



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF SEPTEMBER 16, 2009

TIME: 10:00 AM – 10:45 AM
DATE: Wednesday, September 16, 2009
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DelVecchio, Messrs. Martin Jessen, Al Payne, Richard Albert, David Knights, Mr. John Loos, Ms. Alison Mitchell, Mayor Phyllis Marchand

STAFF: Messrs. Hahn and Weyl, Ms. Holms

GUESTS: Don Pelligrino, The Avalon at Hillsborough
James DeMuro, The Avalon at Hillsborough
Bill Bogosian, NJ Water Supply Authority
Patricia Kalleser, D&R Canal State Park
Michael Catania, Conservation Resources
Brett Skapinetz, Dynamic Engineering

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 AUGUST 19, 2009

Mr. Payne noted that at the meeting of August 19, 2009, he had recused himself from the discussion and motion regarding the Interstate Outdoor Advertising Billboard application. With that correction, Mr. Jessen moved approval of the minutes of the August 19, 2009 meeting, Mr. Albert seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Albert moved approval of the following "A" Review Zone project applications:

09-3114A Denette Residence, Borough of Stockton
09-3054A Mountain View Force Main, Ewing Township

Mr. Jessen seconded the motion and it passed unanimously.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Jon Corzine, Governor Mark N. Mauriello, Acting Commissioner

PRALLSVILLE MILLS 33 RISLER STREET P.O. BOX 539 STOCKTON, NJ 08559-0539
609-397-2000 FAX 609-397-1081 www.dandrcanal.com

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

- 08-3738 – Avalon at Hillsborough, Hillsborough Township
- 09-2363A – Princeton Audi Volkswagon Parking, Montgomery Township
- 09-3622A – EWMUA Pollution Control, East Windsor Township
- 04-3038 – Monroe Town Plaza, Monroe Township

Mr. Knights seconded the motion and it passed unanimously. Mr. Knights then moved approval of the following "B" Zone project application:

- 05-3161A – Project Oasis, Franklin Township

Mr. Jessen seconded the motion and it passed unanimously. Mr. Loos joined the meeting at 10:15 AM.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly work tally and said that thus far, the submission of project review fees was nearing the Commission's estimated expenses. He announced that the Commission's Review Zone Officer, Madhu Guru, has been promoted to Assistant Director for the DEP's Land Use Regulatory Program, and would be leaving the Canal Commission. Mr. Jessen moved approval of passing a resolution expressing the Commission's congratulations and appreciation. Mr. Albert seconded the motion and it passed unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

Superintendent Kalleser reported that the August volunteer cleanup near Hanover Street was a success, and a followup has been scheduled for September 26th. She said the Colonial Park pedestrian bridge has been installed, and that Bull's Island would be closed between November 1st and December 15th for reconstruction of the entranceway. She said the Griggstown Muletender's Barracks rehabilitation was underway.

OLD BUSINESS

Mr. Hahn said he would schedule a discussion regarding towpath surface material for the next Commission meeting. Mr. Albert asked why the construction of the new ramps at Washington Crossing had stopped; Mr. Payne replied that the contractors were awaiting delivery of the hand railings. Mr. Loos inquired whether any further planning has been undertaken regarding a pedestrian crossing of the canal near Easton Avenue. Mr. Hahn suggested meeting with Mr. Payne to look at potential locations for the bridge. Mr. Loos also asked about the towpath resurfacing project north of Blackwell's Mills; Mr. Payne said he has not been able to make headway with DOT, the agency responsible for the project.

WATER SUPPLY AUTHORITY REPORT

Mr. Bogosian reported on ongoing tree removal in the canal.

NEW BUSINESS

Mr. Hahn distributed a draft resolution in support of Raritan Township acquiring riparian land along Plum Brook, a tributary of the Wickecheokee Creek. Mr. Jessen recommended the resolution include language that the D&R Canal Commission had committed mitigation funds to preserve lands along the Plum Brook in Delaware Township. With that amendment, Mr. Jessen moved approval of the resolution (attached), Mayor Marchand seconded the motion, and it passed unanimously.

Mayor Marchand commended the State Park for its speedy installation of a bench in the Canal Park in Kingston.

WALGREEN'S PHARMACY AND RETAIL MODIFICATIONS

Mr. Hahn presented the following "B" Zone project application for review:

09-3334A – Walgreen's Pharmacy & Retail Modifications (formerly CVS)

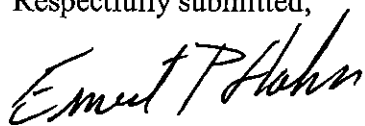
Mr. Hahn explained that the project had been conditionally approved by the Commission in 2008. One of the conditions was a cash donation in the amount of \$255,000 for the purpose of acquiring riparian lands to mitigate onsite stream corridor encroachment. He said the project is under construction, and that the applicant has requested a reduced mitigation fee because a driveway proposed to be located in the stream corridor has been relocated outside of the corridor. Mr. Hahn recommended the Commission approve the modification. The Commission and staff, however, noted that the applicant had started construction prior to receiving Commission approval, and discussed how best to ensure that the applicant would comply with the Commission's conditions. Mr. Jessen moved approval of the Walgreen's application, conditioned upon the following:

1. Submission of a fee in the amount of \$225,254.00 as mitigation for encroachment into the stream corridor.
2. Submission of a fee in the amount of \$8,825.00 for the services of Conservation Resources, Inc. to find an offsite mitigation source.
3. Confirmation from Conservation Resources Inc. that the checks have cleared.
4. Submission of two copies of Amended Conservation Easement Agreements for the revised stream corridor, as acceptable to Commission staff.
5. Recordation of the Amended Conservation Easement with the County Clerk.
6. Notification by the Commission to Hillsborough Twp. that the Certificate of Occupancy cannot be issued until the above conditions have been met.

Mr. Knights seconded the motion and it passed unanimously. Mr. Jessen then moved approval to require that the Township issue a Cease and Desist Order on construction should the check(s) fail to arrive by September 18, 2009. Mr. Albert seconded the motion and it passed unanimously.

The meeting adjourned at 10:45 AM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ernest P. Hahn". The signature is written in dark ink and is positioned above the printed name.

Ernest P. Hahn
Secretary