

MINUTES OF THE MEETING OF SEPTEMBER 15, 1999

TIME: 12:15 P.M. - 2:20 P.M.  
DATE: Wednesday, September 15, 1999  
PLACE: Canal Commission Office  
Stockton, New Jersey



DELAWARE AND RARITAN  
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Jessen, Herzog, Pauley, Torpey; Ms. Armstrong and Mrs. Nash  
STAFF: Mr. Amon, Ms. Holms and Ms. Barth  
Mr. Lewin Weyl, Deputy Attorney General  
GUESTS: Bill McKelvey, Friends of NJ RR & Transportation Museum  
Jan Ten Broeke  
Joe Shepherd, NJ Water Supply Authority  
Peggy Killmer  
Chris Antar, Princeton Packet  
Michael Sisler, Michael & Cheryl Sisler Subdivision  
Susan Herron, D&R Canal State Park  
George S. Hawkins, Stony Brook-Millstone Watershed Association

Mr. Torpey opened the meeting and 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.

MINUTES

Mrs. Nash moved approval of the minutes of the meeting of August 18, 1999; Ms. Armstrong seconded the motion. The motion passed unanimously.

LEASES AND PERMITS

Mr. Amon presented a permit application by the Department of Transportation to construct a new deck on the bridge over the Lockatong Creek. He said the top deck will be boards placed either



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EXECUTIVE  
DIRECTOR  
James C. Amon

COMMISSIONERS

Frank J. Torpey <i>Chairman</i>	Martin D. Jessen <i>Vice-Chairman</i>	Winona D. Nash <i>Treasurer</i>	Sam Herzog R. William Pauley	Robert C. Shinn, Jr. Caroline J. S. Armstrong	Douglas H. Palmer Marfy Goodspeed
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Christine Todd Whitman, Governor Robert C. Shinn, Jr. Commissioner

perpendicular or diagonal to the bridge. Mr. Jessen recommended that the boards be installed bark side up. Ms. Armstrong moved approval of the bridge re-decking, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Amon then presented a permit application for a fiber optic cable to be installed under the Route One bridge across the canal in Lawrence Township. Mr. Jessen suggested that a condition of the approval be that the cable's location be properly marked. With that condition, Mrs. Nash moved approval of the cable crossing, Mr. Pauley seconded the motion, and it passed unanimously.

## REVIEW ZONE PROJECTS

Mr. Amon presented the following "A" Zone project:

99-2577 - Granville Charter School Gymnasium - Trenton

The one-story gymnasium addition is proposed for an existing school and will be only partially visible from the Canal Park because the existing building is taller and nearer to the park. Mrs. Nash moved approval of the Gymnasium, Ms. Armstrong seconded the motion, and it passed unanimously.

Mr. Amon then presented three "B" Zone applications for approval:

99-2298A - Airport Road Widening Modifications - East Windsor Township

99-2357A - Cranbury Business Park Buildings 7 & 8 - Cranbury Township

99-2536 - Woodfield Estates (formerly Deer Valley) - Monroe Township

Mr. Amon said Ms. Guru reviewed the three projects and determined that they were in compliance with the Commission's regulations for stormwater management. Cranbury Business Park and Woodfield Estates both have stream corridors; they will be preserved through conservation easements.

Mr. Herzog joined the meeting at 12:35 PM.

Mr. Pauley moved approval of the "B" Zone projects; Mr. Jessen seconded the motion. Messrs. Jessen, Pauley and Torpey, Ms. Armstrong and Mrs. Nash voted in favor of the motion; Mr. Herzog abstained. The motion passed.

Mr. Amon said that an applicant is requesting that the Commission grant him a waiver from complying with the Commission's regulations for stormwater management. Mr. Sisler said that it would present an economic hardship for him if he modified his plans to allow for the construction of a detention basin. After further discussion of the problem, Mrs. Nash voted tabling the waiver request until the Commission received documentation showing why compliance would result in

economic hardship. Mr. Jessen seconded the motion, and it passed unanimously.

Mr. Amon then presented a request by an applicant to postpone action on a complete application. The attorney representing Outdoor Advertising asked that an application to erect a billboard in Trenton next to the canal be postponed until October's meeting. Mr. Herzog voted denial without prejudice the billboard application; Mrs. Nash seconded the motion, and it passed unanimously.

#### DISCUSSION OF CELLULAR TOWER POLICY

Mr. Amon said he has been researching other governmental agencies' policies regarding cellular towers, and he has conferred with Mr. Weyl about the Commission's authority regarding them. He said that there will soon be three applications to be approved for towers next to the Canal Park. He said that they would be in violation of the Commission's regulations for Visual Impact and would require a waiver based upon compelling public need in order to be approved. Mr. Weyl said that the Commission's regulations are not superseded by the FCC and that the applications must meet the provisions of the regulations for waiver requests, which include showing proof that there are no alternative locations for the towers. The Commissioners agreed that each application should be treated individually.

#### DISCUSSION OF MILLSTONE BYPASS

Mr. Amon said he met with Mr. McPartland of Princeton University to ask why the university was opposed to a frontage road along Route One instead of the current location for the proposed Millstone Bypass. Mr. McPartland said that too much of the university's land would be used if the road were closer to Route One.

A discussion about Mr. Amon's draft memo to the Department of Transportation regarding the bypass ensued. Minor changes were suggested.

Mr. Hawkins of the Stony Brook Millstone Watershed Association reported that his organization recently adopted a resolution opposing the proposed alignment, and suggested that the traffic problem could be solved through other alternatives.

#### CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported on a boy scout canoe race and a Cancer Care Walk from Princeton to Kingston. She said that the Six-Mile Run area of the Canal Park is now allowing bow hunting.

## OLD BUSINESS

Mr. Amon said that he has received both positive and negative feedback regarding the removal of fencing in Trenton. He said that a 4' chain link fence will be installed as part of the path improvement project.

Mr. Shepherd of the Water Supply Authority reported that work on the Washington Crossing Spillway has begun, and that the Authority is helping the Department of Transportation store the pipe that was to be used for the Lambertville drainage project.

Ms. Barth reported on the status of 25th Anniversary events, including a bus tour for September 18, "Canal Day" to be held September 25th at Prallsville Mills, and the Symposium to be held on November 13th, also at Prallsville Mills.

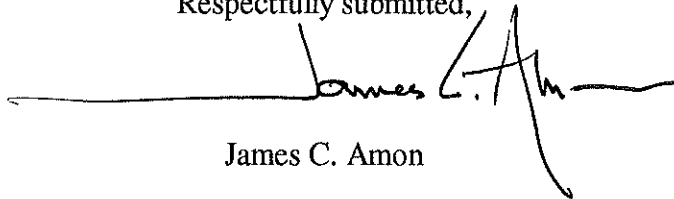
The public portion of the meeting ended at 2:20 PM. Mr. Herzog moved the following resolution:

Whereas the Open Public Meeting Act provides that a public body such as the Canal Commission may meet in closed session to discuss personnel matters and matters subject to attorney-client privilege; and

Whereas the Commission desires to retire to closed session to discuss such personnel matters and matters subject to attorney-client privilege; now

Therefore be it resolved that the Commission shall at this time meet in closed session to discuss personnel matters and matters subject to attorney-client privilege, the substance of which will be disclosed publicly only if it does not constitute an unwarranted invasion of individual privacy and will not breach attorney-client privilege. Mrs. Nash seconded the motion and it passed unanimously. The Commission entered Executive Session at 2:20 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends downwards and to the right.

James C. Amon