

MINUTES OF THE MEETING OF MARCH 16, 2011

TIME: 10:00 a.m. – 11:05 a.m
DATE: March 16, 2011
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

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

STAFF: Mr. Ernest Hahn, Deputy Attorney General Lewin Weyl and Ms. Ida Marie Engelhardt

GUESTS: Mr. John Martinez, KZA Engineering
Mr. Gary Mangino, Key Investments
Mr. Bill Bogosian, NJWSA
Ms. Christina Seix, Christina Seix Academy
Mr. Fred Coco, Menlo Engineering
Mr. Robert Barth, D&R Canal Watch

The meeting opened at 10:00 a.m. Chairman DeVecchio 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 16, 2011

Mr. Loos moved approval of the minutes of the February 16, 2011 meeting. Mayor Marchand seconded the motion. It passed unanimously.

REVIEW ZONE ACTIONS

There was discussion regarding the following "A" zone applications.

11-4095 Calco Dam Removal

Vice Chairman Jessen moved approval of this project. Mr. Knights seconded the motion. It passed unanimously.

11-4111 Exxon Gas Station Demolition

Mr. Knights stated that although he had no direct involvement with this project, he would abstain from voting on this item. Mayor Marchand noted that this abandoned facility is an eyesore and that its demolition would be a benefit. Ms. Mitchell moved approval of this item. Mayor Marchand seconded the motion and it passed unanimously, with Mr. Knights abstaining.

There was discussion regarding the following "B" zone applications.

10-4070 Christina Seix Academy, Mercer County

Mayor Marchand began the consideration of this item by noting that the concept of the project, namely, the construction of an academic facility designed to provide at-risk children a year-round elementary education in a safe environment, was laudable. She mentioned a recent newspaper article which praised the work being done by Ms. Seix.

Ms. Mitchell asked the staff to explain the basis for recommending a waiver of strict compliance with the storm water regulations. Mr. Hahn noted that this is a difficult site to develop as the storm water regulations prohibit new sources of storm water into water coursed that drain into the canal. He stated that the water that leaves this site drains directly into the canal. He explained that the engineers have explored all possibilities to reduce the amount of storm water leaving the site, including the use of porous pavement and a recharge basin. The proposed design does meet the required storm water quality standards but still exceeds the volume standards. To address this deficiency the applicant has agreed to contribute \$20,000 to the New Jersey Water Supply Authority as mitigation to improve water quality in the Canal. This mitigation is provided for by the Commission's regulations found at N.J.A.C. 7:45-12.6(d).

In response to Mr. Knights' question, Ms. Seix stated that the Christina Seix Academy owns the sixty-four acre property.

Ms. Mitchell asked how much of the site would be developed. Mr. Hahn answered that approximately eleven acres would be developed and the remainder of the sixty-four acres would remain lawn and wooded areas. Ms. Mitchell also asked what steps were taken to minimize the cutting of trees. Mr. Coco, the engineer retained by Ms. Seix, noted that the three hundred foot buffer mandated by the municipality provides a significant wooded area. Furthermore, every effort was made to preserve as many trees as possible, but that some trees would need to be removed for construction of school buildings, walkways and athletic fields. Ms. Seix noted that the school is designed to be environmentally responsible. She noted that respect for the environment is part of the curriculum and that many efforts are made to carry this out, including the use of geo-thermal heating, solar carts for transportation use around the campus and solar panels.

Ms. Mitchell asked if other developed sites had been considered for this project. Ms. Seix stated that she had searched for almost four years until she found this site, which she

purchased from the State of New Jersey during an on-line auction.

Mr. Knights asked whether the school was a private school or a charter school. Ms. Seix responded that the facility is a private school and is not government funded. Ms. Seix will fund the school herself and if an additional endowment is required, she will undertake the necessary fund-raising in the future. Mr. Knights wished Ms. Seix well in this endeavor.

Mr. Loos supported the waiver of strict compliance and moved the conditional approval of this project. Vice Chairman Jessen seconded the motion and it passed unanimously.

10-4023 Path and Culvert Improvements

Mr. Knights moved approval of this project. Vice Chairman Jessen seconded the motion. It passed unanimously.

10-4053 Freedom Village at Hopewell

Mr. Loos noted that the applicant's proposed stormwater treatment might not be effective. Pursuant to this conditional approval, the applicant would be required to monitor the basin after construction for three years and then retrofit the basin if the stormwater treatment was not effective. He noted that much environmental damage could be done before the expiration of the three year monitoring period and suggested that the creation of an escrow account devoted to mitigation might be a better way to handle any damage done. Mr. Hahn explained that the Commission has faced this same situation before and that the remedy proposed would be consistent with prior approvals. Furthermore, it is the staff engineer's opinion that failure of the basin to meet design standards would not result in irreparable damage during the three year monitoring period.

Mr. Knights asked why the staff required a three year monitoring period rather than two years. Mr. Hahn replied that a three year monitoring period provides a more reliable average to account for variations in weather patterns.

Ms. Mitchell asked whether anyone monitored the water levels of the basin. Mr. Hahn replied that the Commission staff did monitor these levels.

Mr. Knights moved approval of this item. Vice Chairman Jessen seconded the motion and it passed unanimously.

10-4066 North Park Solar Field

Mr. Hahn began the discussion by providing the Commission with background on the proposed project. He noted that this site, located in Millstone Township, Monmouth County, is a mixture of active farm lands, freshwater wetlands and stream corridors. The applicant proposes the construction of a fifty acre solar panel array, which will include a minor paved asphalt access drive and a network of gravel access roads. The existing agricultural area will revert to meadow when the project is complete. The applicant has mitigated for their proposed intrusions into the stream corridor buffer by "averaging", which occur in both the floodplain and

associated 100 foot buffer. In addition the applicant has proposed to restore an area within the stream corridor buffer to accelerate its growth into a forest. The entire area within the buffer as well as the mitigation area will be deed restricted. In response to a question by Mr. Loos, Mr. Hahn clarified that the deed restriction is a conservation easement on the stream corridor buffer. He stressed that the waiver being recommended is only for the solar fields: any other future use would require review and approval by the Commission. The solar panels will be installed on driven posts and could be removed in the future without significant damage to the soils within the stream corridor.

Ms. Mitchell stressed that this project is temporary in nature. In response to a series of questions from Mr. Knights, the applicant's engineer explained that Key Investments, which owns and is developing the property, has determined that nineteen point six mega watts can be developed using the fifty acre property. In response to a question from Mr. Loos, the applicant's engineer explained that the Freehold Soil Conservation District has approved the applicant's plan to install ground cover comprised of a grass and clover meadow mix. This mix is hardy, low-maintenance and non-invasive and would not require mowing once it is full grown. Ms. Mitchell asked whether compaction from mowing will be a problem. Because small scale mowers will be used, the applicant's engineer said it would not be a problem. In response to a question from Chairman DelVecchio, the applicant's engineer explained that the applicant is unable to estimate the price JCP&L will pay for power because the applicant has not yet entered into a Power Purchase Sale Agreement, but based on the general market, expects the revenue to be approximately five to seven cents per watt. Deputy Attorney General Wyle asked the applicant's engineer whether the applicant would own the property in fee. The applicant's engineer stated that they will and do now own the property in fee.

Ms. Mitchell moved approval of this item, specifically, a waiver of strict compliance and conditional approval. Mr. Knights seconded the motion. It passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly workload and incoming revenue. He noted that the staff processed seven other reviews that resulted in deficiencies, seven jurisdictional determinations, the six items discussed on today's agenda and one general permit. He stated that \$26,400 in income was generated for February.

Mr. Hahn noted that the Canal State Park experienced minor flooding in the boat ramp areas and in the camping areas in the last week. He further noted that Park personnel are coordinating two clean-ups of the Canal State Park in the Trenton area are scheduled for next week.

Finally, he noted that the individual that operates a boat and tubing rental facility on the Delaware plans to significantly expand his operation to include jet ski rental on the river. The Division of Parks and Forestry is concerned that the existing and expanded operations may be having a deleterious effect on the environment and water quality and may conflict with other recreational uses of the river. Mr. Hahn recommended that a Deputy Attorney General be assigned to assist in the evaluation of these impacts.

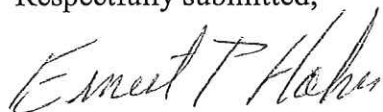
NEW JERSEY WATER SUPPLY AUTHORITY REPORT

Mr. Bill Bogosian of the New Jersey Water Supply Authority reported that the staff had completed the temporary emergency repairs of the canal wall above Stockton. However, because of the rise in the river's water level this past week, staff has not been able to determine if the repairs are still intact. In the meantime, these repairs are classified as temporary, and the staff will design and implement a permanent repair in the future. The staff will continue to clean debris, including downed trees, from the canal area. Mr. Bogosian noted that work on the spillway was suspended because of the rise in water level – the contractor needed to remove his equipment and materials so they would not be damaged. This work will continue in the near future.

Mr. Robert Barth of the D&R Canal Watch asked the staff to provide an update of the proposed bridge work, specifically, the Easton Ave./JFK Blvd. area pedestrian bridge. Ms. Mahon stated that the contract for the construction of a pedestrian bridge at Lock One had gone out to bid and that bids were awarded and were awaiting permits for construction. Ms. Mahon estimated that the construction would be completed by the end of June. Mr. Hahn stated that the Easton Avenue Bridge design is going out for bid with a condition that the clearance remain at nine feet or that the bridge be designed to be moveable. These factors will be addressed in the design stage. In response to a question from Mr. Barth, Mr. Hahn replied that the design of the swing bridge on the feeder canal is being funded by a Scenic Byway grant and that grant is awaiting final signatures at the Department of Transportation. Another Scenic Byway grant has been awarded for the construction of restrooms here at Prallsville Mill.

Mr. Loos moved to enter into Executive Session for the purpose of discussing personnel matters. Ms. Mitchell seconded the motion and it passed unanimously. The Commission entered into Executive Session at 10:45 a.m. At 11:05 a.m. the Commission returned to the Public Meeting and adjourned.

Respectfully submitted,



Ernest P. Hahn
Secretary



The first part of the document discusses the importance of maintaining accurate records. It states that without proper documentation, it is difficult to track progress and identify areas for improvement. The text emphasizes the need for regular updates and clear communication between team members.

In the second section, the author describes the challenges faced during the implementation phase. There were several obstacles, including limited resources and a lack of buy-in from some stakeholders. However, through persistence and collaboration, these challenges were overcome. The document highlights the importance of flexibility and adaptability in the face of changing circumstances.

The final part of the document provides a summary of the key findings and recommendations. It concludes that the project was successful in achieving its primary objectives, but there are still several areas that need further attention. The author suggests that future projects should focus on improving communication and resource management to ensure even greater success.