

MINUTES OF THE MEETING
December 20, 2017

Delaware and Raritan Canal Commission

TIME: 10:00 a.m.
DATE: December 20, 2017
PLACE: Prallsville Mills Grist Mill
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Vice Chairman John Loos, Commissioners Phillip Lubitz, Mary Leck, Bruce Stout, and Doug Palmer, and Mr. Bob Bostock (designee for DEP Commissioner Bob Martin).

STAFF: Mr. John Hutchison, Ms. Colleen Christie Maloney, Ms. Tammy Romsdahl, Mr. Joe Ruggeri, and Deputy Attorney General Melissa P. Abatemarco.

GUESTS: Superintendent Patricia Kalleser, D&R Canal State Park; Mr. John Byerly, Green Energy Construction and Consulting; Mr. Ryan Kennedy, Stevens & Lee; Mr. Timothy V. Holmes, PSEG; Mr. Jonathan Preziosi, Pepper Hamilton; Mr. Mike Sellar, NJWSA; Mr. Tom Decker, Jacobs Engineering; Mr. Robert Piel, Amy Greene Environmental; Mr. Harold Olarte, BEM; Mr. Eduardo Blanco and Mr. John Geitner, NJ Transit; Ms. Renee Jones, NJDEP; Mr. Chris Tarr, Pepper Hamilton; Mr. Bill Grip, Institute for Advanced Study; Mr. Tom O'Shea, Van Note-Harvey; Ms. Kip Cherry, Princeton Battlefield Society; Ms. Kathy Robertson and Mr. Tom Gilmore, Civil War Trust; Mr. Robert Barth and Mr. Wayne Petko, D&R Canal Watch; Mr. Robert Von Zumbusch, DRCC Advisory Committee.

Vice Chairman Loos announced that this was a regularly scheduled meeting of the D&R Canal Commission and that all provisions of the "Senator Byron M. Baer Open Public Meetings Act" had been met with regard to the scheduling of the meeting.

Administrative Items

Vice Chairman Loos confirmed the next month's meeting date, January 17, 2018.

Vice Chairman Loos noted the 2018 Commission meeting calendar. Commissioner Leck motioned to approve the 2018 calendar, and Mr. Bostock seconded the motion. The motion was approved unanimously.

Vice Chairman Loos noted the 2017 Annual Report prepared by the Commission staff and submitted by Director Hutchison for the Commission's approval. Commissioner Leck, Director Hutchison, Mr. Ruggeri and Vice Chairman Loos discussed the Commission's goals of monitoring stream corridors for compliance. Commissioner Stout motioned to approve the annual report, and Mr. Bostock seconded the motion. It was approved unanimously.

Minutes

Vice Chairman Loos requested a motion on the minutes of the November 15, 2017 meeting. Mr. Bostock motioned to approve the minutes and Commissioner Lubitz seconded the motion. Commissioners Lubitz, Leck, and Stout, and Mr. Bostock voted to approve the minutes. Vice Chairman Loos and Commissioner Palmer abstained. The minutes were approved.

Review Zone Projects

Review Zone A Projects

17-2441S Modification of Princeton U. Substation Horizontal Directional Drilling

17-1856A St. George's Church Solar

17-4989A 625 Canal Road Cable at D&R Canal State Park Office

Vice Chairman Loos asked for comments on any of the three Zone A projects.

17-2441S Modification of Princeton University Substation Horizontal Directional Drilling

Commissioner Stout, Director Hutchison, and Mr. Ruggeri discussed the bifurcating of the substation project. Mr. Barth and Mr. Ruggeri discussed the depth of the drilling, the size of the pipe, and Mr. Barth and Superintendent Kalleser discussed the nature of leases for such a project.

Vice Chairman Loos called for a motion on the three projects. Commissioner Bostock motioned to approve them and Commissioner Stout seconded the motion. Commissioner Palmer noted he would recuse himself from voting on 17-4989A 625 Canal Road Cable at the D&R Canal State Park Office. Commissioner Bostock amended his motion to approve only 17-2441S Modification of Princeton University Substation Horizontal Directional Drilling and 17-1856A St. George's Church Solar. Commissioner Stout accepted the amended motion. Vice Chairman Loos called for a vote. The two projects were approved unanimously.

17-4989A 625 Canal Road Cable at D&R Canal State Park Office

Vice Chairman Loos requested a motion to approve the 625 Canal Road Cable at D&R Canal State Park Office project. Mr. Bostock motioned to approve the project and Commissioner Stout seconded the motion. Commissioner Palmer abstained. Vice Chairman Loos, Commissioners Stout, Leck, and Lubitz, and Mr. Bostock voted to approved the motion. The project was approved.

Review Zone B Projects

Mr. Bostock noted he would recuse himself from the Institute for Advanced Study projects. Commissioner Palmer noted he would recuse himself from 17-5084 The Place at Plainsboro.

17-5084 The Place at Plainsboro

Vice Chairman Loos requested a motion on the project. Mr. Bostock motioned to approve the project and Commissioner Lubitz seconded the motion. Commissioner Stout and Mr. Ruggeri discussed the number of buildings.

Vice Chairman asked to table the motion until clarification could be made in the number of buildings. Mr. Bostock motioned to do so and Commissioner Lubitz seconded the motion. Vice Chairman Loos, Mr. Bostock, and Commissioners Leck, Lubitz and Stout voted to approve the motion; Commissioner Palmer abstained. Mr. Bostock's motion to approve the project was tabled.

Mr. Ruggeri later provided more information on the project, clarifying that it is made up of 13 buildings of 6 or 8 units. Mr. Bostock motioned to remove the project from the table and Commissioner Lubitz seconded the motion. Vice Chairman Loos called for a vote. Commissioner Palmer abstained and Vice Chairman Loos, Mr. Bostock, and Commissioners Leck, Lubitz, and Stout voted to take the project off the table. Vice Chairman Loos then asked for a vote on the original motion to approve the project. Commissioner Palmer abstained and Vice Chairman Loos, Mr. Bostock, and Commissioners Leck, Lubitz, and Stout voted to approve the project. The project was approved.

17-5010 Riverside Center

Vice Chairman Loos requested a motion on the project. Mr. Bostock motioned to approve it and Commissioner Lubitz seconded the motion. Commissioner Leck and Mr. Ruggeri discussed the wetlands on the site and how they are regulated by DEP. Vice Chairman Loos asked for further comment. Hearing none, he called for a vote. The project was approved unanimously.

17-5056 PSE&G Hopewell Substation

Vice Chairman Loos asked for a motion on the project. Mr. Bostock motioned to approve the project and Commissioner Palmer seconded the motion. Commissioner Stout and Mr. Holmes discussed size and survivability of the trees. Mr. Holmes noted the tree planting plan was developed using Hopewell Township's ordinance. There were questions about the landscape plan and Vice Chairman Loos suggested the project be tabled. Mr. Bostock moved to table the project and Commissioner Lubitz seconded the motion; it was approved unanimously.

Subsequently, Mr. Bostock motioned to remove the project from the table. Commissioner Lubitz seconded the motion. It was approved unanimously.

There was discussion about the native species and caliper selected for the project, including USDA and Rutgers lists used by DEP. The applicant noted that the trees were selected from the same lists as those recently approved by the commission for the Ewing substation project.

Vice Chairman Loos asked for further discussion. Hearing none, he called for a vote. The project was approved unanimously

17-1841D Janssen Pharmaceuticals

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

17-3728D 600 College Road East Generator

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

16-3349F Institute for Advanced Study Faculty Housing

Vice Chairman Loos requested that Mr. Tarr describe the history of the application. Mr. Tarr noted the cooperation of the stakeholders present: Bill Grip, IAS; Renee Jones, NJDEP Green Acres; Kip Cherry and Mr. Marsh, Princeton Battlefield Society; Kathy Robertson and Tom Gilmore, Civil War Trust, and Top O'Shea, Van Note-Harvey. He described the change in the site layout which creates additional park area. He described 1:1 buffer averaging related to intrusion into the stream corridor. He noted the applicant would soon return to the Commission for review of an outfall structure.

Commissioner Lubitz requested more information on the changes from the previous project to the current, and he noted the increased stream corridor intrusion, for which there is mitigation. Vice Chairman Loos and Mr. Tarr discussed land conditions and mowing within the easement.

Vice Chairman Loos asked for a motion to approve the project with a mowing provision, to permit mowing two times per year in the easement area, and waive the 25-foot requirement of usable yard between the home and the stream corridor. Commissioner Palmer motioned to approve the project with these conditions and Commissioner Stout seconded the motion. Vice Chairman Loos called for a vote. Vice Chairman Loos, and Commissioners Stout, Palmer, and Leck voted to approve the motion. Commissioner Lubitz voted to not approve the motion. Mr. Bostock abstained from voting. The motion was approved.

16-3349G Institute for Advanced Study Rubenstein Commons

Vice Chairman Loos asked for a motion on the project. Commissioner Stout motioned to

approve and Commissioner Palmer seconded the motion. Vice Chairman Loos, and Commissioners Stout, Lubitz, Palmer, and Leck voted to approve the motion. Mr. Bostock abstained from voting. The motion was approved.

16-4954 NJ Transit County Yard

Mr. Geitner presented details of the project, a resiliency project with public benefit. Mr. Decker described stormwater management measures. There was discussion about mitigation, including a donation to NJWSA for water quality improvement projects.

Commissioner Stout motioned to approve the project with the conditions that all DEP permits are secured, authorizing the Commission's Executive Director and the team he wishes to assemble to negotiate an acceptable mitigation project, and delegate approval authority to the Executive Director to research and select an appropriate mitigation project. Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for further comment. Hearing none, he called for a vote. The motion was approved unanimously.

Executive Director's Report

Director Hutchison reported on workload, fees collected, an estimate for scanning DRCC records, office improvement efforts including HVAC replacement and a new roof, and staffing matters. He reported on a solar array in Delaware Township that is not in compliance with the permit issued by the Commission office. He reported on a meeting related to the DRCC/DOT Bridge Task Force. Director Hutchison reported that the commission's website is now under the direction of the DEP Office of Information Resource Management (OIRM). Commissioner Leck noted that D&R Canal State Park Historian Vicki Chirco should be commended for the work she has done on the website for a long period of time. Director Hutchison noted that Ms. Chirco was forward-thinking in developing and maintaining the website for then-Director Amon, and thanked her on behalf of the Commission staff for her assistance.

D & R Canal State Park Superintendent's Report

Superintendent Kalleser returned from family leave. She thanked Superintendent Auermuller for serving in her absence. Related to Emerald Ash Borer infestation, the initial money has been expended for ash tree removal in the park; however, further grant monies are being sought.

NJ Water Supply Authority (NJWSA) Report

Mr. Sellar reported on a leak in the canal in Franklin Township and its repair, that dredging bids were received and are being reviewed by the Governor's office, the 10-Mile wastegate is being manufactured, a kick-off meeting was held for a Landing Lane and Raritan bank project, preliminary design of the Griggstown wastegate has been received, and tree work was done at the Stockton embankment to clear overhanging branches in preparation for trials of grout work.

Old Business

There was no old business.

New Business

Commissioner Lubitz noted that, as of January 1, all municipalities will be required to oversee maintenance of detention basins within their boundaries, and that there are extensive checklists for property owners, and that municipal governments will be required to confirm the checklists are completed and keep the record of such reviews.

Public Forum

There was no public comment.

Executive Session

There was no executive session.

Adjournment

Commissioner Leck moved to adjourn the meeting; Commissioner Palmer seconded the motion. The motion was approved unanimously and the meeting adjourned at 12:10 p.m.

Respectfully submitted,



John Hutchison
Executive Director