

**July 16, 2014 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.

DATE: July 16, 2014

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

**ATTENDING:**

**COMMISSIONERS:** Chairman Robert Bostock, Vice Chairman John Loos,  
Commissioner Julia Cobb Allen, Commissioner Mary Leck,  
Commissioner Phillip Lubitz, Commissioner Bruce Stout, and  
Commissioner Mark Texel

**STAFF:** Mr. Joseph Ruggeri, 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. Herbert Spiegel,  
D&R Canal Commission Advisory Council; Dr. Theodore Chase, Franklin  
Township and D&R Canal Commission Advisory Council; Mr. Robert  
von Zumbusch, D&R Canal Commission Advisory Council; Mr. Ralph  
Petrella, Van Note-Harvey Associates; Mr. Steven Cattani, Dynamic  
Engineering; Mr. Mark Cifelli, Matrix New World; Mr. Patrick Gallo,  
T&M Associates; Mr. Richard Spilatore; Mr. Chris Tarr, Stevens and Lee;  
Mr. Edwin Caballeno, Maser Consulting; Mr. Greg Oman, Menlo  
Engineering; Mr. Tony DiLodovico.

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 August 20, 2014.

At 10:05 a.m., Vice Chairman Loos entered the meeting.

**Minutes of the Meeting**

**Minutes June 18, 2014 Meeting**

Chairman Bostock asked for a motion on the minutes. Commissioner Lubitz moved to approve the minutes; Commissioner Stout seconded the motion. Chairman Bostock, Vice Chairman Loos, Commissioner Leck, Commissioner Lubitz, Commissioner Stout, and Commissioner Texel voted to approve the minutes; Commissioner Allen abstained. The minutes were approved.

### Executive Minutes of the June 18, 2014 Meeting

Chairman Bostock asked for a motion on the minutes. Commissioner Stout moved to approve the minutes; Commissioner Lubitz seconded the motion. Chairman Bostock, Vice Chairman Loos, Commissioner Leck, Commissioner Lubitz, Commissioner Stout, and Commissioner Texel voted to approve the minutes; Commission Allen abstained. The minutes were approved.

### Review Zone A Projects

#### 13-4191B Trap Rock Concrete Plant (Franklin Twp)

Mr. Ruggeri described the construction project. Chairman Bostock asked for comment from the commission and the public. Dr. Chase noted that he attended the crane test, as did Executive Director Dooley, which illustrated that the project would not be visible from the canal. Chairman Bostock asked for further comment; hearing none, he asked for a motion on the project. Vice Chairman Loos moved to approve the project and Commissioner Texel seconded the motion. The project was approved unanimously.

#### 14-4145A Fisherman's Mark Lot Line Only (Lambertville)

Mr. Ruggeri noted that the project was for moving a lot line only; no construction was proposed. Chairman Bostock asked for further comment from the commission, and then the public; hearing none, he asked for a motion on the project. Commissioner Lubitz moved to approve the project and Commissioner Texel seconded the motion. The project was approved unanimously.

### Review Zone B Projects

Chairman Bostock noted that, customarily, the commission voted on the Zone B projects en bloc, but the commission would review some of the Zone B projects first.

#### 14-2663A Bristol-Myers Squibb (BMS) Princeton Pike Project (Lawrence Twp)

Commissioner Lubitz noted he would recuse himself from the 14-2663A BMS Princeton Pike Project. Chairman Bostock asked Mr. Ruggeri to briefly describe the project. Mr. Ruggeri noted that the applicant proposed to construct offices, a daycare facility, paths, and other improvements. Chairman Bostock asked for further comment from the commission, and then the public; hearing none, he asked for a motion on the project. Commissioner Stout moved to approve the project and Commissioner Texel seconded the motion. Chairman Bostock, Vice Chairman Loos, Commissioner Leck, Commissioner Allen, Commissioner Stout, and Commissioner Texel voted to approve the project; Commissioner Lubitz abstained. The project was approved.

#### 14-4437 2999 Princeton Pike (Lawrence Twp)

Chairman Bostock asked Mr. Ruggeri to give an overview of the project. Mr. Ruggeri described the proposed addition to an office building and associated improvements. The project encroaches into a defined stream corridor and the applicant requested a waiver of stream corridor impact standards for the intrusion. There is no opportunity to mitigate on site, and no mitigation has been proposed at this time. Mr. Oman noted that, at the outset of the project, he had discussions with Ms. Dooley regarding the need for mitigation. He further described the intrusion and what actions the applicant had taken since being notified of the need for mitigation. Commissioner Leck asked if the applicant had

considered options to reduce the impact to the stream corridor, such as minimizing the number of parking spots; the applicant noted they have tried to maximize the amount of parking with minimal impact. Vice Chairman Loos noted that the commission required 1:1 mitigation onsite and 2:1 offsite in the same watershed and he discussed methods of determining assessed value of the land in a commercial zone. There was further discussion about meeting the waiver requirements. DAG Reynolds recommended that the commission deny the project without prejudice until the mitigation proposal is fleshed out. Mr. Ruggeri noted that the storm water volume was being managed on site, but the buffer quality would be affected by the project. Mr. Pulaski asked that the commission take action on the project at that meeting. Mr. Pulaski was asked to provide information regarding the municipality's assessed value of the property.

At 10:30 a.m., Chairman Bostock stated that the commission would proceed with the balance of the agenda, and address the project later in the meeting to allow Mr. Pulaski an opportunity to provide information.

Mr. von Zumbusch asked about the process of receiving a monetary contribution. Vice Chairman Loos noted the point is to put the contribution into preserving land in the same watershed. In some situations, the commission might be able to determine an appropriate use of the funds, and, if not, the funds can be kept in an account until a use is identified. Sometimes, the commission may use a land preservation organization to identify a property in the watershed. After those options are exhausted, the funds may be used on a project, but the preferred use is to contribute to the preservation of land in the watershed in which the project is constructed.

#### 14-2789H Campus Town Sidewalks (Ewing Twp)

Commissioner Stout noted he would recuse himself from 14-2789H Campus Town Sidewalks as he is employed by the applicant. Chairman Bostock asked Mr. Ruggeri to give a brief overview of the project. Mr. Ruggeri described the sidewalk improvements resulting in new impervious surface at the College of New Jersey campus. Chairman Bostock asked for comment from the Commission and then the public; hearing none, he asked for a motion on the project. Commissioner Texel moved to approve the project; Commissioner Leck seconded the motion. Chairman Bostock, Vice Chairman Loos, Commissioner Leck, Commissioner Lubitz, Commissioner Allen, and Commissioner Texel voted to approve the project; Commissioner Stout abstained. The project was approved.

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

#### 13-2633B Jain Center Driveway (Franklin Twp)

Mr. Ruggeri noted that the applicant is modifying the originally approved driveway at the site.

#### 14-4552 Cottage Hill Improvements (Lambertville)

Mr. Ruggeri noted that this is a milling and resurfacing project.

14-3658B Mod.: Princeton Forrestal Art Museum Storage (Plainsboro Twp)

Mr. Ruggeri noted that the applicant will modify an approved project, including the stormwater management facilities.

14-3190A Prologis Park Cranbury South Modification (Cranbury Township)

Mr. Ruggeri noted that the applicant will modify an approved office park project in several ways.

08-3688 Cranbury Station Park (formerly Millstone Park Wareh.) (Cranbury Twp)

Mr. Ruggeri noted that the proposal includes the construction of two large warehouse buildings and associated improvements.

13-4423 Davanne Realty Company (Franklin Twp)

Mr. Ruggeri noted that applicant will develop truck parking on the site and reconfigure existing parking.

14-4524A Spilatore Subdivision (South Brunswick Twp)

Mr. Ruggeri noted that the applicant proposes a 5-lot subdivision and road.

Chairman Bostock asked for comment from the commission on the Review Zone B projects. Commissioner Texel inquired about stormwater management for the Cranbury Station Park. Mr. Ruggeri described best management practices and the benefits of nonstructural design elements. Mr. DiLodovico described the stormwater management on the site. Vice Chairman Loos and Mr. Ruggeri discussed rain gardens.

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

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 she had contact with a Swan Creek rowing club about a boathouse and meeting space. Park staff was reviewing options and costs on the sink hole repair at the Prallsville Mills. Scouring on the path in Franklin Township by the Raritan River is an ongoing matter and a more durable surface is needed for the path in this area. There was discussion about exploring long-term solutions to this problem. The park path bridge over Swan Creek in Lambertville is closed due to structural issues and park users are asked to detour. The superintendent estimated that the repair, including the engineering, permitting, and treasury process, will take a year.

New Jersey Water Supply Authority (NJWSA)

Mr. Shepherd, NJWSA, reported that the NJWSA had received a two-year general maintenance permit from the Army Corp of Engineers and that the NJWSA is requesting that Verizon remove problematic wires at Calhoun Street in Trenton.

Old/New Business

Commissioner Stout noted his concern about the length of time it would take to repair the path bridge over Swan Creek. Mr. Spiegel noted his concern of the detour for the safety of park users. The Superintendent noted that the intention is for park users to use a sidewalk. Commissioner Texel asked the superintendent to elevate the matter regarding concern of the detour in the DEP. A temporary structure would cost one-third the cost of replacing the bridge.

Public Forum

Chairman Bostock opened the floor to the public. There were no comments.

13-4437 2999 Princeton Pike (Lawrence Twp)

Chairman Bostock reopened the discussion for 13-4437 2999 Princeton Pike. Mr. Pulaski reported the tax-assessed value of the property. The chairman calculated the mitigation based upon the amount of intrusion into the stream corridor and the 2:1 ratio for offsite mitigation. Mr. Pulaski noted that he needed to confer with the applicant about the mitigation. Chairman Bostock asked for further discussion on the project from the commission and then the public. Hearing none, he asked for a motion on the project. Commissioner Lubitz motioned that the project be denied without prejudice so the applicant may further consider mitigation options. Commissioner Texel seconded the motion. The motion was approved unanimously. The project was denied without prejudice.

Vice Chairman Loos suggested that the applicant consider discussing the project with land preservation groups, such as the D&R Greenway, which may know of property for sale in the same watershed which might be used for mitigation.

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.

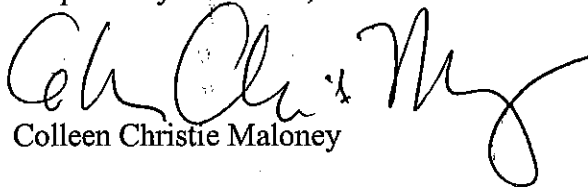
Commissioner Lubitz motioned to approve the resolution and enter into executive session and Commissioner Leck seconded the motion; the motion was approved unanimously. The commission entered into executive session 11:10 a.m.

Public Session

Chairman Bostock called the public session back to order at 11:20 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 11:20 a.m.

Respectfully submitted,

  
Colleen Christie Maloney