

MINUTES OF THE MEETING OF DECEMBER 16, 2009

TIME: 10:05 AM – 11:15 AM
DATE: Wednesday, December 16, 2009
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING

COMMISSIONERS: Vice Chairman Martin Jessen, Messrs. John Loos, Al Payne, David Knights, Mayor Phyllis Marchand, and Ms. Alison Mitchell

STAFF: Messrs. Hahn and Weyl, Ms. Kirkland

GUESTS: Bill Bogosian, NJ Water Supply Authority; Joe Shepherd, NJ Water Supply Authority; Robert H. Barth, Canal Society of NJ and D&R Canal Watch; Patricia Kalleser, Superintendent, D&R Canal State Park; John Sullivan, Frey Engineering, LLC

Vice Chairman Jessen announced that this was a regular meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met.

The meeting opened with the acknowledgement of the death of Richard Albert. Mr. Hahn gave a brief overview of his life's work and gave mention of the family members survived by him. The Commission observed a moment of silence in honor of Mr. Albert.

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

Mr. Knights moved approval of the minutes of the November 16, 2009 meeting, with changes to a typo on page 1 that should have read "Mr. Weyl said it was not within the Commission's authority to question the legality of municipal ordinances, and that ordinances were valid until challenged and overturned." In addition, Bill Bogosian indicated that the minutes were incorrect concerning work on Six Mil Run, work is ongoing and not yet complete.

Mr. Payne seconded the motion with the revisions, and it passed unanimously.

REVIEW ZONE ACTIONS

Mr. Hahn initiated a discussion regarding the following "A" Review Zone project application:

09-3894 Textile Research Institute

Mr. Hahn explained that the property is zoned residential and because it extends into Carnegie Lake, is in the Commission's A-Zone. The site is a pre-existing non-conforming use for which any proposed work will require a zoning variance. The soil at the site has been remediated and now the applicant is initiating a ground water remediation. This remediation will involve the extraction of ground water, treatment and discharge of the treated water to Carnegie Lake. Mr. Hahn explained that the project was on the agenda without local approval because it would have

positive environmental consequences and he wanted the Commission to act on it conceptually. Some discussion ensued.

Mr. Knights moved a conceptual non-binding approval. Ms. Mitchell seconded the motion which passed unanimously.

Mayor Marchand moved approval of the following “B” Review Zone project applications:

07-3518 Wyncrest @ East Windsor
08-3649 Westwinds Farm Development

John Loos seconded the motion and it passed unanimously.

Mr. Knights abstained from the following “B” Review Zone project application:

08-2441I Princeton Neuroscience/Psychology Building

Ms. Mitchell moved approval, Mayor Marchand seconded the motion and it passed unanimously.

Mr. Hahn initiated a discussion regarding the following “B” Review Zone Project application:

09-3864 Route 206 Bypass

Mr. Hahn explained that this project will impact a number of properties with the proposed alignment and instead of opening those properties to future development, they would be preserved as open space. Mr. Hahn recommended the project with conditional and staged approval. If the Commission acted to approve the project then DOT’s contractors would be approved to begin tree clearing immediately in order to work within the time frames approved by the US Fish and Wildlife Service and the NJ Division of Fish and Wildlife to protect threatened and endangered species. The project would have several other conditions related to the preservation and mitigation of the stream corridors that would be impacted by this project and that those conditions would be required to be satisfied before construction started.

Mr. Payne questioned whether the applicant was in compliance with the State Reforestation Act because the property is State owned land. The Commission discussed the potential risk of deer damage to trees planted as mitigation. The dialogue included discussion about preventive measures to protect the mitigation plantings. The Commission agreed to approve the project including the conditions recommended by staff and including the additional conditions:

1. The applicant must provide documentation and/or a plan demonstrating compliance with the State Reforestation Act.
2. The mitigation plan for the reforested areas must include provisions for the prevention of deer damage to the newly planted trees. Specifically, the areas should be fenced with either hard deer fencing or electric fencing.

Mr. Loos moved approval of the application with conditions as set forth above and Mr. Knights seconded the motion. The motion passed unanimously.

PROPOSED MEETING SCHEDULE FOR 2010:

The meeting proposed meeting dates for 2010 were discussed and agreed upon as outlined below:

Meeting dates for the D&R Canal Commission, held on the third Wednesday of the month (**except for November**), for the calendar year 2010, at 10:00 AM are as follows:

January 20
February 17
March 17
April 21
May 19
June 16
July 21
August 18
September 15
October 20
November 10
December 15

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly workload. He stated that the Commission had been meeting its budget numbers which was encouraging. He explained that he had e-mailed Lawrence Township regarding the Knehr Garage but had not heard back from them or Mr. Knehr.

SUPERINTENDENT'S REPORT

Superintendent Kalleser regretted to report the death of two employees: William Panchanski, 38 from Spruce Run, and Deny Martin, 35 who died on the job at Monmouth Battlefield. She reported a manhunt on Bulls' Island which resulted in the person being found at home in Byram. She went on to state that the reconstruction of the Bulls Island access drive would not be completed until the end of January or the beginning of February due to changes requested during construction. She stated that the Millstone Aquaduct Bridge is being repaired with economic stimulus money from last year and that the East Millstone Canal House is almost finished.

WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd reported that the dredging of the Wickecheoke Creek had begun here in Stockton. He reported that there was an oil spill at the Trenton Psychiatric Hospital into the creek under Sullivan Way, which discharges into the Canal and explained that DEP responded quickly and effectively.

PUBLIC FORUM

Mr. Robert Barth of Conservation NJ and D&R Watch inquired as to whether any new Commissioners had been appointed. A discussion ensued. The consensus was that all activity regarding appointments had stopped. It was agreed that individual phone calls from Commissioners would be helpful.

Mayor Marchand motioned adjournment, Mr. Knights seconded the motion and the meeting was adjourned at 11:15.

Respectfully submitted,

Ernest P. Hahn
Secretary