



MINUTES OF THE MEETING OF MARCH 17, 2010

TIME: 10:00 AM – 11:10 AM
DATE: Wednesday, March 17, 2010
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DelVecchio, Vice Chairman Martin Jessen,
Messrs. John Loos, Al Payne; Mayor Phyllis Marchand
STAFF: Messrs. Hahn and Mazzei, Ms. Holms
Lewin Weyl, Deputy Attorney General
GUESTS: Bill Bogosian, NJ Water Supply Authority
Joe Shepherd, NJ Water Supply Authority
Robert Barth, Canal Society of NJ and D&R Canal Watch
Greg Redington, RedCo, Inc.

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 FEBRUARY 17, 2010

Mr. Jessen moved approval of the minutes of the February 17, 2010 meeting, and Mr. Payne seconded the motion. It passed unanimously. Mr. Loos asked about the minutes of the Executive Session. The Commissioners agreed that the staff should distribute Executive Session minutes to the Commissioners, once prepared.

REVIEW ZONE ACTIONS

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

09-3856 – Alexander Road Improvements, West Windsor Township
08-3721 – IAS Short Term Academic Housing, Princeton Township

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Chris Christie, Governor, Kim Guadagno, Lt. Governor Bob Martin, Commissioner

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

Mr. Barth asked about increased stormwater runoff into the canal from the project. Mr. Hahn said there was nowhere else for the runoff to go, and added that the project would yield a slight improvement in water quality overall, because a new swale would help filter pollutants, and a manufactured device would be installed to treat the runoff before it enters the canal. He said the project did not involve any additional traffic lanes, and thus the amount of pollution resulting from traffic would remain the same. Mr. Barth asked whether the road improvements would result in faster traffic speeds; Mr. Hahn said the speed limit will remain the same. Mr. Mazzei said the realignment would result in improved sight distances as cars approach the road's curve.

Mr. Loos moved approval of the following "B" Review Zone project application:

09-3582C Rider University Improvements, Lawrence Township

Mr. Jessen seconded the motion and it passed unanimously.

Mr. Knights left the meeting room at 10:16 AM. Mr. Hahn presented the following "A" Review Zone Project application for review and approval:

10-3933 Princeton Forrestral Well Monitoring, Plainsboro Township

Mr. Hahn explained that the applicant is proposing to install two wells to monitor groundwater in a stream corridor that is preserved by means of a Conservation Easement held by the Commission. He said that the installation would not result in any tree removal, and the wells would be flush with the ground. The well monitoring could result in determining whether groundwater is contaminated. He recommended the Commission permit this activity in the stream corridor. Mayor Marchand moved approval of the installation of the two wells in the stream corridor; Mr. Loos seconded the motion, and it passed unanimously.

Mr. Knights re-joined the meeting at 10:18 AM.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly workload. In Ms. Kalleser's absence, Mr. Hahn reported that the guard rails at the Bull's Island entranceway were being worked on today. Mr. Payne estimated the project would be complete by the end of the week. Mr. Hahn said the buildings at Bull's Island did not take on water, but that the towpath in Franklin Township was significantly damaged as a result of last weekend's rain. He said Park maintenance staff was busy removing trees and limbs as a result of the winter's inclement weather.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the Lambertville lock gate rehabilitation was substantially complete. He said that as a result of the weekend's storm, there were deep scours from Ten Mile Lock on, particularly in South Bound Brook. He said that there were top scours between Four and Five Mile Locks.

PUBLIC FORUM

Mr. Barth asked for updates on towpath repair and the East Millstone Canal House restoration. Mr. Payne said that the scope of work has changed for the towpath repair as a result of last weekend's storm, and the Division may now consider using hard shale for the towpath surface. Mr. Hahn said the contractor for the East Millstone Canal House restoration is working out minor details regarding the contract. Mr. Barth noted that the Weston Canal House needs a new paint job, and the Zarephath Canal House is damaged (broken windows, for example). Mr. Payne said that a lease is being prepared for the latter building. Mr. Barth encouraged the Commissioners to attend the World Canal Conference in September, held in Rochester, New York.

Mr. Hahn then presented the following project application for discussion of the applicable fee:

03-2997 JMJ-1 Building, Franklin Township

Mr. Hahn described the history of the project, saying that an application was first submitted in 2003, but that the Commission had not received a copy of municipal approval until January, 2010, and therefore, the application had been deemed incomplete. As a result of the new rules that went into effect in 2009, the Commission now required a fee for the application. The Commissioners asked whether the Regulations provided for a waiver of fees; Mr. Weyl said there is a provision for extreme economic hardship, but that this provision's primary purpose is to avoid what's known as a "taking", whereby the rules would preclude any economically viable use of the property.

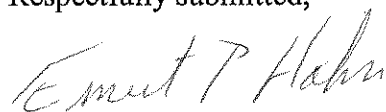
Chairman DelVecchio left the meeting at 10:45 AM.

Mr. Redington, the applicant, explained that although he had obtained preliminary township approval, he did not submit it to the Commission, because he thought it would be more efficient to have all regulatory agencies in accord before submitting the resolution. He said the latest submitted plans (revised in 2009) were not significantly different from those originally submitted. Mr. Mazzei determined that further stormwater review of the revised plans by staff would be necessary.

After further discussion, the Commissioners determined that the applicant needed to submit the base fee for stormwater review. Mr. Knights moved approval of the fee requirement; Mayor Marchand seconded the motion, and it passed unanimously.

The meeting adjourned at 11:10 AM.

Respectfully submitted,



Ernest P. Hahn
Secretary