



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF NOVEMBER 17, 1999

TIME: 12:10 P.M. - 3:15 P.M.
DATE: Wednesday, November 17, 1999
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

- COMMISSIONERS: Messrs. Jessen, Herzog, Pauley, Marshall, Torpey;
Ms. Armstrong and Ms. Goodspeed
- STAFF: Mr. Amon and Ms. Wannemacher
Mr. Lewin Weyl, Deputy Attorney General
- GUESTS: Katherine Ruppel, NJ Historic Preservation Office
Meghan MacWilliams, NJ Historic Preservation Office
Gregory J. Czura, attorney for Sprint PCS
Clement Poole, Sprint PCS
Michael Raffa, Sprint PCS
William F. Masters, Jr., Sprint PCS
Karman Sunidja, Sprint PCS
Damon Aherne, Sprint PCS
John Wolstenholme, Betzwood Associates
Susan Herron, D&R Canal State Park
Mary Cahill Johnson, Precision Reporting Service

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, prior to the meeting, mentioned a typo error in the minutes of October 20, 1999. With this correction, Mr. Herzog moved approval of the minutes of October 20, 1999; Mr. Jessen seconded the motion. The motion passed without dissent, with Ms. Goodspeed abstaining.



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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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Referring to the minutes of October 20, 1999, Mr. Torpey commended the remarkable achievements of the Canal Commission in the last 25 years. At Mr. Torpey's suggestion, Mr. Amon has drawn up a chronological list of over 125 projects completed since 1974 including current plans to extend the canal park, adding another 68 miles. Mr. Amon also compiled a list of numerous recognitions and awards received in the last 25 years, either by the Commission as a whole or by Mr. Amon. Copies of the lists were distributed to the Commissioners.

LEASES AND PERMITS

Mr. Amon presented one lease for approval. Peter Errico leases a piece of land near the old Stockton railroad station for a bike rental business. Mr. Amon said the bike rentals enhance use of the Canal Park for recreation. The lease is an annual one. Ms. Armstrong moved to approve the lease; Mr. Jessen seconded the motion and it passed unanimously.

REVIEW ZONE PROJECTS

Mr. Amon presented five "B" Zone applications for approval.

99-2528 - Cedar Brook Corporation Center East - Cranbury Township

Mr. Amon said that the applicant proposes construction of a warehouse and office space with a large lake to be constructed for stormwater management. Staff is recommending waiver from strict compliance of the Stream Corridor Impact Regulation. A busy road lies between the site and Cedar Brook and intrudes into the stream buffer corridor. As mitigation, the applicant has agreed to plant a dense hedgerow of native trees and shrubs alongside the road. Mr. Amon acknowledged it would take several years for the hedgerow to become dense.

99-2557 - Princeton BMW Expansion - West Windsor Township

Mr. Amon said the site is within the 100-year flood plain but existing structures predate the Stream Corridor Impact Regulation. The proposed building addition will cover an area already paved. Staff recommends waiver of strict compliance with the regulation, with the condition that the Canal Commission be co-holder of a conservation easement with West Windsor Township's greenbelt. The easement covers all of the unpaved area of the site.

99-2571 - Striper Partners Office - West Windsor Township

Mr. Amon said the applicant proposes to construct a two-story office building with parking and one detention basin to manage stormwater runoff on 5 acres. The project meets the Commission's standards for stormwater management and water quality.

99-2441B - Princeton University Parking Structure - Princeton Township

Mr. Amon said the university proposes construction of a high rise parking garage with improvements to two parking lots and two intersections. Mr. Amon explained that Princeton University has already constructed two large detention basins designed to accommodate present and future stormwater runoff. Mr. Amon said a record of accumulated runoff to these basins and of accumulated impervious coverage is kept by the Canal Commission.

99-2569 - 33 Commercial Realty - Millstone Township, Monmouth County

Mr. Amon said the applicant proposes to construct a retail center, bank and office space with parking on 14.39 acres with one detention basin to manage stormwater runoff. The project meets the Commission's standards for stormwater management and water quality.

Ms. Goodspeed moved approval of the five "B" Zone projects, with waiver from strict compliance with the Stream Corridor Impact Regulation for Cedar Brook Corporate Center East and Princeton BMW Expansion. Mr. Herzog seconded the motion and it passed unanimously.

Mr. Amon presented one "A" Zone project for visual impact approval.

99-2585 - Kellogg Residence Addition - Delaware Township

Mr. Amon said the historic residence is located in the hamlet of Raven Rock on Route 29 across from the Canal Park. Mr. Kellogg has consulted with an architectural historian prior to architectural design for the addition. Mr. Jessen moved approval of the project. Mr. Herzog seconded the motion and it passed without dissent. Ms. Goodspeed and Ms. Armstrong abstained.

Mr. Amon then presented a second "A" Zone project for visual impact review:

99-2090B - Union Fire House Cellular Communications Tower - Hopewell Township

The applicant proposes construction of a 120-foot tall tower to replace an existing 110-foot tower at the Union Fire House in Titusville. The applicant is requesting waiver from strict compliance with visual impact regulations based on compelling public need.

Mr. Amon said that members of the Commission were sent the materials the applicant submitted on behalf of their request. In addition, the Commission was sent a memo from Mr. Amon discussing the material sent, prepared after consultation with several members and Commission counsel. The memo was also sent to the applicant. At the meeting of October 20, 1999, the application had been denied without prejudice.

Mr. Gregory Czura, counsel for the applicant, Sprint Spectrum L.P., made a presentation.

Mr. Czura outlined reasons why the Titusville site is uniquely suited for telecommunications service. The firehouse site will provide a blend of public and private interests. The existing

communications tower provides police, fire and county dispatch service. The applicant's proposed tower will provide "Enhanced 911" service to the area including D & R Canal Park users through service to mobile phone locations. Sprint is sensitive to local planning and zoning and therefore prefers to utilize existing tower sites rather than build new ones. The public, Mr. Czura asserted, expects to see telecommunications at a firehouse. Sprint works cooperatively with other wireless carriers to share the same tower thus eliminating a proliferation of towers. Mr. Czura said that there isn't another site to serve the Route 29 corridor.

Mr. Czura then presented witnesses.

The first witness was Clem Pool, a radio frequency expert, providing consulting services to Sprint Spectrum. Mr. Pool is addressing the Philadelphia Telecommunication District established by the FCC, which extends from mid-New Jersey to Delaware to central Pennsylvania.

Mr. Pool has completed overlay maps showing telecommunication strength of signal in the Delaware River corridor from Route I-95 north to the Mercer County Workhouse

There is an existing tower at Route I-95 and a tower at the Mercer County Workhouse.

Reception is adequate on both sides of the Delaware River except the Route 29 corridor from Washington Crossing north to Strawberry Hill. This is due to obstruction by Strawberry Hill of signal from the Mercer County Workhouse. A tower at Titusville would provide clear coverage along Route 29.

Ms. Armstrong asked if there were signal gaps in other areas of the canal corridor. Mr. Pool said that has not been studied. Ultimately, telecommunication carriers seek a "honeycomb" grid of towers at 2-3 mile intervals.

Mr. Well asked if the tower would have to be raised if other carriers were added to the Titusville tower. Mr. Pool said no.

Ms. Goodspeed asked if Strawberry Hill could be an alternative site. Mr. Pool said that site would be visually intrusive. Mr. Pool said an AM radio tower site in Pennsylvania and a pharmaceutical site south of Washington Crossing did not meet their requirements.

Mr. Czura's second witness was John Wolstenholme, of Betzwood Associates, an architect for Sprint Spectrum. Mr. Wolstenholme presented the design details of the proposed tower, a 120-foot monopole with transmitters at the top spaced a minimum of 10-foot intervals.

Mr. Czura's third witness was William F. Masters, a planner with Sprint Spectrum. Mr. Masters presented photographs showing views from the Canal Park of the existing tower and the proposed tower for visual impact. Mr. Masters said the existing tower is actually taller than the proposed tower when whip antennae are included. Mr. Masters said that the Commission in the past approved location of the existing tower. Mr. Amon objected, saying the Commission has no records of approval for a communications tower.

Mr. Czura then requested a waiver from the Commission's visual impact regulations because of

compelling public need to meet health and safety needs.

Mr. Marshall brought forward the impact on historic preservation of the tower location. He introduced Katherine Ruppel and Megan MacWilliams of the NJ Historic Preservation Office. Their office is opposed to the tower location because of impact on Washington Crossing National Historic Landmark, Titusville National Register Historic District as well as the historic D&R Canal. The applicant must follow regulations of Section 106 of the National Historic Preservation Act of 1966 if federal licensing is involved in this project.

Mr. Torpey then announced that a Commission quorum was about to be lost because some members had to leave the meeting, therefore no action could be taken at this time. After conference with the applicant, a decision was made to hold a special meeting for further discussion of the application on December 1 at 10:00 AM. Discussion was adjourned until that date.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Herron reported on special events. Events included the 16th annual Six Mile Horse Race and fundraising walks at Princeton University. A canoe event is scheduled at Blackwells Mills.

Ms. Herron reported that the towpath is now open from Port Mercer to Alexander Road. The bridge in Trenton is completed and looks great. Redecking of the Lockatong Bridge begins today. In regard to towpath repairs, Ms. Herron said the park is eligible for FEMA funds. Mr. Amon said a plan had been proposed that NJ DOT do the repairs with FEMA reimbursement. Ms. Herron will follow up and get something in writing.

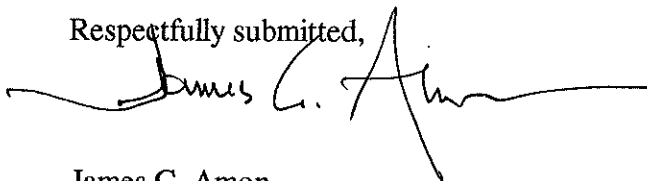
OLD BUSINESS

Mr. Amon reported that the Canal Symposium, in honor of the Canal Park's 25th anniversary, was attended by about 80 people. Mr. Torpey asked Mr. Amon to save his report for the next Commission meeting.

Mr. Torpey would like to discuss publication of the canal improvements list compiled by Mr. Amon. Mr. Torpey will schedule discussion for the next meeting.

The meeting adjourned at 3:20 PM. Motion by Ms. Armstrong; second by Mr. Pauley.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", written over a horizontal line.

James C. Amon