



DELAWARE AND RARITAN  
**CANAL COMMISSION**

**MINUTES OF THE MEETING OF APRIL 23, 2009**

TIME: 10:00 AM – 10:30 AM  
DATE: Wednesday, April 23, 2009  
PLACE: Canal Commission Office  
Stockton, New Jersey

**ATTENDING:**

**COMMISSIONERS:** Chairman David DelVecchio, Messrs. Richard Albert, Al Payne, Martin Jessen, David Knights. Mayor Phyllis Marchand and John Loos attended by conference call speaker phone.

**STAFF:** Mr. Hahn, Ms. Kirkland  
Mr. Lewin Weyl, Deputy Attorney General

**GUESTS:**

Christine Tiernan, AECOM  
John Keller, New Jersey Turnpike  
Timothy Hand, AECOM  
Robert Barth, Delaware Canal Society

Chairman DelVecchio announced that this was an additional meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met. He indicated that there was a quorum of Commissioners present in addition to two who would be attending by speaker phone. Once the conference call line was checked John Loos and Mayor Phyllis Marchand announced their presence by way of speaker phone.

**REVIEW ZONE ACTIONS**

Mr. Hahn gave the following overview of project #07-3548, the NJ Turnpike Widening of Interchanges 6-9 and the only project on the agenda:

The project reflects the widening of the NJ Turnpike into a dual dual roadway encompassing 35 miles. The project has been broken down into eight sections, four of which are in the jurisdiction of the D&R Canal Commission Review zone. Staff have been working closely with the Turnpike Authority's consultants and have field inspected many potential mitigation sites. Within the Commission's review zone a total of 17 new detention basins, 40 manufactured treatment devices and the modification of one existing basin will be constructed to manage the increase in stormwater runoff. Due to land constraints such as preserved open space, farmlands or wetlands and flood plains the applicants have not been able to entirely comply with the Commission's storm water requirements. However, staff is satisfied that the project will not

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Jon Corzine, Governor     Mark N. Mauriello, Acting Commissioner

impact the D&R Canal or the Park. The applicants have requested a waiver of strict compliance of the Commission's storm water requirements based on compelling public need and safety. Staff recommended approval.

The other applicable section of the Commission's regulations that apply to this project are the Stream corridor buffer regulations. The project will impact 60 acres of stream corridor. The applicant is proposing to address these impacts by preserving approximately 120 acres adjacent to stream corridors in the water sheds of the impacted streams. Many of the inspected mitigation sites are promising and some contain agricultural areas to be restored. However, some of the areas proposed for preservation are wetlands that are already regulated. Although the final plan is not yet complete, staff was confident that an acceptable mitigation plan meeting the Commission's requirements could be agreed upon. Staff recommended that the approval be conditioned to allow the staff to work out the final mitigation plan with Executive Director signing off once the details were completed. Due to the magnitude and duration of the mitigation associated with this project, the NJ Turnpike Authority was requested to provide \$100,000.00 in funding to be paid to the Commission, which would be placed in an interest bearing account to create an endowment to pay the Commission's staff to monitor the stream corridors associated with the project during construction, to monitor restoration activities and to ensure against future violation and/or potential encroachments.

Mr. Payne motioned to approve the project and Mr. Albert seconded the motion. Discussion ensued.

Chairman DelVecchio indicated that the League of Municipalities has a truck task force endeavoring to get the trucks off local roads including Routes 206 & 31 for the reason that it will improve the quality of life for residents near those roads. He added that these road systems were not designed for the volume and size of the trucks currently using them and that it is important to get them onto a road system built for them. Mayor Marchand agreed that this would create a significant improvement.

Mr. Weyl asked whether the project would help public safety. Chairman DelVecchio responded that it would without question and cited the example of the truck that crashed into a video store window and killed the woman behind the counter.

Mr. Albert added that the air quality improvements would probably offset stormwater impacts.

Mr. Jessen wondered if the information stated in the staff report regarding potential air quality benefits was studied on normal traffic or traffic jams.

Ms. Tiernan responded that by widening the Turnpike it would reduce congestion which would improve air quality.

Mr. Jessen stressed that he thought the advantages to air quality would be even greater than that stated in the staff report. Mr. Keller of the NJTP responded that their report reflected conservative estimates so they would be able to back up their findings.

Mr. Keller advised the group of an environmental impact statement which can be downloaded.

Chairman DelVecchio asked about the carbon footprint for the State which should be reduced by 2020.

Ms. Tiernan responded that the report shows emission reductions which result in a reduced carbon footprint.

Mr. Keller advised the group of a secondary impact study which indicated the potential reduction in traffic with the proposed highway widening. Mr. Keller went on to say that every trucking group he is aware of in the State, fully supports this project.

Mr. Jessen said that pollution per mile is a function of speed. Stopping and starting increases pollution.

Chairman DelVecchio announced for the record that the project incorporates public safety and public health with respect to air quality and water quality.

Ms. Tiernan advised the group that the report didn't analyze the impact of air emissions on surface water quality, but rather the impacts of increased stormwater on surface water quality.

Mr. Payne inquired if the Turnpike Authority had acquired easements for additional outfalls for stormwater. Mr. Keller responded that they are purchasing the land outright because 68 basins would need to be maintained in addition to 95 mechanical devices to be installed.

Mr. Hand indicated that in one instance the Authority is purchasing a flooding easement from a land owner where the proposed storm water management is not collecting all of the increased runoff. Ms. Tiernan added that this property was not part of the DRCC jurisdiction.

Chairman DelVecchio asked the team to introduce themselves which Mr. Keller did, indicating that he was the Program Manager representing the NJ Turnpike Authority for the 6-9 widening project and that Tim Hand and Christine Tiernan represented the Environmental Consultant team from the firm AECOM. Mr. Keller stated his appreciation for the helpful and professional manner in which DRCC staff interacted with Authority on this project.

Chairman DelVecchio assumed that there would be additional rest areas with amenities to lure truckers onto the improved roadway. Mr. Keller said that was a separate project encompassing the whole turnpike and was not limited to the 6-9 widening part of it. Mr. Jessen noted that as a safety issue because a sleepy driver is a dangerous driver.

Mr. Weyl asked about the estimated project cost. Mr. Keller indicated that the project would cost approximately \$2.7 billion of which \$2 billion is for construction itself; the remaining is for mitigation, paying professionals, permits, right-of-way acquisitions and utility relocations. The duration of the project goes through early 2014. The first bid has already taken place. That bid will be awarded at a meeting next Tuesday. The job will be broken down into 25 separate contracts which will be staged so that everyone isn't working at the same time. In 2009 eight contracts will be awarded totaling \$400 million. In 2010 there will be 15 contracts totaling \$1.5 billion and the last 2 contracts would go out in 2011 for approximately \$100,000 or \$150,000 which would bring it to the estimated \$2.0 billion. There are approximately several thousand

construction jobs which reflect a large economic stimulus for the State even though it's not part of the government's stimulus package. Mr. Jessen noted that most of the workers are union which Mr. Keller confirmed.

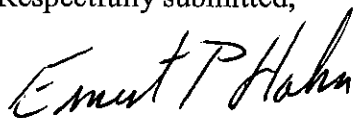
Chairman DeVecchio opened the discussion to the public at which point Mr. Barth from the Canal Society asked about the one-time \$100,000 endowment for the Commission. Mr. Hahn responded that the funding would be held in an account for monitoring the mitigation sites during and post construction. Mr. Hahn went on to indicate that the Canal Commission staff monitors conservation easements all the time but that this would represent an extra 120 acres which is a significant workload for the limited staff.

Mr. Payne asked Mr. Keller to expound on the land acquisition required for the project. Mr. Keller explained that he was looking at purchasing a portion of about 400 parcels of property including only 12 displacements: a few businesses and a few houses. A few property owners have come to them offering their properties. Overall, because they are taking a sliver out of everyone's back yard for the 35 mile stretch there are about 400 properties to deal. Some of the acquired houses will be used as construction offices. In addition to the stream corridor mitigation required by the Commission, they are impacting approximately 120 acres of wetlands (30 acres of which are drainage ditches associated with the Turnpike). These impacts will require approximately 220 acres of wetlands mitigation up and down the corridor. The Authority is currently working with the DEP regarding potential mitigation sites.

A discussion ensued about the conditions for approval. Some of the conditions would be met right away and some would be met over time. It was decided that it would be a fluid process in terms of the conditions as compared to the Commission's standard practice of not releasing the Certificate of Approval until all conditions have been met. The Commission voted to approve the project with the conditions outlined in the staff report and discussed at the meeting. All seven Commissioners voted to waive strict compliance with the storm water requirements based on compelling public need and safety and approve the project with conditions.

Mr. Jessen moved to adjourn. Mr. Albert seconded the motion. The meeting adjourned at 10:30 am.

Respectfully submitted,



Ernest P. Hahn  
Secretary