



**June 17, 2020 Minutes of the Public Hearing of the Delaware and Raritan Canal Commission
on the Partial Release of a Conservation Restriction due to Planned Development along
the Route 206 Corridor**

TIME: 9:30 a.m.
DATE: June 17, 2020
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman John Loos; Director Olivia Glenn, designee for Commissioner Catherine McCabe; Commissioner Phillip Lubitz; Commissioner John Reiser; and Commissioner Caryl Shoffner; participated via online platform and teleconference.

STAFF: Executive Director John Hutchison was present in the Commission conference room. Commission Engineer Joseph Ruggeri; Ms. Colleen Maloney; and, Deputy Attorney General Jason Kane participated via online platform and teleconference.

GUESTS: NJDOT Section Chief Tina Shutz; Thomas Knutelsky and Corey Stoner, Harold E. Pellow & Associates, Inc.; Mr. Robert von Zumbusch, D&R Canal Master Plan Advisory Committee.

Vice-Chairman Loos announced that this was a public hearing 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 public hearing 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.

Vice-Chairman Loos noted that a quorum was not required for the purposes of the public hearing and therefore called the hearing to order.

Vice-Chairman Loos stated that the public hearing had been convened pursuant to the New Jersey Conservation Restriction and Historic Preservation Restriction Act in order to solicit public testimony on a request from the New Jersey Department of Transportation (NJDOT) to the Delaware and Raritan

Canal Commission for the partial release of a Commission conservation easement as part of a planned development project along the corridor of U.S./N.J. Highway Route 206 in Hillsborough Township, Somerset County.

The Vice-Chairman noted for the record that the conservation easement in question was granted to the Commission by Route 206 Enterprises, LLC., on October 24, 2012 as part of the “Green Village” residential development project having the Commission project number of DRCC #11-4210. The lots, which are presently designated as Block 141, Lot 30.02 and Block 141, Lot 30.03, were required to be restricted as a condition of Commission approvals for a proposed development which impacted a Commission-regulated stream corridor.

As holder of this Conservation Easement, the Vice-Chairman explained that the Commission was required to conduct the public hearing on the proposed partial release of the easement prior to making a final determination on this request. He also noted that the project that the easement release was related to is DRCC #20-5520, called “NJDOT Route 206 Doctors Way to Valley Road Improvements,” and is calendared on the June Commission meeting notice for consideration later today.

Vice-Chairman Loos also noted that under the provisions of N.J.S.A. 13:8B-6, the approval of the Commissioner of Environmental Protection was also required for the release of the easement.

The Vice-Chairman invited Tina Shutz, Section Chief from the NJDOT, to provide the Commission with a brief background synopsis of the project. Ms. Shutz stated that she would defer to the project designers to provide a description of the project. After a brief period of technical difficulties in which Mr. Stoner and Mr. Knutelsky were unable to join the hearing, Ms. Shutz provided an overview of the project. She noted that the proposed Route 206 project was the culmination of a series of projects along the Route 206 corridor involving the Route 206 Bypass and other project elements. The final portion of the project involved two parts; the Doctors Way to Valley Road project was ready for construction and was therefore being placed before the Commission and other environmental regulatory agencies, while the Valley Road to Brown section was still in the design phase.

Ms. Shutz explained that the proposed project entailed the widening of Route 206 from two lanes, in each direction, to four lanes. This proposed widening in turn required NJDOT to seek the partial release of an existing Commission stream corridor easement, which triggered the provisions of the New Jersey Conservation Restriction and Historic Preservation Restriction Act, and ultimately the approval of the easement release by the Commissioner of Environmental Protection. Ms. Shutz noted that in addition to the lifting of the existing easement on the lands in question, the NJDOT proposed executing an additional stream corridor easement on other lands in order to mitigate for the loss of the existing easement and the stream corridor intrusions that would result from the Doctors Way to Valley Road project. She then inquired if there were any specific questions from the Commission that she could answer.

Vice-Chairman Loos inquired about the acreage of the released easement, as well as the acreage of the proposed new easement to be executed as part of the proposed Doctors Way to Valley Road project.

Having resolved his audio difficulties, Mr. Knutelsky joined the meeting and Vice-Chairman Loos repeated the question regarding the specific amount of acreage which would be vacated under the project, and the acreage which would be preserved. Mr. Knutelsky stated that as specified in the project plans the acreage vacated on the two subject lots totaled 0.961 acre, while the new mitigation area would total 3.685 acres for the entire Doctors Way to Valley Road project.

Vice-Chairman Loos asked what the total acreage of the existing easement was. Mr. Knutelsky responded that the total acreage of the present conservation easement on the two contiguous subject lots was 5.681 acres, from which the aforementioned 0.961 acres was being removed, leaving 4.72 acres of remaining easement area.

Vice-Chairman Loos asked Mr. Knutelsky to detail the amount of mitigation being provided as part of the proposed project. Mr. Knutelsky responded that the project called for adding 3.6 acres of new easement area on multiple NJDOT-owned lots to offset both the loss of the existing easement area, and to compensate for the stream corridor intrusions that were a part of the proposed project. Mr. Knutelsky noted that the proposed mitigation represented a 2:1 mitigation ratio of newly preserved lands to lost stream corridor.

Vice-Chairman Loos asked if any member of the public wished to offer comments on the proposed easement release. Seeing none, he proposed to conclude the public hearing. Vice-Chairmen Loos invited the public to attend the June Commission meeting.

Ms. Shutz noted that the public could transmit written comments on the easement release to both the NJDOT and the Commission until July 1, 2020.

Director Glenn inquired of the NJDOT staff if they had been in contact with the DEP Green Acres Program regarding the project. Ms. Shutz responded that Green Acres had been advised of other aspects of the project, but that since the easement was entered into with the Commission, the issue was taken up with the Commission rather than the DEP. Ms. Shutz noted that the Doctors Way to Valley Road project entailed the diversion of Green Acres acquired lands, and that the program would be conducting a review of that diversion independently of the Commission easement issue. Ms. Shutz noted that the release of the Commission easement was communicated to the Green Acres Program reviewer for the region in which the project was being undertaken, and that it was possible that the Green Acres Program would be involved in making a recommendation to the Commissioner about whether to approve the easement release. Director Glenn thanked NJDOT and stated that she wanted to ensure there was awareness of the easement issue within the larger department.

Adjournment

There being no other business, Vice-Chairman Loos adjourned the public hearing at 10:00 a.m.

Respectfully submitted,



John Hutchison, Secretary