



**February 19, 2020 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: February 19, 2020
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman John Loos; Commissioner Bruce Stout; Commissioner Phillip Lubitz; Mr. Edward Mulvan, DEP Office of Resource Development as designee for Commissioner Catherine McCabe; and Commissioner Julia Allen via telephone.

STAFF: Executive Director John Hutchison; Commission Engineer Joseph Ruggeri; Deputy Attorney General Jason Kane; Ms. Colleen Maloney.

GUESTS: Superintendent Patricia Kalleser; Michael Sellar, Facility Manager New Jersey Water Supply Authority (NJWSA); Linda Barth, D&R Canal Watch; Robert Barth, D&R Canal Watch; Wayne Petko, D&R Canal Watch; Robert von Zumbusch, D&R Canal Commission Master Plan Advisory Committee; Rikki Massand, Montgomery Township Landmarks Preservation Commission; Raymond C. Liotta, Maser Consulting; Pete Haverell, Tenacre Foundation; Judy Detrano; Jeromie Lange, Maser Consulting; Herb Spiegel, D&R Canal Commission Master Plan Advisory Committee; Hari Patel, BAPS.

Vice-Chairman Loos announced that this was a monthly meeting of the Delaware and Raritan Canal Commission and that the provisions of the “Senator Byron Baer Open Public Meetings Act” (OPMA) had been complied with in the scheduling of the meeting.

Vice-Chairman Loos announced that the meeting was being taped pursuant to the exception set forth at Section C.(1) of DEP Policy & Procedure 2.85 “Prohibition of Recording in the Workplace” Policy adopted on September 18, 2019.

Administrative Items

Vice-Chairman Loos confirmed the March 18, 2020 Commission meeting date. Commissioner Lubitz indicated that he would be traveling out of State on that date, but that he would attend via telephone in the event it was necessary to secure a quorum.

Minutes

Vice-Chairman Loos asked if there were any comments with respect to the January 15, 2020 Commission meeting minutes. Hearing none, Vice-Chairman Loos entertained a motion to adopt the minutes as prepared by the staff. Commissioner Stout moved that the Commission approve the January 15, 2020 meeting minutes, which motion was seconded by Commissioner Lubitz. The minutes were approved unanimously.

Review Zone Projects

Zone A Projects

- 19-2291C Nassau Park Pavilion -- Gateway Outparcel Buildings (West Windsor Township)
- 20-3289A NJDOT -- I-295 Intelligent Transportation System Installation (Hamilton Township)

Vice-Chairman Loos asked for a motion on the Zone A projects. Commissioner Lubitz motioned to approve the two Zone A projects, which was seconded by Commissioner Stout. The vice-chairman called for comment from the commission.

With regard to the Nassau Park Pavilion -- Gateway Outparcel project, Commission Stout inquired about the use of non-native species in the landscaping plan. Director Hutchison commented that the non-native species were ornamental plantings that would be located outside of the Commission-regulated stream corridor. Commissioner Lubitz commented that the example of using small plantings of Heavenly Bamboo (*Nandina domestica*) -- which is not a bamboo but rather an evergreen shrub -- at an Asian-themed restaurant was not an unreasonable proposal.

Commissioner Stout observed that the Nassau Park Pavilion project was identified as “rural” within the Master Plan, but that the area is far from rural today. Mr. von Zumbusch observed that, at the time the Master Plan was developed, the area was indeed rural; and that the area on the opposite side of the canal from the project could definitely still be considered rural due to the significant amount of preserved open space in the area.

Vice-Chairman Loos called for further comment from the Commissioners and then the public. Hearing none, he called for a vote. The motion to approve both Zone A projects was approved unanimously.

Zone B Projects

- 19-2441V Princeton University Temporary Athletic Improvements (Municipality of Princeton)
- 19-2734A Fisher Middle School -- Recreational Track Improvements (Ewing Township)
- 19-3006G Peddie School -- Swig Arts Center (Hightstown Borough)
- 19-3660C Princeton Charter School Building Addition and Site Improvements -- Major Modification (Municipality of Princeton)
- 19-3983A Hindu American Religious Center -- Campus Modification (Robbinsville Township)
- 19-3983B Hindu American Religious Center -- Parking Areas/Driveway Conversion (Robbinsville Township)

- 19-4245A Tenacre Foundation -- Main House and Post Office Improvements (Municipality of Princeton)
- 19-4748B Meadows at Montgomery Active Adult Community -- Belle Mead Planned Unit Development -- Phase 3 (Montgomery Township)
- 19-5374A West Amwell 2MW Solar Project (West Amwell Township)
- 19-5417A 100 Franklin Square Drive -- Proposed Solar Installation (Franklin Township)
- 19-5446 47 Princeton-Hightstown Road -- Proposed Mixed Use/Daycare (West Windsor Township)
- 19-5453 Woodmont at Hopewell -- Proposed Apartment Buildings (Hopewell Township)
- 19-5495 30 Lake Drive -- Proposed Warehouse (East Windsor Township)
- 19-5517 Lawrence Township -- Keefe Road Connector Trail Project (Lawrence Township)

Vice-Chairman Loos stated that the Commission would consider each Zone B project individually.

Commissioner Lubitz initiated a conversation between himself, Vice-Chairman Loos and Mr. Ruggeri about the different treatment of lawn area, row crops, and meadow areas when reviewing the stormwater runoff impacts, and stream corridor impacts, of a given project site. Commissioner Lubitz noted that in one of the projects on the meeting notice, the staff was counting lawn at a 1:1 ratio for the replacement of impermeable coverage within a stream corridor; yet, in another project, the difference in the permeability of lawn versus row crops, lawn is considered to reduce runoff, whereas when the Commission considers lawn when compared with sidewalk it not reducing runoff and is equal to sidewalk.

Mr. Ruggeri inquired whether the comments related to the stream corridor or the stormwater impact review standards. Commissioner Lubitz said it was the stormwater runoff standards to which he was referring, especially one of the solar projects. Mr. Ruggeri responded by stating that typically if a project area had lawn, especially in the case of solar projects, the applicant will place meadow mix underneath the panels in place of agricultural crops. This meadow mix has less runoff and more infiltration than lawn. Vice-Chairman Loos noted that these were “clump” grasses that had a rougher surface and roots that absorb more water.

Mr. Ruggeri noted that when conducting a hydrological analysis, a reviewer looks at surface roughness. In the case of a paved area, the water would just run right off. In the case of maintained lawn, some water runs off but some infiltrates into the ground. In the case of meadow mix, even more water infiltrates into the ground, so the resulting curve number is reduced, as are the flow rates.

Commissioner Lubitz responded by asking that in the case of the West Amwell solar project, the staff report refers to a curve number, and that curve number for grass area was less than the curve number for crops. Mr. Ruggeri responded that the scientifically-developed Natural Resources Conservation Service (NRCS) curve number (CN) calculations provide that agriculture results in greater runoff than lawn. Vice-Chairman Loos questioned why agriculture would have greater runoff and less infiltration than a lawn. Mr. Ruggeri confirmed that it was the case due to the nature of agriculture, specifically the pattern of the furrows and sometimes the plantings themselves.

19-2441V Princeton University Temporary Athletic Improvements (Municipality of Princeton)

Vice-Chairman Loos requested a motion on project. Commissioner Stout moved to approve the project, which motion was seconded by Commissioner Lubitz. Vice-Chairman Loos called for comment from the Commission and then the public. Hearing none, he called for a vote. The motion was approved unanimously.

19-2734A Fisher Middle School -- Recreational Track Improvements (Ewing Township)

Vice-Chairman Loos requested a motion for the project. Commissioner Stout moved to the approve the project, and the motion was seconded by Commissioner Lubitz. Vice-Chairman Loos called for comment from the Commission and then from the public. Hearing none, he called for a vote. The motion was approved unanimously.

19-3006G Peddie School -- Swig Arts Center (Hightstown Borough)

Commissioner Lubitz requested that a typographical error be corrected on page 5 of the staff report related to the NSPS point system spreadsheet prepared for the Peddie School -- Swig Arts Center project. Vice-Chairman Loos stated that the inaccurate passage which erroneously stated the project was non-compliant, would be deleted.

Vice-Chairman Loos requested a motion for the project. Commissioner Stout motioned to the approve the project with the correction to the staff report mentioned by Commissioner Lubitz earlier in the meeting. The motion was seconded by Commissioner Lubitz. Vice-Chairman Loos called for comment from the Commission and then from members of the public. Hearing none, he called for a vote. The motion was approved unanimously.

19-3660C Princeton Charter School Building Addition and Site Improvements -- Major Modification (Municipality of Princeton)

Vice-Chairman Loos requested a motion for the Princeton Charter School project. Vice-Chairman Loos, Mr. Ruggeri and Commissioner Lubitz discussed the history of previous commission approvals and what had been constructed and on the site. Commissioner Lubitz noted his concern that the project relied upon stormwater management facilities approved by the Commission in prior certificates of approval, some of which had not been constructed.

Vice-Chairman Loos noted that an underground detention basin was approved along with the gymnasium project pursuant to DRCC #08-3660. Mr. Ruggeri noted that it was his recollection in reviewing the current project that this was in fact the case. Commissioner Lubitz asked how the Commission knew that the underground detention basin was in fact built. Mr. Ruggeri responded by noting that it was his understanding that stormwater management facilities were constructed prior to the construction of any other improvements. Commissioner Lubitz asked for that information to be confirmed. Vice-Chairman Loos inquired if any representatives of the Princeton Charter School were present in the audience. There was no response to his request.

Mr. Ruggeri then displayed the submitted plans up on the conference room monitor. Vice-Chairman Loos noted that it was first time the monitor had been used in a Commission meeting to give members the ability to scrutinize project plans. Mr. Ruggeri located the underground basins on the project plans, which Mr. Loos then compared with the existing conditions noted in the staff report.

Commissioner Lubitz stated that this project raised a policy issue for the Commission. Commissioner Stout speculated what would happen in a case where the Commission issued a certificate of approval for three stormwater basins, and only two were actually built. Vice-Chairman Loos noted that at least in the case of this project, the inadequacy of any stormwater management strategy would have been discovered during the review of the 2018 project on the school campus. Vice-Chairman Loos requested that the staff double-check the status of the stormwater management at the sight and report at the March Commission meeting.

Commissioner Stout made a motion to approve the project conditioned upon receipt of verification that the stormwater management facilities needed to serve the project and prior constructed project was in fact built. No Commissioner offered to second the motion. Commissioner Lubitz then stated that the motion would be sufficient because the Commission, and not the applicant, should determine compliance with the Commission's regulatory standards.

Vice-Chairman Loos asked Commissioner Lubitz if he wished to propose a motion to reject the project without prejudice. Commissioner Lubitz declined to do so, stating that rejecting the project could punish the applicant for activities which they may have properly completed.

A conversation then ensued between Vice-Chairman Loos, Commissioner Lubitz and Commissioner Stout, about whether it would be preferable to either: approve the project pending a demonstration from the applicant that stormwater management facilities had been properly constructed; or reject the project without prejudice until such time it could be determined that the stormwater management facilities -- both proposed and constructed -- was adequate.

After it was determined that a motion to reject the project would not be appropriate, since it was possible the necessary stormwater management facilities had been constructed, Vice-Chairman Loos then ruled that Commissioner Stout's motion, which had not been seconded, and upon which there had been no agreement on the wording of a proposed condition, should be treated as though it had failed.

With the prior motion having been dispensed with, the Vice-Chairman asked for a new motion that reflected the substance of the foregoing discussion. Commissioner Lubitz moved that the Commission approve the project with the condition that the stormwater management facilities be constructed prior to the execution of the remainder of the project. Mr. Mulvan seconded the motion. The motion was approved unanimously.

Commissioner Stout raised the concern that not being a construction official, he did not know whether it was correct to mandate construction of the stormwater management facilities prior to building the remainder of the project. Vice-Chairman Loos responded by stating that if Princeton Charter School found the condition objectionable, they could file an application for a modification of the approval.

Mr. Mulvan observed that it was typically the case in construction projects to build the stormwater management facilities prior to the construction of the remaining project elements.

19-3983A Hindu American Religious Center -- Campus Modification (Robbinsville Township)

Vice-Chairman Loos called for a motion on the project. Commissioner Stout moved to approve the project with conditions set forth in the staff report, which motion was seconded by Commissioner Lubitz. Vice-Chairman Loos called for comment from the Commission as well as the general public. Hearing none, he called for a vote. The motion was approved unanimously.

19-3983B Hindu American Religious Center -- Parking Areas/Driveway Conversion (Robbinsville Township)

Vice-Chairman Loos called for a motion on the project. Commissioner Stout move that the project be approved, and Commissioner Lubitz seconded the motion. Vice-Chairman Loos called for comment from the Commission and then the public. Hearing none, he called for a vote. The motion was approved unanimously.

19-4245A Tenacre Foundation -- Main House and Post Office Improvements (Municipality of Princeton)

Commissioner Lubitz, Vice-Chairman Loos and Mr. Ruggeri discussed the existing and proposed conditions within the stream corridor, and the reductions of vehicular surface. Vice-Chairman Loos called for a motion on the project. Commissioner Lubitz made a motion to approve the project conditioned upon the applicant installing the standard Commission stream corridor signage and presenting evidence, after three years, of an 85 percent survival rate for the proposed native plantings. Commissioner Stout seconded the motion. Vice-Chairman Loos called for comment from the commission and then the public.

Mr. Haverell, Facilities Manager at the Tenacre Foundation, described the proposed project and the applicant's interest in preserving stream corridor area, planting native species, reducing the use of salt, removing black pavement and replacing with light color path materials, and "rewilding" the present vegetation from maintained lawn to native vegetation. The Vice-Chairman asked for further comment and, hearing none, called for a vote. The motion to approve the project with conditions was approved unanimously.

19-4748B Meadows at Montgomery Active Adult Community -- Belle Mead Planned Unit Development -- Phase 3 (Montgomery Township)

Vice-Chairman Loos called for a motion on the project. Commissioner Stout motioned to approve the project and Commissioner Lubitz seconded the motion. Vice-Chairman Loos called for comment from the commission and then the public.

Mr. Massand reported that there have been concerns within his community about the project, including

purported negative impacts to an historic railroad, as well as drainage issues. Vice-Chairman Loos stated that the project was reviewed within the Commission's jurisdiction for stormwater impact and he called for a vote. The motion was approved unanimously.

19-5374A West Amwell 2MW Solar Project (West Amwell Township)

Vice-Chairman Loos called for a motion on the project. Commissioner Stout made a motion to approve the project with conditions set forth in the staff report, including placement of Commission stream corridor signage and the use of native species from the Commission Native Tree and Shrub Lists. Commissioner Lubitz seconded the motion. The motion was approved unanimously.

19-5417A 100 Franklin Square Drive -- Proposed Solar Installation (Franklin Township)

Vice-Chairman Loos requested a motion for the project. Commissioner Lubitz moved to approve the project, which was seconded by Commissioner Stout. Vice-Chairman Loos called for any further comment from members of the Commission and the public. Hearing none, he called for a vote. The motion was approved unanimously.

19-5446 47 Princeton-Hightstown Road -- Proposed Mixed Use/Daycare (West Windsor Township)

Vice-Chairman Loos requested a motion for the project. Commissioner Lubitz made a motion to approve the project. Commissioner Stout seconded the motion. Vice-Chairman Loos called for comment from the Commission and then the public. Hearing none, he called for a vote. The motion was approved unanimously.

19-5453 Woodmont at Hopewell -- Proposed Apartment Buildings (Hopewell Township)

Vice-Chairman Loos called for a motion on the project. Commissioner Stout moved to approve the project, with the condition that the applicant place the standard Commission signage at the boundaries of the stream corridor. Commissioner Lubitz seconded the motion. The motion was approved unanimously.

19-5495 30 Lake Drive -- Proposed Warehouse (East Windsor Township)

Vice-Chairman Loos requested a motion for the project. Commissioner Stout motioned to the approve the project. Commissioner Lubitz seconded the motion. Vice-Chairman Loos called for comment from the Commission and then the public. Hearing none, he called for a vote. The motion was approved unanimously.

Executive Director's Report

Director Hutchison reported on the workload for the period encompassing January 10, 2020 to February 17, 2020. During that time, the staff prepared and issued 23 deficient staff reports; 12 jurisdictional determinations; 7 certificates of approval; and zero general permits.

Mr. Hutchison noted that fee collections remained strong, and that the February deposit totaled \$60,950. He reported that deposits for Fiscal Year 2020 were \$402,238, which compared favorably to the same point last year when the Commission had deposited \$241,191 and to Fiscal Year 2018, when the Commission had deposited \$250,400. Thus, with four months remaining in the fiscal year, the Commission has exceeded its anticipated annual appropriation of \$389,000 by approximately \$13,000.

With regard to significant events and meetings, Mr. Hutchison reported that he and the staff participated in nine pre-application meetings since the last Commission meeting, with an additional four meetings planned for that afternoon. Unfortunately for applicants, Director Hutchison noted that there was a seven-week delay in scheduling preapplication meetings. This was the direct result of the reduction in hours worked by the engineers in response to the reduced special project blanket overtime rate imposed by the DEP Human Resources staff.

Director Hutchison noted that the heavy workload had delayed completion of the 2019 Commission Annual Report, which he hoped to have ready for review at the March Commission meeting.

Mr. Hutchison reported that Erica Vavrence had joined the staff as a temporary hourly employee. She is helping to organize the backlog of filing that has built up over the very busy summer and fall, and she is scanning many documents to the shared drive, thus reducing the amount of filing that has to be boxed and stored in the DEP central warehouse. The Director noted that scanning files allows staff to quickly access information, since they will have documents on the computer that otherwise would need to be recalled from the DEP central warehouse. It will also ease project reviews and OPRA requests.

The Director noted that the Commission conference room exterior sliding door, which was in an advanced state of deterioration, was replaced on February 16th. The first floor entry doors and three windows were scheduled to be replaced in March.

Mr. Hutchison recounted a telephone conference call with Mr. Art Suckewer President & CEO Knite Inc. of Ewing, New Jersey. Mr. Suckewer has been involved in the reuse of restored historic bridges as a hobby. He has proposed resurrecting the proposed Somerset Diner pedestrian bridge project using a restored historic iron bridge as a new crossing. By doing so, he claims the project cost can be brought within the limits of the remaining budgeted monies. He believes that the soon to be replaced Landing Lane Bridge in New Brunswick may be a candidate for transfer to the Somerset Diner location.

The Director reported that he hosted a meeting at the Commission office on January 21st with DEP staff interested in a project to improve access to the canal state park at Demott Lane. He reported that the meeting went well, and it seems they would like to work with Franklin Township, the Meadows Foundation, and any others to jointly improve access and parking, either on the State property, or the adjoining Van Wickle house lot.

Mr. Hutchison stated that he was recently contacted by Elizabeth A. Palius, the former-president of the Millstone Valley Preservation Coalition, who wished to register her displeasure with the effectiveness of stormwater management devices in Somerset County. Specifically, she has expressed the concern that she sees stormwater detention basins that are not filled with water on various properties in her neighborhood, while at the same time the nearby streets are flooded. She believes that this situation has

been exacerbated by the impact of global climate change, and that it was incumbent upon the Commission to take action, especially in light of the recent “New Jersey Protecting Against Climate Threats” (NJ PACT) announcement, which would modernize DEP land use regulations so as to reduce the impact of climate change and adapt to the realities of certain climate change-related impacts and long-term greater resilience.

Specifically, her proposed solution to this situation is that the Commission staff should: decamp into the field and conduct a survey of all stormwater management devices installed in Somerset County; identify how they could be modified to increase their ability to respond to the more intense flood events that are the inevitable result of climate change; and order their modification, preferably employing non-structural means such as tree plantings in the basins to promote enhanced flood storage.

Mr. Hutchison recounted the details of his conversation and noted the Commission’s support for applicants who have sought to install green infrastructure as part of their projects, as well as the fact that the Commission still uses the NSPS spreadsheet as part of its regulations, which promotes natural ways to control flooding using designs that minimize land disturbance, minimize impervious surfaces, minimize the use of storm water pipes, and preserving natural drainage features wherever possible.

Mr. Hutchison noted that Ms. Palius was unimpressed with his response and insisted that the Commission staff go into the field and conduct a project to ensure the review and rehabilitation of Somerset County’s stormwater management devices. Mr. Hutchison reported that he was compelled to advise her that neither the Commission’s full-time staff of three, or budget, could support a project to identify and propose retrofitting hundreds -- if not thousands -- of stormwater management devices at this time.

That being said, the Director did send Ms. Palius a letter informing her of the DEP NJ PACT website (<https://www.nj.gov/dep/njpact/>), which she can access with a computer. On that website, there is information that would be helpful to her, including a fact sheet and regulation chart, which were sent enclosed with his letter.

On February 20th, the Director reported that he and Commissioners Stout and Lubitz had an excellent meeting with Park Service Staff which was chaired by Regional Superintendent Felton regarding the proposed reopening of the norther portion of Bulls Island as a “preserve.” The Bulls Island Preserve plan is generally following the direction set by Director Glenn and Vice-Chairman Loos. The group discussed specific tasks as the proposal advances:

Tree Removal: It was discussed that the removal list is broken into two phases: First phase is Ailanthus and Ash Removal which can hopefully be accomplished before the March deadline imposed by seasonal timing restrictions for tree removal. Second Phase is “other” dead or dying trees along the chosen designated path and at the three “historic and natural” points of interest. This phase will be done in 2020 after the window to do tree removal opens again in October.

Pavement Removal: Funding will be required to remove and dispose of the 0.92 acres of asphalt and the possible removal or filling of a disused RV dump station (located within the former campground).

Replanting: Replanting will be needed along the area where old trail is being removed to “fill in the

forest” and where we want to “screen” at the points the trail used to connect to the open path. Funding will be required.

The Director noted that the proposed plan will require a Commission permit for all three of these components, and possibly the installation of interpretative signage in three historic locations and to designate the “Bulls Island Preserve” separately from the recreation area and to help direct patrons to “stay on the path.” Generally, however, the Director noted that the process was moving in the right direction and that he was pleased with the cooperation between everyone involved.

Vice-Chairman Loos stated that he had also spoken with Mr. Suckewer on the topic of the relocation of old bridges. The Vice-Chairman noted that Mr. Suckewer stated that federal funds might be available for an historic bridge relocation project. The Vice-Chairman also contemplated whether a repurposed historic bridge could be appropriate for the suspended swing bridge construction project at Moore’s Creek in Hopewell Township.

Commissioners Stout and Lubitz also commented on the Bulls Island meeting. Commissioner Stout congratulated the Parks Service for devising a workable plan that proposed the removal of a fraction of the trees slated for removal in the prior cutting plan. Commissioner Lubitz observed that it was a satisfying meeting, and that the Department engaged in a thoughtful process.

Mr. Barth inquired whether the process to formulate a plan for Bulls Island would be open to the public. Mr. Hutchison said that when there was a project to comment upon, the stakeholder community would be invited to comment. The Vice-Chairman said that any proposal would be subject to a public hearing.

Commissioner Lubitz noted that while the information presented on deposits was useful, it would be helpful for Commissioners to have a better understanding of the expenditures undertaken so far in Fiscal Year 2020. Director Hutchison stated that he would have the Commission’s quarterly spending plan available for the Commissioners to review at the March meeting. This conversation then moved into a larger discussion on the timing and substance of the Commission’s proposed Fiscal Year 2021 budget, as well as potential additional staff hiring and whether the current fee structure adequately supports the Commission’s work.

Vice-Chairman Loos commended Director Hutchison for facilitating the repairs and maintenance of the Commission office building.

Commissioner Lubitz noted that there is often a considerable turnover among municipal construction officials, who might not be aware of the need to refer project applicants to the Commission for review. He requested that the Executive Director send a letter to construction officials in all the municipalities appertaining to the Delaware and Raritan Canal which outlines the jurisdiction of the Commission and provides information on the geographic boundaries of the Commission Review Zone.

Park Superintendent’s Report

Superintendent Kalleser reported that Princeton University was demobilizing the apparatus within the Delaware and Raritan Canal State Park related to the Lake Carnegie dredging project.

The Superintendent noted that a fatality accident occurred in the park on February 4th in Lawrence

Township. A youth was riding with a group of friends along the multiuse trail when he apparently lost control of his dirt bike and veered into the water. The youth, who sustained an apparent head injury, was then flown to Cooper University Hospital in Camden where he was subsequently pronounced dead.

The Superintendent reported on meeting with officials in Franklin Township to discuss improved parking and signage at the Demott Lane Bridge access point.

The Superintendent reported on a complaint regarding the presence of ballast at the Interstate Highway Route 295--U.S. Route 1 section of the park. Apparently, the ballast was left by the New Jersey Department of Transportation, which was demobilizing from a project. She noted that the area would be graded and reseeded within two weeks.

Superintendent Kalleser reported that work on a plan to reopen the northern portion of the Bulls Island Recreation Area as a “preserve” with access to the historically-significant areas of the island related to the Delaware and Raritan Canal was proceeding in a positive manner.

The Superintendent noted that five park clean-ups are planned for the month of April, that the Park Service would partner with the Hunterdon County Parks Commission on a presentation about coyotes in the region.

Finally, the Superintendent reported that the removal of hazardous Ash and Ailanthus (Tree of Heaven) trees was being undertaken by Park Service Staff in the area of the park from Byram Township southward to the City of Lambertville.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that dredging sediment is being trucked off site and that tree work would begin at Reaches 5 and 6, with dredging starting in Reach 5 on May 1. He reported that permitting matters were being addressed for Landing Lane/Raritan River rehabilitation project and that a restoration project at the Island Farm Weir embankment would be addressed.

Mr. Sellar reported that the NJWSA was prepared to make its 2020 report to the Commission on the Hydrilla program at the April Commission meeting.

Mr. Sellar reported that NJWSA staff would remove loose areas of tarp at the Stockton embankment site in response to resident’s complaints.

He also described that repair and inspection options for the Six-Mile Run project were under consideration by the NJWSA.

Finally, Mr. Sellar reported that NJWSA staff would be removing sediment which had collected in the Delaware and Raritan Feeder canal at the point where two tributaries of the canal drain into the Feeder Canal in the vicinity of Brookville Hollow Road and State Highway Route No. 29. Mr. Sellar stated that the sediment was noticed when he, the Director and the Superintendent were in the area to examine potential tree planting sites as mitigation for NJDOT tree removals along Route 29.

Commissioner Lubitz requested whether information could be obtained from the NJWSA on the effect

of the use of Fluridone for Hydrilla control on fish populations within the Delaware and Raritan Canal.

Old Business

Vice-Chairman Loos commented that the Commission would solicit project concepts related to the use of funds deposited in the “PSE&G/D&R Canal Pole Line” mitigation account (#4875-009) collected as compensation for the 2005 PSE&G project to construct a transmission pole in the canal State Park in Franklin Township (DRCC #05-3250). Proposals would require description of the project, cost estimate for the project and documents supporting the cost estimate, other funds that would be committed to the project, demonstrated support from a municipality, the county or non-profit/advocacy organizations, and partnership with others. Notice would be placed on the Commission’s website and within counties and municipalities in the Commission Review Zones, as well as non-profit or advocacy organizations.

Commissioner Stout requested that the Request for Proposal (RFP) include a time-line for completion of the proposed project and a demonstration of relevant experience and previous success of the applicant.

Vice-Chairman Loos requested a motion to move forward with the RFPs. Commissioner Stout motioned to approve the project, and with a four-month deadline for response from applicants. Commissioner Lubitz seconded the motion. The Vice-Chairman called for further comment from the commission and then the public. The motion was approved unanimously.

New Business

No new business.

Public Session

Ms. Detrano asked three questions related to a proposal to construct a new consolidated Lambertville municipal services building on the site of the present Pittore Justice Center (the former-Acme Building), as well as a proposed affordable housing project to be located on the site of the present city police department. Specifically, Ms. Detrano inquired whether the Commission would be able to review the building plans prior to, or after the municipal planning board’s consideration of the project; whether such a building would be restricted to a height of less than 40 feet; and whether the proposed impact upon the Delaware and Raritan Canal Historic District would be considered.

Director Hutchison stated the Commission is not in possession of an application related to either project. Mr. Hutchison further noted that neither project could be calendared for Commission approval without it first having obtained municipal approval.

In response to the Acme Building in particular, Director Hutchison noted that how the Commission would review a project depended in great measure upon what exactly was being proposed. While any specific comments would be speculative in nature, Mr. Hutchison did make a series of observations about how projects within the City of Lambertville were reviewed. First, he noted that any project that created 800 square feet or more of impervious surface coverage within Commission Review Zone A would be required to undergo stormwater runoff and water quality impact review. Second, Mr. Hutchison observed that the Acme Building was located in close proximity to Swam Creek, which was a Commission-regulated stream draining more than 50 acres; accordingly, a project on that site would likely be reviewed for its impact upon that corridor.

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Mr. Hutchison further averred that pursuant to the Delaware and Raritan Canal State Park Master Plan, the Lambertville was considered an “Urban” environment. Accordingly, while any project at that site would be subject to visual, historic and natural quality impact review, the setback and height requirements were the same as those which exist under municipal ordinance. Finally, he noted that while the Acme Building was located in the Delaware and Raritan Canal Historic District, and that any application for an individual approval could require consultation with the DEP State Historic Preservation Office, the Acme Building itself was not listed on the State or Federal Registers of Historic Places.

Mr. Patel noted that the Hindu American Religious center, which was the subject of two projects on the meeting, invites members of the Commission and public to tour the site.

Executive Session

None.

Adjournment

There being no other business, Vice-Chairman Loos entertained a motion to adjourn. Commissioner Stout moved to adjourn, which motion was seconded by Commission Lubitz. The motion was approved unanimously.

The meeting adjourned at 12:10.

Respectfully submitted,

John Hutchison, Secretary