

# REVISED MINUTES FOR REVIEW AT JULY 13, 2011 MEETING

MINUTES OF THE MEETING OF May 18, 2011

REVISED JULY 7, 2011

Delaware and Raritan Canal Commission

TIME: 10:00 a.m. – 11:15 a.m.  
DATE: May 18, 2011  
PLACE: Canal Commission Office  
Stockton, New Jersey

## ATTENDING:

COMMISSIONERS: 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. Colleen Christie Maloney

GUESTS: Mr. Bill Bogosian, NJWSA  
Patricia Kalleser, Superintendent, D & R Canal Park

The meeting opened at 10:00 a.m. Vice Chairman Jessen 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 April 20, 2011

Mr. Loos moved approval of the minutes of the April 20, 2011 meeting. Ms. Mitchell seconded the motion. It passed unanimously.

## REVIEW ZONE ACTIONS

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

### 11-4100 Quaker Road Bridge Replacement

Ms. Mitchell questioned if the bridge replacement will expand right-of-way onto Park property and if historic preservation reviews were necessary. Mr. Hahn explained that they are not expanding right-of-way and that historic preservation reviews are being conducted by the State Historic Preservation Office.

### 08-3747 Springhill Suites by Marriot

Mr. Loos noted he had questions about this project. Mr. Hahn noted the history of the project predates the current rules adopted in June of 2009. This project is on Cedar Brook, which was not a regulated stream corridor under the previous rules. This water way drains into the canal,

thus has a minimum 300 foot buffer. He explained that the project is on a very limited lot and that the applicant is treating storm water to Commission standards. To mitigate for the impacts resulting from the construction of this project, the applicant is supplying a construction easement to allow access to the dam (for potential repair or modification) and to the stream itself for dredging and treating existing impervious cover not associated with this project for water quality impacts. The Lakeside project, presented a month ago, was the same situation, on the other side of the stream. With both projects, the State will have both stream corridor and construction easements on both sides of stream.

Mr. Loos noted that the project intrudes into the buffer significantly and that the DRCC does look for balancing and compensation with such intrusion. In addition to the access easement, Mr. Hahn noted that an additional gain was the treatment of impervious surface runoff that would not otherwise be treated.

Mr. Knights asked about the timing of the Lakeside project across the stream. Mr. Hahn explained that it is not scheduled yet. Mr. Knights noted the value of having these agreements in place at the time of building.

Mr. Loos questioned how the NJWSA will gain access to the easement area. Access, according to Mr. Hahn, will be through existing parking areas and will require minimal disturbance.

Mr. Loos asked about cost of water quality treatment to applicant. Mr. Hahn replied that there is significant cost associated with the purchase, installation and maintenance of the manufactured treatment devices. Mr. Knight noted the immediate expense to applicant and the long term benefit to the water supply authority.

Mr. Knight moved approval of this project. Mr. Loos seconded the motion. It passed unanimously.

#### 11-4111A Princeton University Solar Array

Mr. Knights recused himself from this project and left the room during the discussion.

Mr. Loos asked about the stream corridor easement. Mr. Hahn explained that it is well in excess of the impacted area because the town has a greenway ordinance. Mayor Marchand asked about maintenance and replacement of trees for 3 years; Mr. Hahn said he feels confident that this is the standard and practical; Ms. Mitchell queried that the trees are planted with appropriate soil type for survivability. Mr. Hahn confirmed this.

Mayor Marchand moved approval of this project. Ms. Mahon seconded the motion. It passed unanimously.

Review Zone A projects 11-4100 Quaker Road Bridge Replacement and 11-4120 PSE&G Chauncey Street Remediation were motioned for approval by Mr. Knights. Mr. Loos seconded the motion and these projects were approved unanimously.

The following "B" zone applications were approved unanimously, with Mr. Jessen moving approval and Mr. Loos seconding the motion.

1. 10-1674A Village Shopper III
2. 11-837G Bloomberg Solar Collector
3. 00-2605 Country Classics @ Fox Brook
4. 09-3825 Distinctive Properties
5. 11-3046 Creekside Preserve
6. 06-3448 Popavarapu Subdivision

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

11-4123 Andlinger Center in Princeton

Mr. Knights again recused himself from this project and left the room during the discussion.

Mayor Marchand noted that the staff report should reflect that the project is located in Princeton Borough, not Princeton Township. Mr. Loos motioned to approve the project and Mayor Marchand seconded the motion. It was approved unanimously.

11-837G Bloomberg Solar Collector

Mr. Loos had questions about the easement. Mr. Hahn explained the history of the project including the current large easement on the stream. He noted that there will be grass pavers and an aerial easement for power lines and that the Commission will be granted a conservation easement on the entire unregulated tributary located on the applicant's property.

09-3825 Distinctive Properties

Mr. Loos questioned if the applicant provided compensation for intrusions regarding the stream corridor buffer and if it is a "do not mow" area. Mr. Hahn confirmed that they are the requirements for this project.

Mr. Knights moved approval of all "B" projects (except 11-4123 Andlinger Center in Princeton which was previously approved) and Mayor Marchand seconded the motion. It was approved unanimously.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly workload and incoming revenue. He noted that staff processed 10 deficiencies, 8 jurisdictional approvals, a number of General Permits 1 and three General Permits 2. He stated that application fees brought in \$49,000 in income. On the mail log, he noted, there are another 15 projects which Mr. Hahn hopes to move along before his departure on May 31, 2011.





## D & R CANAL PARK

Ms. Patricia Kalleser noted that she attended a pre-bid meeting for the pedestrian bridge proposed to cross the Canal in the area of JFK Blvd. and Easton Ave. behind the Somerset Diner.

She has submitted a demolition request for the Sherman House.

Vicki Chirco, the DRCC Historian, noted the "Home on the Canal" exhibit to open on June 5, 2011 at 2:30 at the Prallsville Mill complex.

Mr. Hahn noted to Ms. Kalleser that a design for the sediment trap for the canal at the Stockton was underway.

## NEW JERSEY WATER SUPPLY AUTHORITY REPORT

Mr. Bill Bogosian of the New Jersey Water Supply Authority reported that the staff is cleaning up trees from Port Mercer all the way down.

## OLD BUSINESS

Ms. Mahon offered updates from Mr. Mulvan of NJ DEP:

Scope of work for the construction of public restrooms at Prallsville Mill has been released.

Weather has delayed excavation of the abutments for Bordentown Foot Bridge at Lock 1, planned for May 18. Ms. Mahon said that some groups in Bordentown are concerned about the safety of public access that will be provided by the project. It is scheduled to be completed by July 2011.

The contract for the design of the operating pedestrian swing bridge at Moore's Creek has been awarded.

Mr. Loos questioned Mahon about whether DRCC is still on the list to be abolished. Mahon reported that she has no updated information but she believes her department testified Monday and that the DRCC was still on the list for the governor's consideration.

## PUBLIC COMMENT

Mr. Von Zumbusch thanked the Commission and particularly Mr. Hahn for their great service over the years.

## SPECIAL NOTE FROM THE COMMISSION TO MR. HAHN

Ms. Mitchell congratulated Mr. Hahn on his excellent record of having served the DRCC as Executive Director and thanked him, on behalf of herself and the Commission.

**EXECUTIVE SESSION**

Mayor Marchand moved to enter into Executive Session for the purpose of discussing personnel matters. Mr. Loos seconded the motion and it passed unanimously. The Commission entered into Executive Session at 10:45 a.m.

**PUBLIC MEETING**

At 11:05 a.m. the Commission returned to the Public Meeting.

Mr. Loos moved to hire Ms. Marlene Dooley as Executive Director of the DRCC as Mr. Hahn is retiring, effective June 1, 2011. Ms. Mahon seconded the motion. It passed unanimously.

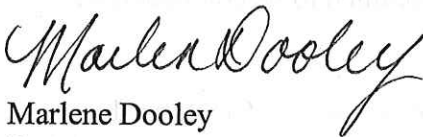
Marlene Dooley introduced herself to the guests, giving her educational and professional background.

There was discussion on personnel needs to run the office efficiently in addition to Ms. Dooley. Mr. Loos, Ms. Mahon, Ms. Dooley, Mr. Hahn, Ms. Marchand, Mr. Knights, and Ms. Mitchell commented on the qualifications/skills needed to support the DRCC office and Ms. Dooley.

Mr. Loos suggested setting up a personnel sub-committee within the DRCC to focus on the issue so Ms. Dooley would have someone to work with regarding these issues. Mr. Loos, Mayor Marchand, and Ms. Mitchell volunteered.

Mr. Knight moved to adjourn the meeting and Mayor Marchand seconded the motion. The meeting adjourned.

Respectfully submitted,



Marlene Dooley  
Secretary