

**April 20, 2016 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.
DATE: April 20, 2016
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

STAFF:

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

GUESTS:

Superintendent Patricia Kalleser; Mr. Marc Brooks, Ms. Julie Shelley, and Ms. Sharmila F. Rahman, NJWSA; Mr. Robert Barth, D&R Canal Watch; Mr. Robert von Zumbusch, D&R Canal Commission Advisory Committee; Ms. Margaret Lyons, V-Com LLC; Mr. Bob Delorenzo, OBG; Ms. Grace H. Ziesing, URS/AECOM; Mr. Travis Merritts, ODC JV (Anchor); Mr. Michael Chaykowsky, The Hun School; Mr. Theodore Chase, Jr, Franklin Township; Mr. Richard Goldman, Mr. Christopher DeGrezia, Drinker Biddle; Mr. Tom O'Shea, Mr. Brian Perry, Van Note-Harvey Associates; Mr. Ron Igneri, Stantec; Ms. Lynne Dunn, Hiering; Mr. Tom Letizia, Pepper Hamilton; Mr. Earl Deamond, Picus 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

The Commission confirmed the May 18, 2016 Commission meeting date.

Minutes

March 16, 2016 Meeting Minutes

Vice Chairman Loos called for a motion on the March 16, 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.

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

15-2518D 1350 Easton Avenue Collocation (Franklin)

Director Dooley described the project which included that the project was on a four-story residential

development previously approved by the Commission. The project was to place six antennas on the roof of the building and that the antennas would be hidden behind faux dormers; there would also be a 30-square-foot generator pad. Staff found the project was in a suburban environment and met setback and visual impact standards and recommended it for approval.

Commissioner Texel made a motion to approve the project and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for comment. Commissioner Stout asked for clarification on the location of the dormers. Ms. Dunn further described the faux dormers to be placed on the roof. Mr. Barth asked how the antennas would be hidden from view and the number of antennas and Ms. Dunn responded. Vice Chairman Loos called for a vote. The project was approved unanimously.

16-1841C Janssen Pharmaceuticals Parking Lot (Hopewell Twp)

Commissioner Lubitz stated for the record that Janssen and Bristol-Myers Squibb make donations to his employer, but that the donations would not have bearing on his judgment.

Director Dooley described the project which included that the site was the Janssen campus, the history of permitting on the site and that the present project was a 252-space parking lot. She noted that the project was outside the stream corridor, met stormwater requirements through an existing wet pond, was in a transportation environment but met visual and setback requirements and staff recommended the project for approval.

Commissioner Stout made a motion to approve the project and Commissioner Leck seconded the motion. Vice Chairman Loos asked for comment and hearing none, he called for a vote. The project was approved unanimously.

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.

16-3034A Lawrence Township High School Athletic Improvements

Director Dooley described the project including that the site was the Lawrence Township High School and the project was to convert two grass athletic fields to synthetic turf fields resulting in six acres of new impervious surface. Director Dooley noted that there was no stream corridor impact, stormwater would be met through underground detention basins and staff recommended the project for approval.

15-4775 Project Terra (East Windsor)

Director Dooley described the project including that the applicant would demolish existing buildings and create a warehouse, drives and loading docks resulting in 27 acres of new impervious surface. Director Dooley noted that there is a stream corridor. The applicant seeks a waiver to remove structures, a conditional use for an outfall, will preserve the corridor in easement, and will meet the stormwater standards through a wet pond and underground infiltration basin. Staff recommended the project for approval.

14-2567A 61 Veronica Avenue (Franklin)

Director Dooley described the project including that the applicant proposed to construct a medical office building, parking and drives which would result in 1.26 acres of new impervious surface. Director

Dooley noted that the applicant would meet the stormwater standards through an infiltration basin and recommended the project for approval.

16-2663C Modification to BMS Princeton Pike Project (Lawrence)

Director Dooley described the project including that the project was a modification to a 2014 Commission approval to reconfigure the childcare center and drives and will result in a 0.5-acre reduction in impervious surface. Director Dooley noted that the project was outside the stream corridor easement area and would meet stormwater through the bioretention basins and porous pavement. Staff recommended the project for approval.

16-2823E Hun School: A.K. Buck Building Alterations (Princeton)

Director Dooley described the project which was on the Hun School campus and included the construction of a vestibule to an existing building and walkways resulting in 445 square feet of new impervious. Director Dooley noted that the project was outside the stream corridor easement area and stormwater standards would be met through three existing basins. Staff recommended the project for approval.

16-3333D Forrester Center: College Rd West-Seminary Drive Intersection Realignment (Plainsboro)

Director Dooley described the project which included description of the realignment of a public roadway at College Road West and Seminary Drive, the previous approvals by the Commission and that the project would result in 0.99 acres of new impervious surface. Director Dooley noted that the project would meet stormwater through Basin 6 which was previously approved but would be reduced in size for this project. Staff recommended the project for approval.

15-3237A QuickChek North Brunswick

Director Dooley described the project including that the project was to construct a convenience store, gas station, parking and drives. Director Dooley noted that the project would meet the stormwater standards with an aboveground detention basin and increase impervious by approximately 1.63 acres. Staff recommended the project for approval.

Vice Chairman Loos asked for a motion on the seven Zone B projects. Commissioner Texel made a motion to approve the seven Zone B projects. Commissioner Stout seconded the motion. Vice Chairman Loos called for comment. Mr. Barth and Director Dooley discussed maintenance of Jellyfish filter manufactured treatment devices. Vice Chairman Loos called for a vote. The motion was approved unanimously.

Executive Director's Report

Director Dooley discussed the work tally and fees. She provided an update regarding the potential Lambertville parking proposal and new resident concerns regarding re-establishment of the Black River and Western Railroad along the canal. Director Dooley also noted that she had been contacted by Mercer County regarding revisions to the pedestrian activated lights at Washington Road in Princeton. She received contact from DOT regarding the Amwell Bridge and Commissioner Leck requested that bike traffic be considered in the design and Vice Chairman Loos discussed concerns about the height of the bridge over the water. Director Dooley received contact from the DOT regarding the proposed joint task force for bridges within the park. Commissioner Lubitz discussed a crosswalk from the Cooley property to the path, across Route 29, in Kingwood Township. Director Dooley noted that the proposed

notice of readoption of Commission rules without change was under review by the Office of Legal Affairs and would be filed with the Office of Administrative Law by May 2, 2016. Director Dooley noted she was invited to a meeting at which Titusville residents would discuss bridge repairs on the "island" portion of the community.

Park Superintendent's Report

Superintendent Kalleser discussed management of ash trees, demolition of three buildings at Bulls Island, and the May 14, 2016 history fair. She noted the special use permit for the Route 518 Bridge parking lot, which will be closed May 1 through October 30, for the Route 518 Bridge replacement. The park path will remain open.

Superintendent Kalleser thanked Mr. Joe Shepherd at NJWSA for his help over the years at the D&R Canal State Park.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Brooks noted tree work being done at Port Mercer and that work at the Cherry Tree Lane spillway will start in July.

Public

Mr. Barth announced the July 17 fundraiser on "Splash" in the Delaware River which benefits D&R Canal Watch and Friends of the Delaware Canal. He noted the D&R Canal Watch and Abbott Marsh May 7 trip on the Riverline from Bordentown to Trenton. He noted that at Lock 12 near Route 287 large stones have been installed on the path making it difficult to travel over. Superintendent Kalleser will investigate.

Mr. von Zumbusch noted the April 30 Friends of Princeton Nursery Lands Arbor Day event. He noted his concern that bridges along the canal have not been maintained and painted by DOT. Vice Chairman Loos asked Director Dooley to bring this to DOT's attention.

Commissioner Leck noted a recreational trails grant received by Friends of the Abbott Marshlands.

Presentation: Dredging Kingston to Amwell Road (Franklin)

Marc Brooks, Chief Engineer, NJWSA, introduced his staff and the consultants on the project. He then introduced the dredging project.

Mr. Robert DeLorenzo outlined the project. The NJWSA proposes a large scale dredging project in Franklin Township to remove sediment and improve flow of water within the canal. The NJWSA anticipates the removal of approximately 240,000 cubic yards of sediment from a 10.5-mile segment of the canal between Kingston at Lincoln Highway (Route 27) to Amwell Road in Franklin Township.

The NJWSA has pursued stakeholder outreach including with public officials meetings with Somerset County, Rocky Hill, South Brunswick, Montgomery Township, Franklin Township/Millstone Borough, and Hillsborough in 2010. There were also ongoing meetings with Franklin Township in addition to meeting with all applicable permitting entities. There was a public hearing in May 2013.

The project is designed with consideration to key environmental issues including flood hazard areas,

threatened and endangered species and timing restrictions.

Alternative dredging methods were examined, and hydraulic dredging with dewatering via geotextile bags was selected as the preferred method.

Dredging will be done along six reaches and will require five canal access areas and one staging area. The preparation of access and staging areas will require removal of approximately 90 trees, the placement of approximately 9.5 acres of stone, and a total of 9.7-acres of disturbance. Trees would be cut at grade as not to disturb archeological resources. Dredging will end at the upstream end of the Laurie Rubber site. At the conclusion of the project, the stone will be removed from the access areas and the areas will be replanted/reseeded.

The staging area includes an eight-acre agricultural field owned by NJWSA and located behind 1391 Canal Road. The staging area will be sold to Somerset County as open space at the conclusion of the project. Vice Chairman Loos, Mr. Brooks, and Ms. Shelley discussed access and transfer of ownership of the property at the conclusion of the project.

The dredging project requires that debris and submerged vegetation be removed from the bottom of the canal. Following those operations, sediment removal will begin with hydraulic dredging in the wet. Slurry will be pumped to the staging area where it will be dewatered via geotextile tubes. Water will be clarified and returned to the canal. Dredge material will be placed in trucks and transported to an appropriate disposal facility.

Active dredging will take place July 1 through December 15. Commissioner Leck discussed concern for the wildlife, specifically turtles. Mr. Lorenzo noted that the contractor will be informed of how to handle turtles and wildlife. Mr. Brooks noted that NJWSA would follow directives of the DEP related to wildlife, including wood turtles.

Vice Chairman Loos discussed the staging area and future plans for that parcel, which is scheduled to be given to Somerset County as open space at the conclusion of the project. He discussed that the NJWSA could work with Franklin Township to consider leaving stone for parking at some access areas. Vice Chairman Loos requested signage explaining the project to be placed at access areas. He requested that the contractor consider that the access area at East Millstone Park is a well used park, and that stone should be placed as needed so the park can be used as much as possible before its dredging project use.

Ms. Ziesing, URS/AECOM, described the Phase IB Archeological Survey. She described the results of a survey of the access areas in which the dredging project will take place. She discussed the protocols in place for monitoring, avoidance, and unanticipated discovery. The survey requested tree cutting at grade, armoring of stone along canal banks, fencing of archeologically significant structures at access areas and bumpers on dredge/barge or workboats. A nautical archeologist will be on site to look at targets which could possibly be significant resources.

There was further discussion about the project, including Commissioner Texel discussing processing of found material. Commissioner Lubitz noted that time incentives could rush discovery of resources and Mr. Delorenzo noted a change order for the contract could be issued should there be discovery of such resources. Mr. Barth and Mr. Delorenzo discussed the booster pumps, which will run during the

pumping of the slurry. Dr. Chase and Mr. Brooks discussed flow of water at the Laurie Rubber site, which will not be involved in the project.

Mr. Delorenzo noted the schedule would start in 2017, with the tree trimming, and dredging in 2018. The NJWSA is currently in discussions with American Cyanamid regarding the relocation of the dredging spoils.

Vice Chairman Loos again requested that the NJWSA coordinate with the public works department in Franklin Township and include signage as requested. He noted the project is capable of being permitted by the Commission as maintenance with a General Permit 1, which can be issued by commission staff.

New Business

There was no new business.

Old Business

Vice Chairman Loos asked for an update on opening Bulls Island. Commissioner Texel and Vice Chairman Loos agreed that Commissioner Texel would discuss the matter with Director Dooley.

Vice Chairman Loos noted a provision in the commission's statute which states that if the commission disagrees with the DEP, the commission could go to the state legislature on the issue.

Executive Session

Vice Chairman Loos stated that the Commission needed to enter Executive Session to discuss legal advice. Commissioner Lubitz made a motion to enter Executive Session. Commissioner Stout seconded the motion.

At 12:20 pm, the Commission entered Executive Session.

At 12:30 pm, the Commission re-entered the public meeting.

Adjournment

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

The meeting adjourned at 12:30 pm.

Respectfully submitted,


Marlene Dooley
Secretary

