

**October 19, 2016 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.
DATE: October 19, 2016
PLACE: D&R Canal Commission Office, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice Chairman John Loos, Commissioner Julia Allen, Commissioner Bruce Stout,
Commissioner Mary Leck, Commissioner Phil Lubitz, Director Lynn Fleming

STAFF: Executive Director Marlene Dooley, Mr. Damian FriebeL,
Deputy Attorney General Jung Kim, Colleen Christie Maloney

GUESTS: Superintendent Patricia Kalleser; Mr. Mike Sellar, NJWSA; Mr. Herb Spiegel, D&R
Canal Commission Advisory Committee; Mr. Robert Barth, D&R Canal Watch; Mr.
Robert von Zumbusch, D&R Canal Commission Advisory Committee; Mr. Jason Fogler,
MidAtlantic Engineering; Mr. Geoff Dean, Bohler Engineering; Ms. Erin Szulewski,
Parker McCay; Ms. Jeanne Perontow; Mr. John Colagrande, Pennoni Associates

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 noted the November 16, 2016 Commission meeting date and stated he was unable to attend. Commissioner Lubitz agreed to run the November meeting.

Minutes

September 21, 2016 Meeting Minutes

Vice Chairman Loos called for a motion on the September 21, 2016 meeting minutes. Commissioner Stout made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice Chairman Loos asked for any corrections on the minutes. Hearing none, he called for a vote and the minutes were approved unanimously.

Review Zone Projects

Zone A Projects

15-4741A Trenton Charter School
16-3570A 37 Clinton Street Addition (Lambertville)
16-3651A Princeton Landfill Solar

Vice Chairman Loos asked if any commissioner wanted to discuss any of the Zone A projects. Hearing none, has asked the public for any comment. Hearing none, he asked for a motion to approve the Zone A projects. Commissioner Stout motioned to approve them and Commissioner Allen seconded the motion. The projects were approved unanimously.

Zone B Projects

Vice Chairman Loos noted that two projects are removed from the October agenda, 16-3089B 2351 Route 130 South (So. Brunswick) and 16-3130A Hilton Garden Inn (Lawrence).

- 16-4636A 102 Walter Avenue Warehouse (Ewing)
- 15-4110A Celik Major Subdivision (Franklin)
- 16-3163B New Theater and Warehouse Building (W. Amwell)
- 16-3969E Forrestal Lifetime Fitness (Plainsboro)
- 15-4809 Bridge Development Warehouse Building (So. Brunswick)
- 16-4868 510 Hamilton St (Franklin)
- 16-4430 Claremont Road Elementary School (Franklin)
- 16-3651A Princeton Landfill Solar (Princeton)

Vice Chairman Loos asked if any commissioner wanted discussion on the Zone B projects. Hearing none, has asked the public for any comment. Hearing none, he asked for a motion to approve the Zone B projects. Director Fleming motioned to approve them and Commissioner Stout seconded the motion. The projects were approved unanimously.

Executive Director's Report

Director Dooley noted the happy arrival of twins to Vince and Becky Mazzei.

The director discussed staffing and computer status.

The director noted a meeting she attended with the park superintendent and NJWSA with Princeton University, at which the university discussed a campus plan that proposes two pedestrian bridges on the canal to access additional campus areas. There was discussion regarding the past handling of bridges over the canal, the Master Plan, and projects within the park initiated by public entities and private entities.

Director Dooley discussed commission conservation easements and requests by homeowners in developments to fence yards, including fencing in a portion of the easement area. There was discussion regarding allowing fencing but developing a planting plan in the easement area.

Director Dooley noted that the Scudder Falls Bridge project, which includes a bike/pedestrian path that meets up with the park, and for which the commission had previously required mitigation, will be before the commission at the November or December meetings. The commission has been involved with the project since 2003. Director Dooley has requested architectural illustrations and more information from the applicant. The project must go before the Historic Sites Council. Vice Chairman Loos and Commissioner Stout asked for further description of the bike path. Director Dooley described how the path will meet with the park, materials and visual impact of the project.

Park Superintendent's Report

Superintendent Kalleser noted meeting with Princeton University and Scudder Falls Bridge. She noted damage to trees due to beavers near Rutgers Prep which may require removal of four trees on DEP property. The superintendent noted a volunteer cleanup at DeMotte Lane, a contract was awarded for 14 April Lane in Franklin Township, that hunting season is effect and that this year's corn maze at Howell

Farm is about canal history.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar discussed ongoing construction at the Cherry Tree Lane Spillway and continued cleanup and leaf removal along the canal. Mr. Sellar stated that dredging is scheduled for 2018, with tree clearing starting in 2017.

Old Business

Commissioner Lubitz discussed the method of identifying terms for commissioners, obtaining further advice as to the establishment of terms, and, when the regulations are next reviewed, addressing it as a regulatory matter. Vice Chairman Loos, Commissioner Lubitz, and Director Dooley discussed commissioner terms, reappointments and replacement, and holdover status. Vice Chairman Loos asked the director to contact the Governor's appointments office to clarify the issue. Commissioner Lubitz would like the issue to be put on the list of potential changes to the regulations.

Bulls Island

Director Dooley, Vice Chairman Loos, and Commissioner Lubitz discussed the master plan, and experts to be included in the future discussions. Vice Chairman Loos suggested including a Rutgers climatologist.

New Business

There was no new business discussed.

Public Forum

Mr. Barth, D&R Canal Watch, asked for an update on discussion at the September Commission meeting regarding Bulls Island and the Master Plan. Mr. Loos gave an overview of the discussion, including that the commission would consider matters of public access, environmental changes, and preparing a planning document for future administrations. Mr. Barth asked Director Dooley when mitigation funds related to the Scudder Falls project would be distributed. Director Dooley discussed the programmatic agreement which specifies how the funds would be distributed and used. Mr. Barth discussed the Lambertville Sewerage Treatment Plant odor and Superintendent Kalleser discussed placing a phone call to Lambertville about the issue.

Adjournment

Vice Chairman Loos called for a motion to adjourn. Commissioner Lubitz moved to adjourn and Director Fleming seconded the motion. It was approved unanimously.

The meeting adjourned at 10:35 a.m.

Respectfully submitted,


Marlene Dooley, Secretary

