

MINUTES FOR REVIEW AND APPROVAL AT THE
NOVEMBER 17, 2011 MEETING

MINUTES OF THE MEETING OF OCTOBER 19, 2011
Delaware and Raritan Canal Commission

TIME: 10:00 a.m. – 12:00 p.m.
DATE: October 19, 2011
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

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

STAFF: Ms. Marlene Dooley, Deputy Attorney General Lewin Weyl, Ms. Colleen Christie Maloney.

GUESTS: Mr. Bill Bogosian, NJWSA, Ms. Patricia Kalleser, D & R Canal Park Superintendent, Aimer Garcia, NJWSA, Jeff McVey, D & R Canal Watch, Brad Bohler, Bohler Engineering, Ed Bonanno, Swan Creek Energy

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 MEETINGS

Minutes of the Meeting of September 21, 2011

Ms. Mahon moved to approve the minutes and Mr. Loos seconded the motion. The minutes were approved unanimously.

REVIEW ZONE ACTIONS

Mr. Loos requested that the two items on the agenda related to subdivisions be reviewed and discussed first. Mr. Loos questioned the Commission's authority to review of subdivisions. Ms. Dooley reported on how, historically, the Commission has handled subdivisions. A discussion then took place regarding the regulations which included, in part, the definitions of private project, municipal approving agency and minor project and the applicability section of Subchapter 2.

There was then a general discussion regarding subdivision reviews. Ms. Mitchell stated that the review was of value to the applicant, the municipality, and Commission and that such review could bring potential problems with future development to the forefront for these parties; she noted a case in which a lot line was moved and one portion was not useable. Ms. Marchand

stated that the review helps to inform the applicant of Commission regulations for the property; local municipalities will inform the applicant of local zoning but not of Commission regulations. Ms. Mahon agreed that it would help the applicant to plan future development accordingly and could keep hardship situations from developing. Mr. Jessen stated that the review of a lot line might give an owner fair warning regarding limitations on future use. Mr. Weyl also stated that moving a lot line could impact the potential use of a property. Mr. Loos stated that the Commission should focus on regulating important environmental issues that impact the park and watershed for the park.

Mr. Loos stated that he would abstain from vote on the two subdivision projects.

Review Zone A Projects

11-3003B Franklin Subdivision

Ms. Marchand moved for approval, Ms. Mahon seconded the motion, and Mr. Loos abstained. The project was approved.

The following Review Zone A projects were approved. Ms. Mitchell moved to approve them, Ms. Mahon seconded the motion. They were approved unanimously.

11-4227 Titusville Sidewalk Replacement

11-4224 Unit 8-Canal Street Garage Door

11-4190 Colonial Park Spillway Rehabilitation

Review Zone B Projects

11-3349A Institute for Advanced Study Subdivision

Ms. Marchand moved for approval, Ms. Mitchell seconded the motion, and Mr. Loos abstained. The project was approved.

Ms. Mitchell asked for a more detailed explanation of the 11-4221 109 Manufacturing Project. Ms. Mitchell specifically asked about the proximity of the Lenape Trail and the stream corridor waiver. Mr. Loos asked for more information on the proposed path and use of paver stones. Ms. Dooley described the facility and improvements, using the applicant's site plan to illustrate.

The following Review Zone B projects were approved. Mr. Loos moved for approval, Ms. Marchand seconded the motion. The projects were approved unanimously.

11-4221 109 Manufacturing Project

11-3788B Princeton Procure Medical Office Building

11-2436Z BMS-Inside the Fence Water Project

11-4182 Swan Creek Solar

EXECUTIVE DIRECTOR'S REPORT

Ms. Marchand left the meeting at 11:15 a.m.

Ms. Dooley reported on the staff's monthly workload and incoming revenue. She noted that staff processed 7 deficiencies, 1 jurisdictional approval, 3 General Permits 1, 1 General Permit 2, and reviewed 9 projects for presentation. The office processed one OPRA request. She stated that

application fees brought in \$11,050 in revenue last month.

Ms. Dooley reported on a spending plan meeting she attended at the DEP regarding budget issues. She also reported generally on personnel. The Commissioners discussed the types of budget reports that they would like developed.

Ms. Dooley reported on the Scudders Falls Bridge at Bernard Drive. She reported that, to the best of her knowledge, all permits were issued and the design was complete. The Department of Transportation was discussing building materials with the contractor; building has not started. Ms. Dooley reported that she routinely receives phone calls from neighborhood residents inquiring about the status of the project. The Commission would continue to coordinate with DOT to attempt to assist with the start of the construction of the bridge.

Ms. Dooley reported that the Friends for the Marsh (Hamilton-Trenton-Bordentown) requested that the Commission appoint a representative to the cooperating stewardship council. The representative would have decision-making authority and attend quarterly meetings. This issue will be placed on the agenda for action at the next meeting.

Ms. Dooley reported on a letter from the Mayor of Stockton sent to Mr. Jessen requesting that interested parties participate in a borough flood issue task force. This issue will be placed on the agenda for action at the next meeting.

Ms. Dooley reported that a letter of interest was sent to Green Acres regarding the Scheck property.

D & R CANAL PARK REPORT

Ms. Kalleser reported that the East Millstone Canal House was opened for a well attended Canal Fest, sponsored by a local group. She reported on a design meeting for the Hopewell Swing Bridge. She reported that the path from Landing Lane to Zarapeth will be repaired by the DOT and that the Griggstown Muletenders House is receiving mold abatement treatment for flood damage. Mr. Loos inquired about the Demott Lane Bridge, which was heavily damaged by the floods. Ms. Kalleser reported that the bridge would be taken out and assessed for structural integrity.

NEW JERSEY WATER SUPPLY AUTHORITY REPORT

Mr. Bogosian reported that emergency repairs from Hurricane Irene and Tropical Storm Lee were coming to a close. The Water Supply Authority will be preparing to gradually increase water levels in the Canal. The Rubber Mill gates in Lambertville are back in service; however, a gravel bar has developed and must be addressed. The Workhouse Spillway repair is still in progress. Lower Ferry Road stop-planks have been removed.

Mr. Bogosian discussed at length the repairs and restoration methods and materials used at the Port Mercer Finger Dike and its surrounding area.

Mr. Bogosian reported that work in Stockton both north and south of the bridge was completed. Ms. Mitchell questioned the closing of the walking area opposite and parallel to the Canal Path. Mr. Bogosian explained that this area, known as the flood guard embankment, was blocked off

for safety reasons and to maintain the integrity of the repairs. It is intended that people stay on the Canal Path and not intrude upon the flood guard embankment. Ms. Mahon asked if the Water Supply Authority notified people of repair measures in the flood guard embankment. Ms. Mitchell asked about the plastic sheeting placed in the flood guard embankment areas. Mr. Bogosian stated that the plastic sheeting is for soil stabilization and erosion control, and would eventually be removed. Ms. Mitchell later asked that the Water Supply Authority consider ways to get a message to the residents of Stockton and park users explaining the need for the plastic sheeting and that it is a temporary measure.

NEW BUSINESS

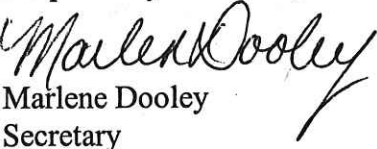
No new business was discussed.

PUBLIC FORUM

No public comment was offered.

Ms. Mitchell moved to adjourn the meeting and Ms. Mahon seconded the motion. It was approved unanimously.

Respectfully submitted,


Marlene Dooley
Secretary