchell, Chairman DelVecchio and Mr. Albert voted against, with Ms. Mroczko abstaining. Mr. Loos qualified his vote by saying that it was for concept only, and that details regarding the trail, etc. must be acceptable to the Commission should it come back as an application. Mr. Knights also said that the Commission would consider other types of mitigation if deemed more appropriate.

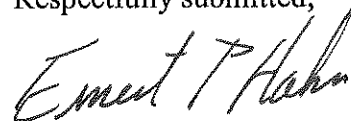
Chairman DeVecchio concluded that a consensus had not been reached.

#### PUBLIC FORUM

Mr. Jessen announced that a Canal History and Technology Symposium would be held at Lafayette College in Easton, Pennsylvania on March 14, 2009. Mr. Kruimer reminded the Commissioners that as part of the D&R Canal's 175<sup>th</sup> anniversary celebrations, a "Hands Along the Canal" event would be held May 9<sup>th</sup>, starting at 10:00 AM.

The meeting adjourned at 11:20 AM.

Respectfully submitted,



Ernest P. Hahn  
Secretary