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MINUTES OF THE MEETING OF AUGUST 15, 2001

TIME: 12:05 P.M. – 4:45 P.M.
DATE: Wednesday, August 15, 2001
PLACE: Prallsville Grist Mill
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Jessen, Marshall and
Torpey; Ms. Armstrong and Mrs. Nash
STAFF: Mr. Amon and Ms. Holms
Mr. Lewin Weyl, Deputy Attorney General

GUESTS:

Tom Letizia, Esq., Pepper Hamilton LLP
Chris Baker, Esq., McCarthy & Schatzman
Richard Wizeman, Van Note Harvey Assoc.
Richard Orth, Orth, Rodgers & Assoc.
Fred Merrill, Sasaki
Neil Acevedo, Princeton Forrestal
David Knights, Princeton Forrestal
Arthur Corsini, Fieldstone Associates
Kenneth S. Pizzo, Jr., Fieldstone Associates
Jason Pizzo, Fieldstone Associates
Louise Krinsky, Fieldstone Associates
Karen Linder, Kingston Greenways Assoc.
Carolyn Foote Edelman
Tari Panataleo, Kingston Greenways Assc.
Corrington Hwang, Kingston Historical Society
Barbara Ross, D&R Canal Watch
Linda Barth, Canal Society of NJ
George Schindler, Sierra Club, NJ Chapter
Anne Zeman, Joint Citizen Task Force Kingston Village
Sandra Shapiro, W. Windsor Citizens for Transp. Alternatives
Pay Sayles, Sierra Club, Central Jersey Group
Charles Dieterich, Kingston Greenways Asn.
Dorothy Renk, Kingston Resident
?, Kingston Resident
David Campbell, Princeton Packet
Janet Black, Kingston Resident
Jeanne Wacker, Kingston Resident
Susannah Arnould, Windrows Resident
Cynthia Minor, Windrows Resident
Joe Shepherd, NJ Water Supply Authority
Susan Herron, D&R Canal State Park
George S. Hawkins, Stony Brook-Millstone Watershed Assoc.
Jean Starke, Kingston
Susan Smiley, Friends of Sayre Drive
Irene Tedeschi, Friends of Sayre Drive

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Donald T. Di Francesco, *Acting Governor*

Robert C. Shinn, Jr., *Commissioner, Dept. Environmental Protection*

Audrey Johnson, Friends of Sayre Drive
 Allan Ritchie, Friends of Sayre Drive
 Paula Alden, Lawrenceville
 Charles A. Alden, Lawrenceville
 Mary Penney, Sierra Club
 Lauren O'Neil, Franklin Twp. Committeewoman
 Rina Shere, Kingston
 Gretchen Overhiser, Kingston
 Peggy Killmer, Princeton
 Pam Hersh, Princeton
 Jean Mahoney, Princeton
 Elizabeth Palius, Montgomery
 Grace Ramus, Kingston
 Mike & Anne Kruimer, Central Jersey Bicycle Club
 Bob Wolfe, Princeton Forrestal
 Michael Orsini, Somerset

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 said that the July 18, 2001 minutes incorrectly stated the error that she had noted in the June 20, 2001 minutes. With regard to the latter, she said that on page 1, concerning the discussion of the Mapleton Road Realignment, item #5 repeated what was previously written as item #4. Noting that correction, Mrs. Nash moved approval of the minutes of July 18, 2001; Mr. Herzog seconded the motion, and it passed unanimously.

REVIEW ZONE ACTIONS

00-2568B – Mapleton Road and Seminary Drive Realignment – Plainsboro Township

Mr. Baker, representing the applicant, said that they were submitting a new application to the Canal Commission that was substantially changed from the previous application. He said the right turn lanes on both approaches would be eliminated, and a new landscape plan was proposed. He then discussed the extent of review authority of the Canal Commission

Mr. Knights gave a general presentation of planning efforts by the state, county, DOT and Plainsboro Township. He reviewed the history of planning between Princeton University and the D&R Canal Commission. With regard to municipal planning, he said that the University agreed to South Brunswick's request to limit truck weight on Mapleton Road to 4 tons (previously 10 tons). He said Plainsboro's zoning for the residential section of this area is 4 units per acre, and that in exchange for preserving 33.7 acres of open space west of Mapleton Road, the township agreed to increasing the density to 10 units per acre. He said the neighboring St. Joseph's Seminary supports the realignment, but does not support the condition imposed at June's meeting

requiring access from the proposed apartment complex (Villas at Tuscany, now called Barclay Square at Princeton) directly onto Seminary Drive. He said that the present intersection would be moved back from the Canal Park, locating it 940 feet from the canal. He said a proposed pathway system would start at the intersection of College Road and Seminary Drive and lead to the Canal Park, then along the east side of the canal to Kingston.

Mr. Wizeman, engineer for the realignment, said that the width of the intersection has been reduced by 20% from the original proposal. He said that wooden steel-backed guide rail would be installed, and that signal poles and curb returns would be colored. He said that stormwater runoff from the new intersection would drain to the basin in the proposed residential development. He showed photos of balloons located at 70 feet and 20 feet above the intersection (20 feet representing the top of the proposed traffic light). He noted that the balloon representing the top of the traffic signal was not visible from the Canal Park.

Mr. Orth commented on how the traffic study for this application was prepared. He said that his firm studied the existing traffic patterns and volume, and based future estimates by looking at proposed development that would be generating trips. He said that the intersection improvements would make the road safer for present and future traffic. He said that he felt that the realignment should have been in place for the last 11-12 years. He also said that the new intersection would not have a detrimental effect on Mapleton Road south of Seminary. He said that the new posted speed limit of 35 mph would slow traffic (it is currently 40 and 45 mph). Mr. Orth said that an access from the proposed apartment complex onto Seminary Drive would be unsafe because of the potential conflicts with existing drives on Seminary Drive.

Mr. Merrill presented the landscape plan for the realignment. He said that more sycamore trees would be planted to continue the existing allee, and that the pedestrian path would be moved to a more natural area, and be curvilinear. He said as many trees as possible would be saved, and that more native shade trees would be installed to screen the intersection from the Canal Park. He said that an earth berm would also be installed at the intersection.

Mr. Knights said that an interpretive sign regarding the history of Mapleton Road would be installed. Mr. Baker asked Mr. Orth whether he felt that the realignment would still be necessary if there were no new development; Mr. Orth replied in the affirmative.

Mr. Herzog asked whether there would be crosswalks from the apartment complex—Mr. Knights said there would be. Ms. Armstrong asked whether the path to the Canal Park would be paved. Mr. Knights said yes, that there was already an existing bituminous path. Mr. Amon said that the path is on a steep hill. Ms. Armstrong asked about the proposed lane widths for the new intersection. Mr. Orth replied that the lanes would be 13 feet, except for the left turn lane which would be 12 feet. Mr. Jessen asked whether the new realignment would be safer, and Mr. Orth replied that it would be, with regard to both serious accidents and fender benders. Mrs. Nash asked why a traffic signal couldn't be located at an access onto Seminary Drive. Mr. Orth replied that DOT has to approve signals based on traffic volume, and that this location would not be approved. Mrs. Nash asked about parking at the new path; Mr. Knights said he would work

with Mr. Amon on an access area at the South Brunswick path location. Mr. Amon said that there was no provision for parking at the area where the path would join the new intersection to the Canal Park. He said that the path would be gated to prohibit cars from going down it.

Mrs. Nash said she didn't agree with the Historic Preservation Officer's opinion that the current Mapleton Road was not of historic value. She felt that the original course of the road should be a dirt road for cyclists. Mr. Knights said that the abandoned road would be used by utilities.

Mr. Torpey asked the public for their comments. Ms. Barth said that the path should not be paved, and asked why there couldn't be an access road from the proposed apartment complex to College Road West. Mr. Hawkins cited the Commission's Regulations and said that adequate documentation had not been submitted. He further stated that in his opinion the DRCC could and should review the entire Nurseries development plan and its impacts, not just the housing project. Ms. Killmer said that the Commission was charged with protecting not only the Canal Park but the "context" of the park, and that Mapleton Road should remain a country road. Ms. Penney said that the comments by the public from May and June's meeting should apply to today's application. Mr. Weyl said that because this was a new application, public comments from the previous application would not apply. Ms. Penney then said that the Commission should deny the application because Mapleton Road was an historic and scenic road. Ms. O'Neil questioned Mr. Orth's traffic volume numbers with regard to decreased safety. Ms. Palius said that neither traffic nor stormwater runoff have been adequately addressed, and that the intersection was not necessary. Ms. Shapiro said that in 1979 this area was identified as the Princeton Nurseries Historic District. Mr. Dietrich also questioned the traffic report and asked what comments the Historic Preservation Office had regarding the intersection. Mr. Amon replied that the historian noted that the road had been moved twice—once in 1834, and again sometime in the late 19th century. Mr. Dietrich said that the intersection was currently very safe and doubted that it could be made safer. Ms. Renk said that water pollution would increase as a result of increased traffic. Mr. Ritchie said that the current proposal was basically the same as that presented in June, and that the proposed realignment would result in increased traffic which was in violation of the Commission's regulations. Ms. Mahoney said that according to the Commission's Master Plan the historic context of the park must be considered when reviewing projects. Ms. Zeman said that she supported denying both applications.

Mr. Torpey announced a break at 3:00; public comment resumed at 3:10 PM.

Ms. Foote Edelman spoke of the poetic nature of the Canal Park and how it would be adversely impacted by this project. Mr. Hwang read a letter from Mr. von Zumbusch who wrote that the number of people opposed to the project was a testament to the concern. He said that it was important to plan properly from a regional perspective. Mr. Alden expressed concern about details of the landscape plan, such as the proposed berm, and whether sycamore (London Plane) trees were native. He felt that the lanes in the proposed intersection were too wide. He also said that Mr. Orth had not adequately demonstrated why a traffic signal on Seminary Drive would not be approved by DOT. Ms. Smiley said that the Commission's regulations were designed for this type of proposal in the "A" Zone, and that the new application was not any different from the

former one. Mr. Kruimer said that the bike path should be 10-12 feet wide, and that the intersection should not be changed. Ms. Linder noted that photos of this area taken in winter were previously submitted and that the intersection would not be screened from the Canal Park by trees in winter.

Mr. Torpey then invited the applicants to respond to the public comment. Mr. Baker noted that the intersection was being moved from its present location which is 450 feet from the Canal Park to almost 1,000 feet from the park. He said that the application met all the requirements for approval according to the regulations, and that the Commission's decision should not be based upon passion of the moment.

Mr. Torpey then asked Mr. Amon to comment on the application. Mr. Amon asked Mr. Weyl about the scope of review of this project—whether the Commission should consider the entire development, including future office development, or whether the Commission should look at traffic impact from the design of the intersection by itself. Mr. Weyl said that the Commission's review authority was based upon only what is being presented, which includes the Executive Director's recommendation, the applicant's comments, and the public's comments. Mr. Amon noted that it was Mr. Weyl's recommendation that if the Commissioners feel the project does not meet the regulations, they should state for the record why it does not meet the regulations.

Mr. Amon then thanked the public for their concern. He reviewed the Commission's jurisdictional authority with regard to this application. He said that in his opinion the application conformed to the regulations with regard to stormwater management, stream corridor impact, visual impact and traffic impact, with the following conditions: 1) both Plainsboro and South Brunswick Townships place 4-ton load limits on Mapleton Road and Seminary Drive, 2) the final alignment of the recreational path is to be determined in the field with the approval of the Commission's Executive Director, 3) strict compliance with the Commission's Stream Corridor Regulation be waived to allow the driveway to enter as shown on the plan entitled "Driveways Plans and Profiles" prepared by Van Note-Harvey Associates, dated last revised 7/26/01, 4) the landscape plan be revised to include native plants and an increased density of plants to meet the approval of the Commission's Executive Director, 5) the proposed berm must meet the approval of the Commission's Executive Director, 6) the applicant agrees to improve the surface of the path on the east side of the canal between the existing driveway and Heathcote Brook, 7) the portion of Mapleton Road that is to be abandoned for the relocation of the new intersection is to be rebuilt to replicate an historic 19th century road which will incorporate a portion of the recreational path and will include an interpretive sign with information about the history of the road, details for the road and information for the sign to be supplied by the Commission's Executive Director, 8) the Commission's Executive Director will work with South Brunswick Township to develop traffic calming techniques for the portion of Mapleton that is in that municipality, and 9) the Commission's Executive Director will work with Princeton University to improve the path between the Canal Park and the Cook Natural Area. Mr. Herzog moved approval of the Mapleton Road/Seminary Drive Realignment with the conditions as stated by Mr. Amon; Mr. Jessen seconded the motion.

Ms. Armstrong suggested further conditions. She suggested removing the bituminous surface on the proposed path and designing the path by following the natural grade. Mr. Amon suggested revising this condition such that the Executive Director work with the Canal Park Superintendent on an appropriate surface for the path. Ms. Armstrong also requested that a condition be made requiring the applicant provide adequate documentation that demonstrates why the lanes must be 13 feet as opposed to 12 feet wide.

Mrs. Nash reiterated that she disagrees with the opinion of the Historic Preservation Office and would like to see more proof that the road has no historic value.

Mr. Weyl suggested that the following conditions be added to the approval: 1) a deed restriction be placed on Area #2 of Exhibit A2, along with the open space to be preserved west of Mapleton Road, 2) the Commission hold a conservation easement on the 1.4 acres that is to be given to St. Joseph's Seminary, and 3) the speed limits as suggested by Orth-Rogers be incorporated.

Mr. Herzog amended his motion to include the conditions suggested by Ms. Armstrong and Mr. Weyl, excluding the bike path widening. Mr. Jessen seconded the amended motion. Messrs. Herzog, Jessen, Marshall, Torpey, and Ms. Armstrong voted in favor of the motion; Mrs. Nash voted against. The motion passed.

Ms. Palus announced a meeting to be held on September 18th in Griggstown regarding stormwater management issues in the region.

Mr. Amon presented the following project for re-consideration:

00-2568A – Barclay Square at Princeton (formerly Villas at Tuscany) – Plainsboro Township

The Commission approved the project in June with the condition that access be re-located from Mapleton Road to Seminary Drive. The applicant is requesting the Commission to drop this condition from the approval. Mr. Weyl suggested that the Commission, should they approve removing the condition, add a condition requiring the applicant to withdraw their appeal. Mr. Herzog moved approving the withdrawal the condition of changing the access from Mapleton Road to Seminary Drive, conditioned upon the withdrawal of the appeal by the applicant; Mr. Marshall seconded the motion. Messrs. Herzog, Marshall, Torpey, Ms. Armstrong and Mrs. Nash voted in favor of the motion. The motion passed.

Mr. Weyl said that the Commission should re-vote after hearing comments from the public.

Mr. Dietrich said the decision on Barclay Square should be delayed until the landscape plan for the road realignment has been found to be acceptable. He said more research should be done on the history of Mapleton Road before the apartments are approved.

Mr. Amon replied that after walking that section of the Canal Park he concluded that the buildings would not be seen above the canopy of the trees next to the park.

Mr. Ritchie said that, with regard to the Commission's Traffic Impact Regulation, the Commission should require the applicant to provide alternative methods to direct traffic away from the Canal Park.

Mr. Herzog repeated the motion made previously; Mr. Marshall seconded it. Messrs. Herzog, Jessen, Marshall, Torpey, Ms. Armstrong and Mrs. Nash voted in favor of the motion. The motion passed.

Ms. Armstrong left the meeting at 4:30 PM.

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

97-2001 – Battle Monument Park Restoration – Trenton

Mr. Marshall suggested the Commission table action on this application until the Division of Parks and Forestry had a chance to review the plans.

01-2772 – Princeton Deliverance Church Porch Enclosure – Trenton

Mr. Amon said the applicant was proposing to enclose an existing porch and that it was not visible from the Canal Park. He recommended waiving the application from review. Mr. Jessen moved waiving the project from review, Mrs. Nash seconded the motion, and it passed unanimously.

00-2337B – Canal Walk Phase II – Franklin Township, Somerset County

Mr. Amon said the applicant was seeking approval for 131 residential units (Phase II) as part of an adult community development that has previously received General Development Approval from the Commission. Mr. Amon recommended that a condition of the approval be that work on the state-owned Weston Canal House be completed prior to issuance of all of the Certificates of Occupancy for Phase II. With that condition, Mr. Jessen moved approval of the application, Mrs. Nash seconded the motion, and it passed unanimously.

Mr. Amon presented an application for waiver from strict compliance of the Stream Corridor Impact Regulation:

01-2391E – Bristol-Myers Squibb Building A3 – Lawrence Township

Mr. Amon said that a retention pond presently exists on the BMS corporate campus, and by definition, is part of a DRCC-designated stream corridor. The applicant has requested that the pond be waived from strict compliance of the stream corridor regulation, because the project will not have an adverse impact upon the corridor's present ability to function as a buffer for the

stream's ecological health. Mr. Jessen moved waiving the project from strict compliance of the stream corridor impact regulation, Mr. Herzog seconded the motion, and it passed unanimously.

Mr. Amon then presented the following "B" Zone projects for approval:

- 00-2673 – Federal Point – Lawrence Township
- 01-2740 – Denow Road Extension – Hopewell Township
- 01-2978C – Firmenich Phase II Expansion – Plainsboro Township
- 01-2755 – Cabot Distribution Center – Cranbury Township
- 01-2736 – Stainless Place of New Jersey – Monroe Township
- 01-2742 – Stuart Country Day School – Princeton Township

Ms. Holms said that with regard to the Cabot Distribution Center the applicant was proposing a 1:1 buffer averaging for encroaching into the stream corridor. She recommended waiving strict compliance of the Stream Corridor Impact regulation for this project based upon the buffer averaging plan. Mr. Amon said that the projects conformed with the Commission's Stormwater Management and Stream Corridor Regulations and recommended approval. Mrs. Nash moved waiver of strict compliance of the Stream Corridor Impact Regulation for the Cabot Distribution Center, and approval of the "B" Zone projects. Mr. Jessen seconded the motion and it passed unanimously.

Mr. Amon announced that the date of the September meeting has been changed from September 19th to September 12th.

CANAL PARK SUPERINTENDENT'S REPORT

Ms. Williams reported that Rockingham was successfully moved. She said that the Canal Park has hired a bilingual ranger trainee.

The meeting adjourned at 4:45.

Respectfully submitted,

James C. Amon