



MINUTES OF THE MEETING OF JANUARY 20, 2010

TIME: 10:05 AM – 11:45 AM
DATE: Wednesday, January 20, 2010
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DelVecchio, Vice Chairman Martin Jessen, Messrs. John Loos, Al Payne, David Knights, and Mayor Phyllis Marchand

STAFF: Messrs. Hahn and Weyl, Ms. Holms

GUESTS: Bill Bogosian, NJ Water Supply Authority; Joe Shepherd, NJ Water Supply Authority; Robert Barth, Canal Society of NJ and D&R Canal Watch; Patricia Kalleser, Superintendent, D&R Canal State Park; Doug Knehr, Esq.

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 16, 2009

Mr. Loos moved approval of the minutes of the December 16, 2009 meeting, and Mayor Marchand seconded the motion. It passed without dissent.

Mr. Loos asked the staff to provide financial reports for future meetings.

ELECTION OF OFFICERS FOR 2010

Mr. Knights moved approval of the nomination of Mr. Jessen as Vice-Chairman. Mr. Loos seconded the motion. Mr. Loos moved to nominate Mr. Jessen by acclamation; Mayor Marchand seconded the motion. The Commission voted unanimously in favor of the motion.

Mr. Knights then moved to nominate Mayor Marchand as Treasurer. Mr. Jessen seconded the motion. Mr. Loos moved to nominate Mayor Marchand by acclamation; Mr. Jessen seconded the motion, and the motion passed unanimously.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Chris Christie, Governor Bob Martin, Acting Commissioner

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REVIEW ZONE ACTIONS

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

- 09-3882 Stickle Deck, Lambertville
- 09-3896 Gates Residence, Hopewell Township

Mr. Knights seconded the motion and it passed unanimously.

Mr. Loos then moved approval of the "A" Review Zone project application known as the Vaughan Subdivision in Lambertville (#09-3914), with the proviso that any proposed demolition of the existing houses on the property require review and approval by the Commission. Mr. Payne seconded the motion and it passed unanimously.

Mr. Jessen moved approval of the following "B" Review Zone project applications:

- 07-3882 Staats Farm Development, Montgomery Township
- 06-3419 Rutgers Christian Community Church, Franklin Township
- 09-3837 Providence Square II, City of New Brunswick
- 06-3374A Riverside Center Phase I, Millstone Township

John Loos seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

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

CANAL PARK SUPERINTENDENT'S REPORT

Superintendent Kalleser said construction was finishing on the entranceway to Bull's Island and should be complete by mid-February. She said the rehabilitation of the Griggstown Muletender's Barracks was also almost complete. Ms. Kalleser reported that appraisals for renting the Calhoun Street, Hanover Street, and Zarephath Canal Houses were complete and she was awaiting a draft lease from the attorney general's office for the rental of these houses.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Authority has completed maintenance dredging of the canal at Prallsville Mills and has started replacing the sluice gates at the Lambertville and Prallsville locks.

DISCUSSION OF "A" ZONE PROJECT APPLICATION

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

09-1113E Knehr Garage, Lawrence Township

Mr. Hahn stated that the applicant, Douglas Knehr, has submitted everything for a complete application with the exception of two executed Conservation Easements for the preservation of the stream corridor located on his property. Mr. Hahn said Mr. Knehr has objected to giving the Commission an Easement on his property because it will diminish the size of his lawn area. Mr. Weyl asked whether the Easement area was less than what is usually required for the stream corridor, and whether there was lawn area left for future use. Mr. Hahn replied in the affirmative to both questions. Mr. Weyl asked whether the public would be allowed on the easement area, and Mr. Hahn replied "no". Mr. Loos asked whether no-mow/conservation area signs would be required, and Mr. Hahn again replied no, because it was such a small area, and would be easily monitored without signage.

After further discussion, Mr. Loos moved approval of the project, conditioned on the execution and recordation of a Conservation Easement for the stream corridor. Mr. Payne seconded the motion.

Mr. Knehr said the easement would result in prohibiting any activity on 1.4 acres of his property, and was not willing to give the Commission an easement. He said he had asked for a waiver from strict compliance of the Stream Corridor Impact regulation because the proposed garage would not be located in the stream corridor, and therefore the project would not have an adverse impact on the stream corridor. He said he had already given an easement to the Township, but that the township's easement allows him to maintain existing lawn areas. Mr. Knehr threatened litigation if the Commission required the conservation easement.

At 11:10 AM, Mr. Loos moved approval to enter into Executive Session to discuss matters involving potential litigation. Mr. Jessen seconded the motion. At 11:30, the public portion of the meeting resumed.

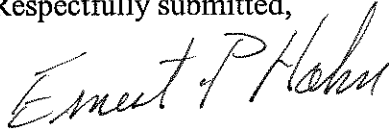
Mr. Loos withdrew his former motion. Mr. Knights moved approval of the Knehr garage with the following three conditions:

1. The plan must be revised to more accurately depict the existing wooded areas.
2. The area within the stream corridor under litigation between the township and Mr. Knehr for a potential drainage easement shall be excluded from the stream corridor easement area.
3. The Conservation Easements (2 copies with original signatures on both copies) must be submitted, as shown by the submitted metes and bounds, with added documentation that the existing lawn areas within the easement area may be maintained as lawn. The Easement must be recorded with the County Clerk and proof of recording submitted to the Commission.

Mr. Jessen seconded the motion and it passed unanimously.

The meeting ended at 11:45 AM.

Respectfully submitted,

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

Ernest P. Hahn
Secretary