

**April 15, 2015 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.
DATE: April 15, 2015
PLACE: D&R Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Vice Chairman John Loos, Commissioner Mary Leck,
Commissioner Phil Lubitz, Commissioner Bruce Stout,
Commissioner Mark Texel, Commissioner Ed Trzaska

STAFF: Executive Director Marlene Dooley,
Deputy Attorney General Alison Reynolds,
Staff Engineer Joseph Ruggeri, and
Ms. Colleen Christie Maloney

GUESTS: D&R Canal State Park Superintendent Patricia Kalleser; Mr. Robert Barth, D&R Canal Watch, DRCC Advisory Council; Mr. Robert Ortego, Princeton University; Mr. Frank Petrino, Eckert Seamans; Mr. Doug Benoit, Walgreens; Mr. David Wisotsky and Mr. Ben Crowder, Bohler Engineering; Mr. Jim Huggle, Princeton Healthcare; Mr. James Henry, Dynamic Engineering; Mr. Mark Solomon, Pepper Hamilton; Mr. Milind Khare, Princeton Healthcare System; Ms. Kathy Calhain; Mr. Drew French, French and Parrello; Mr. Andrew Deeny, Maplewood Senior Living.

Vice Chairman Loos 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

Vice Chairman Loos confirmed that next month's commission meeting date is May 20, 2015.

Minutes of the Meeting

Minutes of the March 18, 2015 Meeting

Vice Chairman Loos asked for comments or corrections on the minutes. Hearing none, he asked for a motion on them. Commissioner Lubitz motioned to approve the minutes and Commissioner Texel seconded the motion. Commissioners Trzaska and Stout abstained from the vote. Vice Chairman Loos and Commissioners Leck, Lubitz, and Texel voted to approve the minutes. The motion was approved.

Review Zone A Projects

15-4689 53 Ferry Street (Lambertville)

Vice Chairman Loos asked for comment on the project. Hearing none, he called for a motion on the project. Commissioner Lubitz moved to approve the project and Commissioner Trzaska seconded the motion. Vice Chairman Loos asked for comment from the public. Hearing none, he called for a vote. The project was approved unanimously.

15-4690 Van Horn McDonough Porch (Lambertville)

Vice Chairman Loos asked for comment on the project. Commissioner Leck asked for clarification of the location of the chair lift. Director Dooley described the project. Vice Chairman Loos called for a motion on the project. Commissioner Leck moved to approve the project and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for comment from the public. Hearing none, he called for a vote. The project was approved unanimously.

15-4694 220 West Hanover Street Demolition (Trenton)

Vice Chairman Loos asked for comment on the project. Commissioner Leck and Commissioner Texel discussed Trenton's future plans for and maintenance of the property and similar properties. Director Dooley noted a recent meeting with Trenton's director of public works, during which park maintenance was discussed. Mr. Barth, D&R Canal Watch, inquired about possibly obtaining such lots and incorporating them into the park. There was discussion about the priorities of the commission, Park's prioritization of land purchases through Green Acres and the city's plans. Commissioner Lubitz noted that the city may want to keep properties as ratables, and that it makes sense to defer to the municipal planning in an urban setting. Vice Chairman Loos called for a motion on the project in accordance with the staff report which includes certain conditions related to the post-demolition handling of the site and State Historic Preservation Office approval. Commissioner Leck moved to approve the project with the conditions as stated in the staff report and Commissioner Stout seconded the motion. The project was approved unanimously.

Review Zone B Projects

15-4675 Walgreens Ewing (Ewing)

Vice Chairman Loos asked Director Dooley to describe the project. Director Dooley noted that the 1.35-acre site was built before 1980, had no stormwater management facilities, and that the Shabakunk Creek runs through the site but is contained within a concrete box culvert. There currently is a building located on top of the culvert and there are drive and parking areas. The applicant will redevelop the site. Director Dooley noted that the project results in stormwater management of the site, the removal of the building from the culvert, increased elevation of the building, and the reduction of impervious surface, and recommends a waiver based on no adverse impact. Commissioner Texel asked Director Dooley to explain why she would not require mitigation in this case. Director Dooley read the regulation related to mitigation and noted the stormwater improvements at the site and her finding that the project will not have a harmful impact on the park. Vice Chairman Loos noted the benefits of the project, including reduced

impervious coverage, treating runoff for recharge, and other stormwater management. Vice Chairman Loos asked for further comment from the commission. Hearing none, Vice Chairman Loos called for a motion on the project. Commissioner Trzaska moved to approve the project, and Commissioner Stout seconded the motion. Vice Chairman Loos asked for comment from the public. Hearing none, he called for a vote. The project was approved unanimously.

14-3341F Maplewood at Princeton (Plainsboro)

Vice Chairman Loos asked Director Dooley to describe the project. Director Dooley noted that several projects had been approved by the commission at the Princeton Healthcare site, including the medical center, a medical office building, a parking area, and the cleanup of the FMC site. She noted that, on the subject parcel, the applicant will subdivide it into three lots and construct an assisted living facility on one of the lots. The project will connect with existing utilities on the nearby Children's Hospital of Philadelphia site, which was recently approved by the commission. Vice Chairman Loos asked for comment from the commission and the public. Mr. Barth noted a concern about the quantity of stormwater from the increasing number of developed sites in general. Mr. Ruggeri outlined the operation of the standards for stormwater run off. Director Dooley noted the NJDEP Flood Hazard program looks at projects as does the municipality. Director Dooley noted that, at this site, a hazardous waste cleanup was completed, to the benefit of the community and the park. Vice Chairman Loos noted the benefit that the stormwater is running through native vegetation at the park area of the larger Princeton Healthcare site. Commissioner Texel discussed changes in weather and climate, and there was general discussion of the importance of maintaining stormwater management facilities and inspection and oversight. Vice Chairman Loos called for a motion. Commissioner Stout moved to approve the project and Commissioner Leck seconded the motion. Vice Chairman Loos asked for further discussion. Hearing none, he called for a vote and the project was approved unanimously.

14-4576 White Castle Restaurant (South Brunswick)

Vice Chairman Loos asked Director Dooley to describe the project. Director Dooley noted the applicant would construct a restaurant and parking on the 10-acre site. A portion of the property was previously preserved with a commission conservation easement when the adjacent Point of Woods development was approved. The total conservation easement at Point of Woods is 70 acres in size. All work for the current project will be outside of the stream corridor with the exception of some utilities which run along Route 1. Commissioner Leck asked for more information about the wetland evaluation. Mr. Henry, Dynamic Engineering, noted there was a 2007 Letter of Interpretation (LOI) from the NJDEP, and the applicant applied for and received a new LOI as part of this project. He noted the site has swampy areas and that only the area along Route 1 can be developed. Director Dooley noted, on a map, the conservation easement area for Point of Woods and the subject property. Vice Chairman Loos called for a motion. Commissioner Trzaska motioned to approve the project and Commissioner Stout seconded the motion. Vice Chairman Loos called for further discussion. Hearing none, he called for a vote. The project was approved unanimously.

14-3154C Shiseido 2014 Facility Expansion (East Windsor)

Vice Chairman Loos asked Director Dooley to describe the project. Director Dooley

noted that the applicant will expand its facility with buildings, building additions, and parking on the 43-acre property. A new basin would be constructed and the existing basin will be expanded. Vice Chairman Loos called for a motion. Commissioner Stout moved to approve the project and Commissioner Lubitz seconded the motion. Vice Chairman Loos called for further discussion. Hearing none, he called for a vote. The project was approved unanimously.

Lease: John Prall House (Stockton)

Director Dooley explained that the Commission is a signatory of the John Prall House lease. The NJDEP will lease the property to the Delaware River Mill Society who will oversee the property as part of the lease for the overall Prallsville Mills complex. The Statehouse Commission will review the matter after the lease is signed. Commissioner Stout asked if the use of the building is changed. Director Dooley stated the building will continue to be used as it is currently. Commissioner Stout asked if DAG Reynolds had reviewed the document. She had looked at it but not the original lease and the first amendment. Vice Chairman Loos asked for further comment from the commission and the public. Hearing none, Vice Chairman Loos called for a motion to enter into the lease. Commissioner Stout made a motion and Commissioner Lubitz seconded the motion. It was approved unanimously.

Presentation: Carnegie Lake Dam Repair

Mr. Ortego, Environmental Engineer for Princeton University, presented information about the dam repair project. He gave the history of repairs and the project's scope of work. The dam is approximately 100 years old. A coffer dam system will be used to access the upstream and downstream sides of the dam. NJDEP Dam Safety and Fresh Water Wetlands Permits are required. The western side of the dam will be addressed with this repair and the rest of the dam will be addressed at a future time. The work will be done this summer through September. Vice Chairman Loos asked if they applicant had spoken with Robert von Zumbusch. Mr. Ortego stated he had contact with Mr. von Zumbusch, who had contributed helpful comments. Director Dooley noted she had spoken with Mr. von Zumbusch and believed he had been involved in local discussion of the project. For the future repairs on the east side of the dam, Mr. Ortego noted that he would need to work with the park and get permitting from the commission. The current project does not require approval by the commission.

Executive Director's Report

Director Dooley introduced Giovanni Williams, a temporary employee who will assist with administrative work. She referred the commissioners to the monthly work tally and distributed a chart related to budget. There was a discussion about budget issues, which included fees, salaries and operating costs, and the 2016 budget and meetings related to it.

D&R Canal State Park Superintendent's Report

Superintendent Kalleser noted a fatality on the park path due to a medical emergency. She noted a NJDEP Division of Forestry study for emerald ash bore, a March 25 prescribed burn at the Mapleton Preserve, a program run by VAST in Trenton on April 17, the April 18 Millstone Valley Scenic Byway celebration, the May 9 state history fair, and the pre-bid meeting related to two commission approved demolitions.

Commissioner Leck noted programs at the Abbott Marsh, such as a wildflower walk, a May 17 walk to an eagle's nest, and a May 30 walk by the park naturalist and historian along the Bordentown Bluffs.

New Jersey Water Supply Authority (NJWSA)

There was no report.

Old/New Business

There was no old/new business.

Public Comment

Mr. Barth noted the April 18 Millstone Valley Scenic Byway celebration. He shared a newspaper article about a cell phone tower. He noted a D&R Canal Watch tour of Abbott Farm and a hike in Trenton. He asked when the Bulls Island project will be brought before the commission and when the park will be open to the public. Commissioner Texel responded that he urged his colleagues to come in with proposals and there will be a public process. There was a discussion about the status of Bulls Island.

Vice Chairman Loos introduced the idea of a resolution urging the reopening or that proposals be brought forward to reopen the park as soon as possible. He asked for a motion on the matter. Commissioner Lubitz moved to pass a resolution encouraging the NJDEP to bring forward proposals to open Bulls Island Park as soon as possible and Commissioner Leck seconded the motion. It was approved unanimously. Vice Chairman Loos asked that the resolution be forwarded to the appropriate authorities.

Mr. Barth noted that the Millstone Valley Scenic Byway Visitors' Center in Griggstown will be open now for the season on Saturdays and Sundays. Canoe and kayak rentals are available.

Executive Session

Vice Chairman Loos called for a motion to move into executive session to discuss legal matters.

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 matters.

This resolution shall take effect immediately.

Commissioner Lubitz moved to do so and commissioner Trzaska seconded the motion. It was approved unanimously. The commission entered executive session at 11:30 a.m.

Enter Public Meeting

The commission entered public meeting at 11:40 a.m.

Adjournment

Vice Chairman Loos noted he would entertain a motion to adjourn the meeting. Commissioner Texel motioned to adjourn and Commissioner Leck seconded the motion. The motion was approved unanimously. The meeting adjourned at 11:40 a.m.

Respectfully submitted,



Marlene Dooley
Secretary