

SYNOPSIS OF DISCUSSION ON JUNE 20, 2012
Delaware and Raritan Canal Commission

TIME: 10:20 a.m. – 12:10 p.m.
DATE: June 20, 2012
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Mr. John Loos, Mr. David Knights, Mayor Phyllis Marchand, Ms. Alison Mitchell

STAFF: Ms. Marlen Dooley, Deputy Attorney General Dean Jablonski and Ms. Colleen Christie Maloney

GUESTS: Mr. Eric Rosina and Rob Korkuch, ACT Engineering; Mr. Jason Bilanin and Mr. Jared Bilanin, Real Estate Growth Advisors; Mr. Bill Wolfe, NJ PEER; Mr. Robert Barth, D & R Canal Watch; Mr. Bill Bogosian and Mr. Joseph Shepherd, NJWSA; Ms. Patricia Kalleser, Superintendent, D & R Canal State Park; Mr. Joel Greenberg, The Lawrenceville School; Mr. John Hawkins, Stockton Fire Company; Mr. Robert VonZumbusch, D& R Canal Coalition.

At 10:20, Mr. Loos noted that the Commission had received an unanticipated and immediate resignation from Vice Chairman Jessen and that an additional commissioner was absent, so there was no quorum. Therefore, the projects listed on the agenda would not be reviewed for approval.

Mr. Loos noted that projects not approved with 45 days of having been complete are automatically approved.

It was agreed that applicants who were available to present information related to their project could proceed with presentation of the information, but that no formal action would be taken related to the projects.

12-2098A New South Lot

Rob Korkuch, ACT Engineering, presented information on the project New South Lot in West Windsor Township. A portion of the project was previously approved by the DRCC for tree clearing so that the clearing could be done before Indiana Bat season. Mr. Korkuch used a map to illustrate the relationship of the Princeton Junction Train station to the new parking lot. He explained how the site had been a landfill for West Windsor and then a composting facility, and now needs to be capped. The proposed parking lot for the train station will be able to park approximately 650 vehicles for West Windsor residents. Since the landfill is being capped, little water penetration is desired and there are no islands or landscaping in the parking areas. Vegetation will be along the perimeter of the landfill area and driveway. There will be snow management areas where snow can be piled after plowing. Stormwater is captured by basin features that are lined. Under the parking area, there is a lined stormwater management feature

as well.

Ms. Marchand inquired about how far pedestrians will have to walk from the proposed parking lot to the train station. Mr. Korkuch estimated that the distance was one-quarter mile. Mayor Marchand commented that lighting would be important for safety. Bill Wolfe, NJ PEER, spoke of issues related to water discharge, ground water contamination, stormwater management, leeching, gases, and settlement. Mr. Korkuch and Eric Rosina, ACT Engineering, responded with information including, but not limited to, the treatment of recharge at landfills, landfill vs. wetland gases, compression and compaction on the site and required reviews by DEP. Ms. Marchand asked for clarification of the snow management areas. Mr. Loos estimated that, because of lack of quorum, July 13 would be the date the project is automatically approved.

12-4315 Lakeview Signs

Mr. Knights described how Princeton University had owned these apartments on the site and he would therefore recuse himself from any discussion on the project. He left the room at 10:45.

Ms. Dooley noted that the application had been just submitted the previous week. Applicants Jason Bilanin and Jared Bilanin presented information related to the apartment complex they acquired in June 2011 from Princeton University. The apartments were previously called Millstone Apartments. They noted that 60 of the 120 units are dedicated affordable housing units for Plainsboro and that other units traditionally have housed Princeton faculty and graduate students. Occupancy had historically never been beyond 50-55%; the applicants hope to attract more tenants.

There has never been signage for the property. Discussion ensued related to the signs the applicants propose and the signs' visibility and setback distance from the Canal Park. Of particular interest was the largest sign which will be along Mapleton Road which measures a top height of approximately six-feet high and 4-foot by 6-foot in size. Ms. Marchand visited the site and gave consideration to the largest sign's visual impact from the bridges and path in the area. The applicants described a reforestation plan involved with the property through an agreement with Princeton University related to the purchase of the property. Seventeen trees are assigned to be placed near the largest of the proposed signs. Ms. Dooley noted that the visual impact of a sign is reviewed with consideration to the winter view. It was discussed that evergreens might be a better choice for a screen. Jason Bilanin noted that an added improvement to the property is their plan to enclose unsightly dumpsters. Jared Bilanin noted the importance of signage to guide potential tenants to the property. Ms. Dooley asked why the small sign on the northbound entrance was not sufficient. Jason Bilanin noted that they needed a sign at the main entrance and the second entrance should a visitor miss the first. Ms. Dooley noted that there are no lights on the sign and that her report did not take into consideration the landscaping/reforestation plan as that was new information presented by the applicant. Ms. Mitchell noted the importance of considering what the visual from the Canal Park will be once screening is complete; she also noted the bright white color of the sign. Mr. Loos suggested that, should the project be approved, that the applicant place someone on the Canal Path when planting the screening trees to be sure there is no visual impact on the path. The applicants noted the importance of having signage and expressed their willingness to work with the Commission and give consideration to the comments.

Robert VonZumbusch noted that, in the past, this area of Mapleton Road had been considered for widening and during roadwork had been somehow widened and that trees had been taken down. He suggested that lining the road with deciduous trees would be beneficial and that this area of Mapleton Road and the project should be reviewed in its totality. Mr. Loos noted the municipality would be involved in a plan such as that. Additionally, Mr. VonZumbusch noted the history of paths planned for the area.

Mr. Barth expressed his concern about the bright white color of the sign. Jason Bilanin and Jared Bilanin noted the clean and quaint nature of the sign design which is white and blue. Discussion ensued about using natural colors. Plainsboro has approved the signage and such changes might require another approval.

Mr. Knights returned to the room at 11:25 am.

Executive Director's Report

Ms. Dooley noted there were 7 Deficiency Letters, 6 Jurisdictional Determinations, 5 General Permits 1, 5 General Permits 2, and 11 Certificates of Approval issued that month. Fees were \$28,450. She also noted that she had received phone calls and correspondence related to an area of the Canal and Canal Path in Lambertville north of Bridge Street which is deteriorating. She noted that the DRCC had posted a job opening on the website and at a posting site at Rutgers University Engineering Department. The Commission office will have a summer intern.

Ms. Dooley noted that, at the last meeting, she and the DAG were asked by the Commission to look at the pre-application meeting requirements and send a letter requesting that the DEP have a pre-application meeting for the Bull's Island tree removal with Ms. Dooley and some of the Commissioners. Prior to writing the letter, she received a phone call from DEP Assistant Commissioner Boornazian and she discussed a pre-application meeting. Mr. Loos discussed his concern that the applicant would come through with an emergency permit; Ms. Dooley was told by the DEP that they intend to submit an application for the tree removal. Ms. Mitchell noted that she would recuse herself should further discussion take place related to Bull's Island.

D&R Canal State Park Superintendent's Report

Ms. Kalleser noted that the GAF landfill recap project in South Bound Brook would proceed in July and this would again create a detour for park users. She reported that one mile of the path was resurfaced by the DOT in the vicinity of Provinceline Road. She noted that the Lambertville Boat Launch is free to the public. The Hanover Street Canal House siding project is complete. The Calhoun Street Canal House was damaged by a vehicle and will require porch and rail repair. The path in Lambertville is closed approximately 100 yards north of Bridge Street and the problem is being reviewed. Canal Watch had requested a review of Lock 9 in Griggstown related to install a workable lock. The debris pile near Port Mercer at the Stony Brook is being removed from the Canal Park side; Mr. Knights commented on the complex situation and noted Ms. Kalleser's fine work at managing a serious problem. Mayor Marchand commented on her friend's compliments about the Colonial Park section of the Canal Path.

New Jersey Water Supply Authority Report

Mr. Shepherd noted the authority's downed tree removal from Lower Ferry Road to Hermitage Avenue.

Old/New Business

No old or new business was discussed.

Discussion ensued related to summer meeting dates.

Public Forum

Robert Barth, D&R Canal Watch, asked about the work done on the Hanover Street Bridgetenders House. Ms. Kalleser explained that it was exterior renovations only. Mr. Barth expressed concern about getting more Commissioners appointed to the Commission. He suggested that the Commission purchase an amplifying system because it is hard to hear comments. Mr. Loos noted that all should speak up.

Mr. Wolfe asked if the Bulls Island pre-application meeting would be public or private. He asked about why Ms. Mitchell was recusing herself. Ms. Mitchell explained that she worked for the New Jersey Conservation Foundation as a policy director; the NJCF was taking a strong position on the project. Mr. Wolfe asked for a written statement from the Commission's Deputy Attorney General regarding the basis for the recusal so it is clearly understood. Mr. Wolfe noted the importance of a voice such as Ms. Mitchell's on an issue such as Bull's Island. He asked about the scope of her recusal; would it be from discussion, from vote, for instance? DAG Jablonski noted that he would have further discussion with Ms. Mitchell and the Commission regarding recusal. Ms. Mitchell left the room at 11:50 am.

Mr. Wolfe noted his concern that the Commission had said, at the previous meeting, that it would send a letter asking for a pre-application presentation at a public DRCC meeting from the DEP Assistant Commissioner's office and not simply engage in a phone call. Mr. Loos explained that Ms. Dooley had received a phone call from the Assistant Commissioner's office prior to a letter being written. Mr. Loos noted that Ms. Dooley approached the subject of a public meeting with the Assistant Commissioner; the Assistant Commissioner is not interested in a public meeting and cannot be compelled to attend one. Mr. Wolfe expressed his concern about a lack of transparency and an adversarial approach being taken by the Assistant Commissioner. Mr. Knights noted that the Assistant Commission made a phone call to the Commission similarly to how a developer would to discuss a project. Ms. Dooley noted that she received the phone unexpectedly from the Assistant Commissioner's office and decided, after consulting with her Commissioners, to report on the phone call before continuing with the writing of a letter.

Mr. Wolfe noted that Ms. Dooley had failed to reflect in her Executive Director's report that she had received a letter from Mr. Wolfe about the resolution was from Alexandria Township opposing the clear cutting of trees at Bull's Island and requesting a public process. Ms. Dooley reported on the letter and indicated she would share a copy with the Commissioners. Mr. Wolfe noted the importance of the resolution based on the Lower Delaware Wild and Scenic Management Plan.

Mr. Wolfe noted a meeting on June 28 in Frenchtown, hosted by the National Park Service, based on the Lower Delaware Wild and Scenic Management Plan, at which he would make a presentation on the issues at Bull's Island. He noted the DEP website addressing the issue of Bulls Island, OPRA requests he had made, and information he had about the Army Corps and

NJWSA renewing permits.

Mr. Wolfe noted his interest in the path crossing at Bridge Street in Stockton and wondered if such could be done with the path crossing at Bridge Street in Lambertville. He also noted his concern about newspaper boxes in the vicinity of the Canal Path in Lambertville.

Mayor Marchand noted that, related to Mr. Wolfe's interest in the path crossings at Bridge Streets in Stockton and Lambertville, municipalities often have a circulation committee to address traffic issues, including vehicle, cycling, and pedestrian.

Mr. Barth noted that he is making an inventory of Canal Path crossings and would share that information.

Mr. VonZumbusch reiterated the importance of filling the open positions on the Commission. Discussion ensued amongst the Commissioners on the issues of quorum and getting more Commissioners appointed to the Commission.

Ms. Dooley noted that a representative from the Stockton Fire Company was attending the discussion. Mr. Hawkins, Stockton Fire Company, noted that the company would be agreeable to installing an evergreen buffer to screen its addition from view from the Canal Path. Construction was not anticipated to begin until the fall.

The discussion stopped at 12:10 pm.

Marlene Dooley, Secretary

