

**March 16, 2016 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.
DATE: March 16, 2016
PLACE: D&R Canal Commission Office, Stockton, New Jersey

ATTENDING COMMISSIONERS:

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

STAFF: Executive Director Marlene Dooley, Mr. Joseph Ruggeri,
Deputy Attorney General Melissa Abatemarco, Ms. Colleen Christie Maloney

GUESTS: Superintendent Patricia Kalleser; Mr. Joseph Shepherd, NJWSA; Mr. Michael Seller, NJWSA; Mr. Robert Barth, D&R Canal Watch; Mr. Robert von Zumbusch, D&R Canal Commission Advisory Committee; Mr. Peter Stampfl and Mr. Joseph Price, 3 Clinton Street; Mr. Michael Haggerty, Director Colby Smith, Mr. Jefferson Barnes, Delaware River Mill Society; Mr. Chris Vincoli, Crave Events Group; Mr. John F. Wright, Spiezle Architectural Group.

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.

At 10:10 a.m., the following commissioners were in attendance: Vice Chairman John Loos, Director Lynn Fleming, Commissioner Mary Leck, Commissioner Phil Lubitz, and Commissioner Bruce Stout.

Administrative Items

The Commission confirmed the April 20, 2016 Commission meeting date.

Minutes

February 17, 2016 Meeting Minutes

Vice Chairman Loos called for a motion on the February 17, 2016 meeting minutes. Commissioner Lubitz made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice Chairman Loos asked for corrections on the minutes. Hearing none, he called for a vote and the minutes were approved unanimously.

February 17, 2016 Executive Session Minutes

Vice Chairman Loos called for a motion on the February 17, 2016 Executive Session 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.

Commissioner Allen entered the meeting at 10:10 a.m.

Review Zone Projects

Vice Chairman Loos stated the Zone A projects would be heard individually and asked Director Dooley to give a brief outline of the projects.

Zone A Projects

Director Dooley described the first two projects, which are at the Prallsville Mills complex, which is part of the D&R Canal State Park.

16-3212F Prallsville Mills Internet Service (Stockton)

Director Dooley described the project which included proposed internet service to the grist mill through an underground line from the street to the grist mill. Staff recommended approval.

16-3212G Delaware River Mill Society (DRMS) Tent and Patio (Stockton)

Director Dooley described the project which proposed a seasonal tent and construction of a paver patio at the 1850s House for special events hosted by the mill society and their contracted provider. Director Dooley discussed the impact of stormwater from the patio/tent site with both a Commission Review Zone Officer and the NJDEP riparian land group. Based on those discussions and a discussion with the director of the DRMS, the applicant agreed to plant a strip of native vegetation between the patio area and the driveway to help control stormwater runoff to the canal. Staff recommended approval.

Vice Chairman Loos asked for comment from the commission. Commissioner Lubitz asked about multiple users of the internet line and potential high speed internet service to the DRCC office. Commissioner Lubitz and DRMS Director Smith discussed the users and accessibility of the proposed internet service, including if the line could service the Commission's building in addition to the mill building. DRMS Director Smith noted the project did not include a trench, the wifi would be available to the grist mill users, and he originally explored use of the line which serves the commission, but his understanding was the DRCC office's service would be degraded by such a shared use.

Vice Chairman Loos asked for a motion on both projects at the Prallsville Mills site. Commissioner Stout made a motion to approve the projects and Commissioner Leck seconded the motion. Vice Chairman Loos asked for further comment. Commissioner Lubitz and DRMS Director Smith discussed wifi service at the other buildings on the site, and Superintendent Kalleser described the internet connections at Bulls Island. Vice Chairman Loos called for a vote. The two projects were approved unanimously.

16-2018B 7 North Main Addition (Lambertville)

Director Dooley described the project which proposed a second-floor addition to a commercial building, not visible from the park. Staff recommended approval. Vice Chairman Loos asked for a motion on the project. Commissioner Leck made a motion to approve the project and Commissioner Stout seconded the motion. Vice Chairman Loos asked for comment and hearing none he called for a vote. The project was approved unanimously.

Commissioner Palmer entered the meeting at 10:20 a.m.

16-4584A Ten Mile Waste Gate Rehabilitation (Franklin)

Director Dooley and Mr. Shepherd described the project which included that the waste gates and operators would be replaced, that the NJWSA had provided additional information stating that the waste gates were not historic, and that electric service installed to allow staff to facilitate gate operation. Staff recommended approval. Vice Chairman Loos asked for a motion on the project. Commissioner Lubitz made a motion to approve the project and Commissioner Allen seconded the motion. Vice Chairman Loos asked for comment on the project. Mr. Shepherd and Director Fleming discussed the time frame of the project, approximately one month, and Commissioner Stout and Mr. Shepherd discussed the visual look of the hand cranks. Vice Chairman Loos asked for further comment and hearing none he called for a vote. The project was approved unanimously.

Vice Chairman Loos welcomed the DEP Commissioner Martin's new representative, Director Fleming, to the commission. He welcomed Commissioner Palmer back to the commission.

14-4654 3 Clinton St. (Lambertville)

Director Dooley described the project which proposed demolition of a several bay garage, and construction of three townhomes along the park path. Staff recommended approval conditioned upon approval by NJ SHPO, that the boundary line along the park and the stone wall be clarified with NJDEP, and that the applicant and subsequent owners in title maintain the existing stone wall in its present condition. Vice Chairman Loos asked for a motion on the project. The project was approved by the Statehouse Commission. Commissioner Stout made a motion to approve the project with the three conditions in the staff report and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for comment. Mr. von Zumbusch and Ms. Dooley discussed the design of the project. Vice Chairman Loos called for further comment and, hearing none, he called for a vote. The project was approved unanimously.

15-3042D Mercer County Wildlife Center Education Center (Hopewell)

Director Dooley noted that the applicant would be arriving shortly. Vice Chairman Loos agreed to move on to the Review Zone B projects before reviewing this project.

Zone B Projects

Vice Chairman Loos stated that the Zone B projects would be handled *en bloc*. He asked Director Dooley to describe each project.

15-4730 Westering Place (formerly Amwell Commons) (Hillsborough)

Director Dooley described the project which proposed demolition of existing structures and the construction of a housing complex and related stormwater drainage features. There are no intrusions into the stream corridor. Staff recommended approval.

15-3080D L'Oreal Phase IV Solar Project (Franklin)

Director Dooley described the project which proposed an 89,375-square-foot ground-mounted solar array. The project does not include any part of the stream corridor. Staff recommended approval.

15-2702A Cottontail Parking Expansion (Franklin)

Director Dooley described the project which proposed construction of 69 additional parking spaces. Staff recommended approval.

15-2947A Schoolhouse Village (So. Brunswick)

Director Dooley described the project which proposed creation of 30 single-family home lots, the construction of roadway and utility infrastructure, and stormwater management features. Staff recommended approval.

16-1627A Belle Meade Residential Remediation (Hillsborough)

Director Dooley described the project which proposed to remediate soil contamination associated with the North Parcel of the GSA site in two separate phases. The current application was for the first phase which involves excavation and management of contaminated soils from the rear yards of six residential properties. Temporary roads will be constructed, predominantly, over existing roads. Soil will be stockpiled on the North Parcel of the site. The proposed work is located outside the commission stream corridor.

Vice Chairman Loos asked if the Commission wanted to discuss any of the Zone B Projects. Commissioner Lubitz stated that he would like to discuss the 16-1627A Belle Meade Residential Remediation project.

Vice Chairman Loos asked for a motion on all the Zone B projects except 16-1627A Belle Meade Residential Remediation (Hillsborough). They included:

15-4730 Westering Place (formerly Amwell Commons) (Hillsborough)

15-3080D L'Oreal Phase IV Solar Project (Franklin)

15-2702A Cottontail Parking Expansion (Franklin)

15-2947A Schoolhouse Village (So. Brunswick)

Commissioner Lubitz made a motion to approve the four Zone B projects. Commissioner Leck seconded. The motion was approved unanimously.

Commissioner Lubitz and Director Dooley discussed the site remediation for 16-1627A Belle Meade Residential Remediation (Hillsborough), including work and storage on the northern portion of the site, that the site is subject to a DEP Remedial Action Work Plan, and runoff related to the temporary roads. Commissioner Stout asked if the homes were constructed on a contaminated site; Director Dooley understood that the contamination had migrated to the properties from the GSA site. Commissioner Leck and Mr. Ruggeri discussed the stormwater drainage, and temporary nature of the roads.

Vice Chairman asked for a motion. Commissioner Stout moved to approve, and Commissioner Lubitz seconded the motion. It was approved unanimously.

15-3042D Mercer County Wildlife Center Education Center (Hopewell)

Vice Chairman Loos opened the discussion for the Mercer County Wildlife Center Education Center project. Commissioner Stout noted that he is on the Board of the Wildlife Center Friends and therefore would recuse himself from discussion and voting on the project. Director Dooley described the project which included the construction of an outdoor education center and a monument sign, with landscaping and fencing. The education center meets the setback standard, however a sign of the size and location proposed does not. The applicant seeks a waiver to construct the sign based on public necessity. Commissioner Lubitz motioned approval of the project and Commissioner Palmer seconded the motion.

Commissioner Allen left the meeting at 10:50 a.m.

Vice Chairman Loos called for comment. There was discussion about safety and the site line when leaving the complex, about other signs along Route 29 and near the park, including Mr. Wright describing other signs within the Mercer County park system which have the stone piers, which in this case matches the stone on the building. Mr. von Zumbusch stated that he found the sign to be inappropriate, and that it should be a simple sign, without the stone piers and more in character with the canal state park. Mr. Barth noted that the sign is located on a national scenic byway. Vice Chairman Loos called for a vote. Commissioner Stout restated his recusal. Commissioners Leck, Lubitz, Palmer, Director Fleming, and Vice Chairman Loos voted to approved the project. Commissioner Allen was absent from the vote. The project was approved.

Commissioner Allen returned to the meeting at approximately 11:00 a.m.

Executive Director's Report

Director Dooley discussed the work tally and fees.

Director Dooley discussed one project, the J&J Guesthouse, as an example of projects staff are seeing in which an applicant designs a project to be outside the stream corridor, the municipality or DOT later requires roadwork or sidewalks as part of the project, and those aspects impact the stream corridor.

Director Dooley discussed the model escrow agreement related to the Executive Group project.

Director Dooley provided the answer to a question raised at the February meeting regarding the history of the commission's lease with the DRMS at the Prallsville Mills. According to the previous DRCC director, the annual rent fee (\$2,500) paid by the commission to the DRMS was instituted to pay for some of the original upgrades to the building which were paid by Donald Jones.

Director Dooley noted that there was an oral argument in the Appellate Division regarding the Heritage Shopping Center project this past month.

Director Dooley noted the office and a Commissioner had received questions from concerned citizens regarding the City of Lambertville examining the potential to create a parking lot directly adjacent to the D&R Canal State Park from the Lambertville Station southbound to the sewage treatment plant. Director Dooley had spoken with the Township Clerk and the Mayor had contacted her. Director Dooley distributed a map provided by a citizen. The area is likely owned by the D&R Canal State Park, is in a historic district, has an easement on portions held by the Black River and Western Railroad, and is located in the flood plain of the Delaware River.

Director Dooley discussed the budget, including projected review fees and expenditures.

Director Dooley discussed the DOT project to create and permit retroactively rumble strips on Route 29. The DOT is still developing a response to the staff deficiency letter. There was discussion, including that several commissioners had gone to the area of Fisherman's Eddy to listen from the park grounds for cars hitting the rumble strip, that the subject area of the park is a transportation environment as defined by the commission's Master Plan, and the issues of jurisdiction and mitigation.

Park Superintendent's Report

Superintendent Kalleser discussed that she was not aware of any proposed parking project in Lambertville.

Superintendent Kalleser reported on the Cadwalader Park project which was moving forward with discussions between Trenton and Cadwalader Park

There would be a George Washington speaker/actor at the Millstone Scenic Byway event in April 17, 2016.

A well abandonment project will proceed at 1 Griggstown Causway and 13 April Lane in Franklin Township.

The superintendent reported on a grant application she submitted for resurfacing of the park path from Landing Lane to Trenton. The grant would be awarded soon.

Commissioner Stout asked about any news on Bulls Island reopening. The superintendent noted that a contractor had been awarded for the infrastructure demolition project and demolition would occur this summer. Vice Chairman Loos noted that it may be time for the commission to bring the matter of the importance of opening the park to both the governor and commissioner. He asked Director Fleming to relay the concern to Commissioner Martin. Commissioner Lubitz noted that the commission might consider holding its own public hearing on the matter as a way to spur action. Mr. Barth agreed that the park should be opened. Commissioner Stout noted the problem has to do with liability, not risk.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Shepherd discussed annual maintenance of the weir and fish ladder. Also, the NJWSA would demonstrate the dewatering of the conduit through Trenton for the DOT. He noted that the dredging in Kingston is scheduled for 2017.

New Business

There was no new business.

Old Business

There was no old business.

Public Forum

Mr. Barth noted his concern that if parking were constructed along the canal in Lambertville, it would change the atmosphere of the park. He noted his concern that during the Route I-95 bridge construction, the path should be open for walking and biking on weekends. Superintendent Kalleser noted that to the extent possible, on the feeder canal it is planned that the trail be kept open, and if closing is required it would be done during the week. Mr. Barth noted a D&R Canal Watch walk that weekend from the Prallsville complex to Fireman's Eddy.

Mr. von Zumbush commented that a parking lot in Lambertville is incompatible with the park.

Commissioner Leck noted that the Abbott Marshlands would host a scenic overlook walk on April 9 at

9:30 a.m.

Executive Session

There was no executive session.

Adjournment

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

The meeting adjourned at 11:30 a.m.

Respectfully submitted,


Marlene Dooley, Secretary

