

**May 21, 2014 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.

DATE: May 21, 2014

PLACE: D&R Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman Robert Bostock, Vice Chairman John Loos, Commissioner Mary Leck, Commissioner Phillip Lubitz, Commissioner Bruce Stout, Commissioner Ed Trzaska, and Mr. Ed Mulvan

STAFF: Mr. Vincent Mazzei, Jr., Deputy Attorney General Alison Reynolds, and Ms. Colleen Christie Maloney

GUESTS: Superintendent Patricia Kalleser, D&R Canal State Park; Mr. Joe Shepherd, NJ Water Supply Authority (NJWSA); Mr. Robert von Zumbusch, D&R Canal Commission Advisory Council; Mr. Herb Spiegel, D&R Canal Commission Advisory Council; Mrs. Linda Barth, D&R Canal Watch; Mr. Damian Friebel, NJDEP DLUR; Mr. Nick Rotonda, T&M Associates; Ms. Kelley Roberts, Paperboat and Bird; Ms. Jeanne Lennon, JCP&L; Mr. Wayne Freeman, JCP&L; Mr. Mitchell Ardman, The Reynolds Group; Mr. Eric Ballou, InSite Engineering; Mr. Jason Fogler, MidAtlantic Engineering; Mr. Carl Alfaro, Van Cleef Engineering; Mr. Dale Caldwell, The Village Charter School; Ms. Rose Iskowitz and Ms. Marcie Fiorentino, The Center School; Mr. Steve Leone, Spietzle Architectural Group; Mr. Sal Puleo, Van Cleef Engineering; Mr. Ralph Petrella, Van Note-Harvey; Ms. Wendy Warren, River Signs; Ms. JoAnn and Mr. Dan Serlenga; Mr. Gennaro Costasile, Jax Gennaro, LLC; Mr. David Anderson, Boys and Girls Club of Mercer County; Mr. Robert Zalewski, Malick & Scherer; Mr. Marcus Rayner, NJCJI; Mr. David Fisher, K. Hovnanian; Ms. Rachel Mackow, Friends of Hopewell Valley Open Space.

Chairman Bostock announced that this was a regularly scheduled meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met in the scheduling of the meeting.

Administrative Items

Chairman Bostock confirmed that next month's commission meeting date is June 18, 2014. Commissioners Lubitz and Trzaska noted they had a conflict. Chairman Bostock called for a motion to approve the meeting date. Vice Chairman Loos motioned to approve the date; Commissioner Stout seconded the motion; it was approved unanimously.

Minutes of the Meeting

Minutes of the Meeting of April 16, 2014

Chairman Bostock asked for a motion on the minutes. Mr. Mulvan motioned to approve the minutes and Commissioner Trzaska seconded the motion. The Chairman asked for comments on the minutes and, hearing none, requested a vote. Chairman Bostock, Vice Chairman Loos, Commissioner Lubitz, Commissioner Trzaska, Mr. Mulvan, and Commissioner Stout voted to approve the minutes; Commissioner Leck abstained. The minutes were approved.

Minutes of Executive Session of April 16, 2014 Meeting

Chairman Bostock noted that these minutes would not be considered at this meeting because items need to be resolved.

Review Zone A Projects

Chairman Bostock asked Mr. Mazzei to give a brief description of the Review Zone A projects.

14-4135A Millstone Valley Scenic Byway Visitor Center Sign (Franklin Twp)

Mr. Mazzei noted that the sign would identify the visitor center and therefore benefit the public. Mrs. Barth invited the public to enjoy the scenic byway and described the placement of the sign. Chairman Bostock asked for further comment and, hearing none, he asked for a motion on the project. Commissioner Lubitz moved to approve the project and Mr. Mulvan seconded the motion; the project was approved unanimously.

14-4536 Sturgeon Education Signs (Mercer/Hunterdon)

Mr. Mazzei noted that the signs will educate anglers and park users about the endangered fish and therefore benefit the public. Ms. Rachel Mackow noted that the fish is a federally endangered species found in the Delaware River and her group, Friends of Hopewell Valley Open Space, had worked with NJDEP to develop the signs. Chairman Bostock asked for further comment and, hearing none, he asked for a motion on the project. Commissioner Stout moved to approve the project and Commissioner Lubitz seconded the motion. The project was approved unanimously.

14-4533 9 River Drive (Hopewell Twp)

Mr. Mazzei noted that the applicant proposed to expand a single-family home on the property. Chairman Bostock asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Vice Chairman Loos moved to approve the project and Commissioner Leck seconded the motion. The project was approved unanimously.

14-4544 124 River Drive (Hopewell Twp)

Mr. Mazzei noted that the applicant proposed to improve a single-family home and construct a garage on the property. Chairman Bostock asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Commissioner Trzaska moved to approve the project and Commissioner Lubitz seconded the motion. The project was approved unanimously.

14-1477C Art Shoppe Sign (Stockton)

Mr. Mazzei noted that the applicant would install signs at a commercial property in Stockton. The signs are not visible from the park. Chairman Bostock asked for comment from the commission; Commissioner Lubitz asked about the fee for the project. Chairman Bostock asked for further comment from the commission and the public; hearing none, he asked for a motion on the project. Commissioner Stout moved to approve the project and Mr. Mulvan seconded the motion. The project was approved unanimously.

14-4525A JaxGennaro (Franklin Twp)

Mr. Mazzei noted that the improvements to this commercial property are not visible from the park. Chairman Bostock asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Mr. Mulvan moved to approve the project and Commissioner Leck seconded the motion. The project was approved unanimously.

13-2422B Center School (Franklin Twp)

Mr. Mazzei described how the former office building would be transformed into a school. The project is screened from view of the park. Commissioner Lubitz discussed assuring that detention basins are maintained. Mr. Mazzei explained that applicants enter into a conservation and maintenance agreement with the commission, and that the municipality and NJDEP require maintenance. There was discussion about having staff adequate to inspect basins. Commissioner Leck asked if the property is subject to flooding and Mr. Mazzei described the site. Chairman Bostock asked for further comment from the commission and the public; hearing none, he asked for a motion on the project. Commissioner Trzaska moved to approve the project and Commissioner Stout seconded the motion. The project was approved unanimously.

14-4439A Thomas Edison State College (Trenton)

Mr. Mazzei noted that the college would construct a nursing education building on the site of the Glen Cairn Arms apartments, which were demolished last year. Chairman Bostock asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Commissioner Lubitz moved to approve the project and Mr. Mulvan seconded the motion. The project was approved unanimously.

14-4546 NJ Civil Justice Institute Stairs (Trenton)

Chairman Bostock and Commissioner Stout both noted they would recuse themselves from consideration of this project because of a personal relationship with the applicant. Mr. Mazzei noted that the project involved construction of stairs so the building can be accessed through a back door adjacent to a parking area. The project cannot be seen from the park. Vice Chairman Loos asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Mr. Mulvan moved to approve the project and Commissioner Trzaska seconded the motion. Vice Chairman Loos, Mr. Mulvan, and Commissioners Trzaska, Lubitz, and Leck voted to approve the project; Chairman Bostock and Commissioner Stout abstained; the project was approved.

Review Zone B Projects

Chairman Bostock asked Mr. Mazzei to give a brief overview of the Review Zone B projects.

13-4479A Puleo Tennis Court (Hillsborough Twp)

Mr. Mazzei noted that the applicant proposed to build a tennis court on the property.

13-4218A Trumpf Photonics (So. Brunswick Twp)

Mr. Mazzei noted that the applicant was expanding an existing warehouse building.

13-4491 JK Design (Hillsborough Twp)

Mr. Mazzei noted that the applicant was expanding the parking at the site by 25 places.

14-3341E Princeton HealthCare System Crescent Parking (Plainsboro Twp)

Mr. Mazzei noted that this project would provide overflow parking for the healthcare campus and includes the construction of a storage shed.

13-4420 Boys and Girls Club of Trenton and Mercer County (Lawrence Twp)

Mr. Mazzei noted the redevelopment of the site, which will result in a net decrease in impervious surface.

13-3605A Cambridge Crossing (So. Brunswick Twp)

Mr. Mazzei noted the project involved the construction of housing and associated improvements resulting in approximately 5.89 acres of new impervious surface.

13-4503 APCO Convenience Store and Fueling Station (So. Brunswick Twp)

Mr. Mazzei noted the construction project would result in approximately 1.16 acres of new impervious surface.

14-4514 JCP&L Rocktown Substation (W. Amwell Twp)

Mr. Mazzei noted that JCP&L will expand an existing electrical substation, adding 1.1 acres of new impervious surface.

14-2798A Forrester Campus North Modification (Plainsboro Twp)

Mr. Mazzei noted that, for this phased development, stormwater management was modified from previously approved plans.

Chairman Bostock asked for comment from the commission and then the applicants and public on the Review Zone B projects. Hearing none, he asked for a motion on the projects. Commissioner Stout moved to approve the projects and Commissioner Trzaska seconded the motion; the projects were approved unanimously.

Vice Chairman Loos and Mr. Mazzei discussed soil permeability as it relates to several of the month's reviewed projects.

Executive Director's Report

In Ms. Dooley's absence, Ms. Christie Maloney distributed a work tally to the commission.

D&R Canal State Park Superintendent's Report

Superintendent Kalleser reported that three park buildings had been flooded with the recent wet weather: the Kingston Locktender's House, the Griggstown Muletender's Barracks, and the Griggstown Bridgetender's House. She noted that D&R Canal Watch and the Millstone Valley Preservation Coalition helped clean up some of the flood damage. The superintendent noted the breach at South Bound Brook and the resulting portion of the park that would be closed, Queens Bridge to Lock 10, related to the repair. She noted that a body was found in the canal in Lambertville. The Port Mercer Canal House Kitchen project is moving forward. The De Mott Lane Bridge is back in place and accessible to park users. A park building, used as an office, in Franklin Township had been vacated by tenants. The VAST Center was awarded a trails grant, which would enable 18 to 20 summer positions to work on trails in Trenton.

New Jersey Water Supply Authority (NJWSA)

Mr. Shepherd, NJWSA, reported on the flooding and the breach at the spillway in South Bound Brook and how the repairs would be carried out. He noted that, at 10-Mile Lock, a leaking waste gate was being addressed. Vice Chairman Loos commented on the apparent increase of extreme storm events and the importance of the commission's role in protecting streams and stream corridors with easements.

Old/New Business

Mr. Caldwell shared information about the Village Charter School, a K through 8 school for which he is the CEO and head. He described how the school would like to explore taking advantage of its proximity to the canal to enhance the students' experience. He noted that a canal museum might be a vehicle for the school students and the public to explore the value of water as an important global resource. Mr. Caldwell noted the goal of bringing environmental education to an urban community. There was discussion about the school site and resources that are available from D&R Canal State Park staff, park traveling exhibits, programs or funding from NJ Audubon for urban education, and an exhibit at the Trenton Public Library. Chairman Bostock noted that any future construction projects at the school may be regulated by the commission. Mr. Mazzei offered to organize a meeting to further discuss the goals of the school related to the canal and commission regulations.

Public Forum

Superintendent Kalleser noted that, on June 13, 2014, Linda Barth will give a lecture on her recent book. The lecture will take place at the Methodist church on Elm Street in East Millstone.

Mr. Paul Raffiani, a resident at 22 Canal Road in West Windsor, spoke about his concern of Canal Road ownership, road maintenance, and the waterline of the canal adjacent to his home. Mr. Mazzei will follow up with him.

Mr. von Zumbusch noted that, with reference to the prior discussion on detention basin maintenance, the basins do not necessarily function during storms and need to be monitored. He noted that the 100-year storm needs to be reexamined or reconsidered when the commission reviews its Master Plan. He also noted that Liz Palius, whom he described as the driving force behind the Millstone Valley Scenic Byway, would receive

an award that evening at the Somerset County Cultural Arts Building.

Commissioner Leck commented on her concerns about the health of wetlands contiguous to commission-reviewed projects. Mr. von Zumbusch noted that use of herbicides was an issue as well. There was discussion about herbicide use within stream corridors, farm field and road runoff, wetlands, SADC, and the Right-to-Farm Act allowing herbicide use.

Vice Chairman Loos congratulated Mr. von Zumbusch and the Millstone Valley Preservation Coalition on the opening of the Millstone Valley Scenic Byway Visitor Center. Mr. von Zumbusch stated that the park staff and NJDEP leasing staff were helpful and cooperative.

Executive Session

Chairman Bostock asked that the resolution allowing the commission to enter into executive session be entered into the record:

WHEREAS, N.J.S.A. 10:4-12 permits the Delaware and Raritan Canal Commission to conduct a meeting from which the public is excluded in certain circumstances; and

WHEREAS, the Delaware and Raritan Canal Commission has determined that such certain circumstances exist; and

WHEREAS, the minutes of the executive discussion shall be made available to the public when the matters under discussion are no longer confidential in nature; and

WHEREAS, the regular meeting of the Commission will reconvene at the conclusion of executive session;

NOW, THEREFORE, BE IT RESOLVED by the Delaware and Raritan Canal Commission that it shall enter into executive session for the following reasons, as outlined by N.J.S.A. 10-4-12: To discuss legal and personnel matters.

This resolution shall take effect immediately.

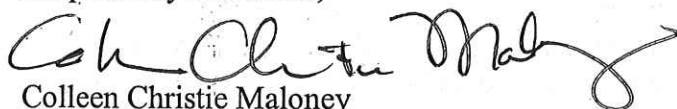
Vice Chairman Loos motioned to approve the resolution and enter into executive session and Mr. Mulvan seconded the motion; the motion was approved unanimously. The commission entered into executive session 11:10 a.m.

Public Session

Chairman Bostock called the public session back to order at 11:55 a.m.

Chairman Bostock noted he would entertain a motion to adjourn the meeting. Commissioner Lubitz motioned to adjourn and Commissioner Stout seconded the motion; the motion was approved unanimously. The meeting adjourned at 11:55 a.m.

Respectfully submitted,


Colleen Christie Maloney