

**MINUTES OF THE MEETING TO BE REVIEWED ON
December 19, 2012
Delaware and Raritan Canal Commission**

TIME: 10:10 a.m. – 11:40 a.m.
DATE: November 19, 2012
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

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

STAFF: Ms. Marlene Dooley, Ms. Colleen Christie Maloney, Mr. Vince Mazzei and Deputy Attorney General Jung Kim

GUESTS: Ms. Patricia Kallessen, Superintendent, Delaware and Raritan Canal State Park; Mr. Robert Barth, Delaware and Raritan Canal Watch; Rebecca Lynn, Assisted Living, Inc.; Michael Catania, Conservation Resources, Inc.; Tom Boccino, Somerset County.

The meeting opened at 10:10 a.m. Vice Chairman Loos announced that this was a regularly scheduled meeting of the Delaware and Raritan Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met.

MINUTES OF MEETING

Minutes of the Meeting of October 15, 2012

Ms. Mitchell moved to approve the minutes and Mr. Knights seconded the motion. The minutes were approved unanimously.

Minutes of the Special Meeting of November 5, 2012

Ms. Mitchell moved to approve the minutes and Mr. Knights seconded the motion. The minutes were approved unanimously.

REVIEW ZONE PROJECTS

REVIEW ZONE A

Mr. Knights moved to approve the following Review Zone A projects. Mayor Marchand seconded the motion:

12-4368 World Trade Center Memorial Garden (Lambertville)
11-3945A Hopewell Homes (Hopewell)

The projects were approved unanimously.

REVIEW ZONE B

Mr. Knights moved to approve the following Review Zone B projects and Mayor Marchand seconded the motion:

12-4336 Lawrence Toyota (Lawrence)
12-3582E Rider Indoor Athletic Facility (Lawrence)
12-4358 Mother of God Orthodox Church (Montgomery)
12-2973A Sharbell-Hillside Sections I and II (Montgomery)
12-4201A Genesis (Franklin)
11-2823B Hun School Global Commons and Residential Life Bldg. (Princeton)
11-4210 Green Village (Hillsborough)
11-4214 Brick Farm Tavern (Hopewell)
12-3143B Princeton Marketfair Re-Tenancing (West Windsor)
12-3735A Chand Palace Modification (Franklin)
12-3080B L'Oreal Solar Array (Franklin)

The projects were approved unanimously.

Presentation:

06-3334A Walgreens/CVS (Hillsborough)
Off-Site Mitigation Proposal by Conservation Resources, Inc.

Ms. Dooley stated that this project was previously approved by the Commission and that the approval required the applicant to pay over \$200,000 for off-site mitigation for intrusions into the stream corridor. Vice Chairman Loos further explained that a previous project intruded into the corridor and the Commission granted a waiver conditioned upon 2 to 1 off-site mitigation. The cost was determined and the applicant made a monetary contribution to the Commission; the Commission is working with Conservation Resources to purchase land off-site for mitigation.

Mr. Catania made the presentation for Conservation Resources, Inc. Mr. Catania stated that he had previously come before the Commission regarding preserving in an easement 109 acres of land near Royce Brook at the former GSA Belle Meade Depot. The Commission did not accept that proposal because the local entities wanted to use the lot for parking, restroom and active recreation which is prohibited by the Commission easement. There was discussion regarding the earlier proposal.

Mr. Catania outlined the new proposal which included Somerset County purchasing and preserving 256 acres of forested land and fields along Pike Run in both Hillsborough and Montgomery on the Carrier Clinic property. To satisfy the mitigation for the CVS Walgreens stream corridor intrusion, approximately 112 acres in the Hillsborough section would be preserved and become part of the Sourland preserve and be subject to a more restrictive Commission easement; for example, active recreation would not be allowed. The County would target portions of the area for habitat restoration. There was substantial discussion during which it was noted that 22 acres were already preserved in a Commission easement and that area would be excluded, that there are agricultural fields presently farmed which will continue to be farmed, and the level of restrictions in the easement.

Mr. Knights asked about the 22 acres already in preservation in the Commission easement; Ms. Dooley explained that the Commission required it to be preserved as part of the solar project approval. Vice Chairman Loos asked whether natural foot trails are a permitted use. Ms. Dooley stated that the easement form states that easement areas revert to their natural state but allows activities listed in a Schedule A; Commission regulations list permitted uses and paths are listed. Vice Chairman Loos suggested that the County include natural trails in the easement.

Mr. Barth, D & R Canal Watch, commented as a member of the public. Mr. Barth stated that money should be invested in the canal area and not in areas removed from the Park. He also asked if presently tilled land would now not be tillable. There was discussion including Ms. Dooley stating that farming can and has occurred within Commission easements but that it would need to be stated as a use in the Schedule A and not all farming activities are allowed. There was additional discussion including that certain crops but not livestock is allowed under the rules, that hay is presently farmed on the site, and that approximately 40% of the site is farmed. Ms. Mitchell also noted that she was not opposed to this project but that tilling to the edge of a stream corridor could impact the stream; forested corridor is the best for the stream corridor. There was a discussion of the present buffer along the stream including Vice Chairman Loos asking the narrowest portion of the buffer; Mr. Cantina stated it was less than 100 feet.

Mayor Marchand motioned to approve the project. Ms. Mitchell seconded the motion. The motion was to approve the purchase of the approximately 112-acre easement conditioned upon the following:

1. the entire easement old or new having a 150 foot "do not mow" buffer along the stream
2. the farming of crops may continue as allowed by Commission regulations
3. the applicant may restore the corridor with native species
4. the applicant may have pedestrian access provided it occurs in consultation with the Commission.

The motion was approved unanimously.

EXECUTIVE DIRECTOR'S REPORT

Ms. Dooley reported on the staff's monthly workload and fees (see attached report).

Ms. Dooley discussed the impact of Hurricane Sandy and the loss of power for two weeks on the operation of the office. Vice Chairman Loos noted that the Commission should continue to examine the appropriateness of the office location.

Ms. Dooley provided updates and noted several issues related to the City of Lambertville including potential changes to Carvallo Park, the floodgates and the trash cans adjacent to the Park. Vice Chairman Loos directed Ms. Dooley to immediately contact Mayor Delvecchio to remove the trash cans.

Mr. Barth asked about the floodgates in Lambertville. Ms. Dooley and Mr. Mazzei outlined the location and recently permitted project.

D & R CANAL PARK REPORT

Superintendent Kalleser discussed issues related to Hurricane Sandy including that Franklin Township and Bordentown Township were the most impacted with uprooted trees; the Canal did not breach. Park staff will be working to remove trees. Superintendent Kalleser noted the availability of the Scenic Byway Guides and that there is a pre-bid conference for the Griggstown Bridge Tender's House restoration. Bids are due at the end of the week.

NEW JERSEY WATER SUPPLY AUTHORITY REPORT

Not in attendance.

NEW BUSINESS

There was no new business.

OLD BUSINESS

Master Plan

The Delaware and Raritan Canal State Park Master Plan was discussed. There was a discussion for individuals to identify areas that need updating, correction, or new areas that need to be added.

Vice Chairman Loos offered the following for consideration regarding the Master Plan:

p. 10 Bulls Island

The Master Plan lists the Southern end as natural and the Northern as rural. Should the Commission consider changing the Northern area to natural?

p. 19 Trenton Area

This section needs updating.

p. 25-28 East Millstone

Members of the community are interested in a boat launch in this area.

p. 37

There should be language in the Master Plan related to invasive species. It is in the development plan. There was some discussion related to beneficial insect program and the removal of purple loosestrife.

Vice Chairman Loos offered the following for consideration on the Development Plan:

p. 15

There should be linkage from the Griggstown Canal to the Grassland Preserve. There should be mention of a boat launch in East Millstone.

p. 19

There should be better trail signs where the path crosses roads.

p. 20

Eliminate the proposal to develop Freda Martin Preserve. Specifically, the bridge proposal

should be eliminated and the proposal to build a bridge at Easton Avenue should be added.

There was subsequent discussion regarding updating the list of buildings within the D&R Canal State Park. Ms. Mitchell mentioned the John Prall House. Vice Chairman Loos noted the need for a museum to retain the many historical items and artifacts related to the Canal.

Mr. Knights asked the status of Bulls Island and appointments to the Commission.

Ms. Dooley stated that there were conversations regarding Commission application requirements between DEP and Commission staff. Commission staff expected an application in October but the DEP did not submit an application as of this date. Director Texel stated that a plan is still being developed. Superintendent Kalleser stated that the DEP is still assessing the island and the health of the trees in the remainder of the campground. Mr. Texel noted the impacts to trees at Parks from Hurricane Sandy in general and the state of Bulls Island since it has been closed. Mr. Knights noted that DEP's study of Bulls Island should be allowed to proceed. Ms. Mitchell noted the extensive planning role of the Commission and involvement in actions in D & R Canal State Park; she hoped the Commission would be apprised of any studies, provided with copies of the studies and the direction in which the Department was heading; she noted that she was aware that the Department might have meetings on Bulls Island with stakeholders. She thought this was great but noted that Commission should be involved. Vice Chairman Loos noted that the Commission has independent authority but wanted comity with DEP; all agreed that a more collaborative approach would be best. Director Texel stated that the Department was still discussing their options and hoped to work together with stakeholders.

Vice Chairman Loos noted that the Governor had appointed 8 new Commissioners. There was a general concern regarding continuity. There was discussion of filling the vacancies immediately and allowing those new individuals to get up to speed.

Mr. Knights noted that he was ready to leave and that the replacements were excellent but that continuity is critical. There are difficult longstanding issues before the Commission and the uncertainty of filling the positions makes it difficult to address issues.

Mayor Marchand noted the need to address the quorum issue. If one person is missing, the Commission does not have quorum and this impacts applicants. Four vacancies could immediately be filled and address this issue.

Mr. Texel was asked to raise these concerns to the Commissioner.

There was some discussion of the difficulties for a new group of Commissioners to be expected to act on the Master Plan or long standing issues. It was determined that the next step would be for the Commission to develop a plan for updating the Master Plan next year.

SCHEDULING OF NEXT MEETING

It was determined that Commission staff would email the Commissioners to identify a date for the December meeting.

PUBLIC FORUM

Mr. Barth distributed the event schedule for the Canal Society and thanked Superintendent

Kallessen for her help with the hiking tour. Mr. Barth noted that planning is a big part of the Commission's role. He noted his concern for continuity of the Commission and the loss of institutional knowledge. He urged the Commission not to put off revising the Master Plan. He recommended that each member submit comments and at least collate a list of updates needed. Mr. Barth noted two recommendations for amendment:

1. canoe access and portage areas
2. canal boat ride

Mr. Barth stated mitigation funds should be used for maintaining the National Register site. He noted the list of 32 priorities and that since 1996 only 17 projects were done and some were half completed. Funding should go to those priorities. Vice Chairman Loos stated that he wants more money invested in the Park but that he did not believe use of the mitigation funds was the right approach. The regulations identify areas that cannot be developed; if the Commission waives that provision and uses the money for projects, it is not protecting the land down stream.

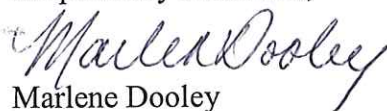
Mr. Barth asked about the status of the path for Mapleton Road; the road work was done but there is no path. Mr. Knights stated that the Mapleton Road work is not done and that there is other work to be done prior to the path being addressed. He is aware of the issues. Mr. Barth noted this as an example of the need for continuity so projects are followed to completion and not forgotten.

Mr. Knights announced that on January 11 the Lawrenceville School is having an exhibit on the houses of the Canal.

Adjournment

Mayor Marchand moved to adjourn the meeting; Mr. Knights seconded the motion. It was approved unanimously. The meeting adjourned at 11:40 a.m.

Respectfully submitted,



Marlene Dooley
Secretary