



## MINUTES OF THE MEETING OF SEPTEMBER 15, 2010

TIME: 10:00 AM – 11:15 AM  
DATE: Wednesday, September 15, 2010  
PLACE: Canal Commission Office  
Stockton, New Jersey

### ATTENDING:

COMMISSIONERS: Chairman David DelVecchio, Vice Chairman Martin Jessen,  
Mr. David Knights, Mr. John Loos, Ms. Alison Mitchell, Ms. Donna Mahon, and  
Mayor Phyllis Marchand

STAFF: Mr. Hahn and Ms. Holms

GUESTS: Bill Bogosian, NJ Water Supply  
Joe Shepherd, NJ Water Supply  
Linda Barth, D&R Canal Watch  
Bob Barth, D&R Canal Watch, Canal Society of NJ  
John Simone, Jr., Lawrence Investment Group, LLC  
Keith Cahill, Bohler Engineering  
Mike Gragulla, RJP Consulting Group

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 18, 2010

Ms. Holms distributed a revised draft of the minutes of the meeting of August 18, 2010.  
Mr. Jessen moved approval of the minutes, Ms. Mahon seconded the motion, and it passed without dissent.

### REVIEW ZONE ACTIONS

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

10-500A MTD@Infall 21, Borough of South Bound Brook

Mr. Jessen seconded the motion and it passed unanimously.

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

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Mayor Marchand moved approval of the following “A” Review Zone project application:

08-496A GAF Landfill Recap, Borough of South Bound Brook

Ms. Mitchell asked what prompted the project; Mr. Hahn said it was necessary due to the last flood. Mr. Hahn also explained the property boundary issues, stating that once they are resolved by Green Acres, the path will be completely on State Park property (it currently is not).

Mr. Barth asked whether the towpath could be realigned to its original location; Mr. Hahn said he would speak to the contractor, but felt that the realignment should not be a condition of approval.

Ms. Mitchell seconded the motion made by Mayor Marchand, and it passed unanimously.

Messrs. Knights and Loos joined the meeting at 10:10 AM.

Mr. Jessen moved the following “A” Zone project application for review:

09-1841B Janssen Pharmaceutica Solar Array Modification, Hopewell Township

Ms. Mitchell asked why staff was recommending approval for this project despite the fact that runoff from the development discharges into the canal, which is now prohibited. Mr. Hahn said the original project on this site was approved in 2005 before that rule was adopted, and there would be no new discharge into the canal from the solar array modification project.

Mr. Knights seconded the Mr. Jessen’s motion and it passed unanimously.

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

09-3756 Steamboat Floating Classroom RR Car Relocation, City of Lambertville

Mr. Hahn recommended approval with the following conditions:

1. The Executive Director must approve the paint color selection for the outside of the car.
2. The Executive Director must approve any signage connected with the project.
3. The Commission requires a copy of the executed Lease Agreement between the applicant and the Division of Parks and Forestry.
4. The Commission requires a copy of the executed Track Lease Agreement between the applicant and the Black River and Western Corporation.
5. The Commission requires a copy of the Certificate of Liability Insurance.
6. If the project is abandoned at any time in the future, it is the applicant’s responsibility to remove the railroad car from the Canal Park.

Ms. Mitchell suggested that Condition #6 contain the clause “should the D&R Canal State Park and the Division of Parks and Forestry request it”. Chairman DeVecchio suggested that a seventh condition be added: “Should there be a change of use, the applicant must reapply to the Commission for review and approval.”

Mayor Marchand moved approval of the application with the conditions as amended.

Mr. Knights seconded the motion and it passed unanimously.

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

08-3656 Abeel JCG Flex Building, Monroe Township

Mr. Jessen seconded the motion and it passed unanimously.

Mr. Hahn presented the following “A” Zone project application:

10-4002 Joe’s Crab Shack, Lawrence Township

Mr. Hahn said that most of the property was located in the floodplain of the Shipetauken Creek. He said the proposed building addition would be built on existing impervious surface; however, a small area of disturbance is proposed within the existing stormwater basin in order to balance fill requirements for compliance with the DEP’s Flood Hazard Area rules. Mr. Hahn said the applicant is reluctant to put the remaining undeveloped portion of the stream corridor under easement, a requirement of the Commission’s Stream Corridor Impact regulation.

Mr. Simone (the applicant) said his lender would probably not agree to a Conservation Easement. Mr. Knights said that he has dealt with many Conservation Easements on properties he manages, and that an easement is not a cumbersome instrument. Mr. Simone said he would agree to the easement requirement if his attorney and Mr. Weyl could not agree on any alternative that may be less restrictive. Mr. Knights moved approval of the application conditioned upon either a conservation agreement that is acceptable to both Mr. Simone’s attorney and Mr. Weyl, or recordation of the standard Conservation Easement Agreement that the Commission holds for stream corridor preservation. Mr. Jessen seconded the motion and it passed unanimously.

#### EXECUTIVE DIRECTOR’S REPORT

Mr. Hahn reported on the staff’s monthly workload and incoming revenue.

#### CANAL SUPERINTENDENT’S REPORT

Ms. Kalleser was not in attendance. In her absence, Commissioner Mahon reported on several status updates for various projects in the Canal Park, including a new pedestrian bridge at Lock One, re-surfacing the towpath between Alexander Road and the Millstone Aqueduct, work on the Bel-DeI drainage ditch in Trenton, and restoration of the Hanover Street Canal House.

#### WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd said that work was underway at the Prallsville gates. He said the Authority was continuing to bring fill to the new “missing link” but that work was hampered by motorcycles on the path, and he reported that dredging was ongoing at Scudders Falls and I-95.

#### PUBLIC FORUM

Ms. Barth said she learned of the DEP’s recommendation to abolish the Canal Commission and asked what she and others could do to support the Commission. Chairman DelVecchio encouraged her to contact her Legislators. Mr. Barth asked whether the outhouse at the East Millstone Canal House would be rehabilitated. Mr. Hahn said it was not part of the overall house

restoration contract. Mr. Barth asked whether DOT could provide boat ramps at canal bridges when they were being repaired; Mr. Hahn said he was having ongoing discussions about the issue with DOT representatives. Mr. Barth also reminded the Commission that the World Canal Conference would be held in Rochester New York this year. Finally, Mr. Barth said that a dollar amount could not be put on the value that the Commission has had toward preserving the Canal Park, an important slice of New Jersey's history and recreation. He said abolishing the Commission would be a crime. Ms. Barth asked if there was any documentation that supported keeping the Commission. With the Commission's consent, Mr. Hahn distributed a draft document containing statistics on the Commission and its past and present effectiveness as a regulatory and planning agency. The Commissioners agreed to review the document and add suggestions. Ms. Mitchell said, for example, that a primary purpose of the Commission is to have citizen oversight of both public and private projects that impact the Canal Park and water supply for 1.5 million residents of New Jersey. Impartial oversight of public projects, particularly those proposed by the DEP, could not be accomplished without the current separate authority housed at the Commission. She said without this separation, the state would be reviewing its own projects for consistency and we would lose the impartial decision-making currently in place.

The meeting adjourned at 11:15 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 and title.

Ernest P. Hahn  
Secretary