

## MINUTES OF THE MEETING OF FEBRUARY 16, 2011

TIME: 10:00 a.m. – 11:05 a.m  
DATE: February 16, 2011  
PLACE: Canal Commission Office  
Stockton, New Jersey

### ATTENDING:

COMMISSIONERS: Vice Chairman Martin Jessen,  
Mr. John Loos, Mr. David Knights, Mayor Phyllis Marchand, Ms. Alison Mitchell  
and Ms. Donna Mahon

STAFF: Mr. Ernest Hahn and Ms. Ida Marie Engelhardt

GUESTS: Mr. Bill Bogosian, NJ Water Supply Authority  
Mr. Joe Shepherd, NJ Water Supply Authority  
Mr. Rich Goldman, DBR/ St. Vincent  
Mr. Peter Lanfrit, Lanfrit and Tullio  
Ms. Lena Barone, Maser Consulting  
Mr. Jon Vogel, Somerset Grand, LLC  
Mr. Steve Dalton, Giordano Law Firm  
Mr. Charles Engler, Friends of Spruce Run

The meeting opened at 10:05 a.m. Vice Chairman Martin 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.

### MINUTES OF THE MEETINGS OF DECEMBER 15, 2010 AND JANUARY 19, 2011

Mr. Loos moved approval of the minutes of the December 15, 2010 meeting and the January 19, 2011 meeting, and Mayor Marchand seconded the motion. It passed unanimously.

### REVIEW ZONE ACTIONS

There was discussion regarding the following "A" zone applications.

08-3608 Lakeside at Franklin, Franklin Township

Mr. Hahn explained, by way of background, that previously, the Commission had recommended approval of applicant's housing project, encompassing twenty-two houses, if municipal and county approvals were obtained. Before applicant obtained municipal approvals, the Commission's regulations were amended. These June 2009 amendments now regulated the Cedar Brook, which runs parallel to applicant's property and required applicant to comply with

applicant is not quite ready for the full development now, it must know that the project is feasible. He noted that once the parcel is dedicated, the applicant can not "go back." All pieces must be in order before the property can be dedicated and the entire process can take up to fifty years until the cemetery is fully developed. This development will occur in phases. He explained that this property belongs to the St. Joseph's Seminary and includes an existing cemetery. The property is designed as a garden cemetery, open to the public, with no high-rise mausoleums, only small, tasteful structures, set amid landscaping. Mr. Goldman noted that the advantage of this project is that it has been designed as an adaptive re-use of the facility. The property was zoned for office buildings and this type of construction would have been an option as the congregation no longer needed the facility. Mr. Goldman noted that instead of tearing down these wonderful structures, the applicant developed a plan to lease these structures to prep-schools. He noted that the American Boychoir School is about to sign a fifty-year lease and that Plainsboro has rezoned the property for educational use.

Mayor Marchand moved approval of all "A" Zone projects except 11-4099 Mapleton Road Sewage Improvements, Plainsboro Township. Mr. Loos seconded the motion and it passed unanimously.

11-4099 Mapleton Road Sewage Improvements, Plainsboro Township

Mr. Knights abstained from voting on this item.

Mayor Marchand moved approval of this project. Mr. Loos seconded the motion and it passed unanimously, with Mr. Knights abstaining.

There was discussion regarding the following "B" zone applications:

09-3767 New Westerly Road Church, Princeton Township

Ms. Mitchell asked staff to clarify the proposal pending before the Commission. Mr. Hahn explained that this project involved construction of an approximately 45,000 square foot worship center, with associated access roads, 278 parking spaces (including 52 banked spaces) and stormwater facilities. In total, the project encompasses approximately 3.1 acres of impervious surface. Mr. Hahn explained that the term "banked spaces" denotes parking spaces reserved for future use.

Mayor Marchand reiterated that an entirely new church and site was proposed. She noted that this project was initially very contentious, but that the applicant ultimately obtained all required municipal permits and approvals. She further stated that the policy of banking the 52 parking spaces was a good one.

Ms. Mahon asked if tree removal was an issue in this project. Mr. Hahn explained that because the property is not within a stream corridor, the Commission does not regulate this issue.

Mr. Loos moved approval of the "B" zone applications. Ms. Mitchell seconded the motion and it passed unanimously.

## EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on staff's monthly workload and incoming revenue. He noted that January was a busy month. The staff reviewed the twelve projects considered today, as well as six others which were deficient, issued four jurisdictional determinations and issued two General Permits. He noted a trend in which projects that had remained idle are now becoming active again with residential developers seeking approvals.

Mr. Hahn noted that in the Lock One Area, in Bordentown, there is a long term plan for a pedestrian bridge over the canal. This bridge would connect to a high-speed line. The Commission had originally budgeted \$500,000 for construction, but a bid was submitted for under \$300,000.

Ms. Loos asked for an update on the pedestrian bridge planned for Easton Avenue and JFK Boulevard. Mr. Hahn said this project was sent out to bid for design.

## NEW JERSEY WATER SUPPLY AUTHORITY REPORT

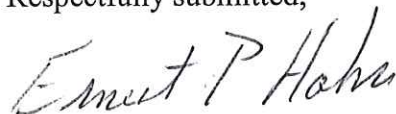
The NJWSA reported that its staff is working with their in-house maintenance crew to repair two breaches in the canal wall, both located between Stockton and Bulls Island. The larger of these breaches is twenty feet wide. NJWSA staff noted that these repairs are temporary in nature. Staff opined that these breaches are caused by a combination of the narrowness of the canal path and trees which are washed into the canal and strike the canal wall. Mr. Hahn praised the NJWSA staff for their diligent work. He noted that because of their location it is an arduous job to repair these breaches.

In response to a question by Mr. Jessen, NJWSA staff stated that they routinely cut down noticeably leaning trees along the canal path. In response to a question by Mr. Knights regarding patrol policy, NJWSA staff stated that the authority routinely patrols the canal path in vehicles to check for trees that should be cut down.

Ms. Mitchell thanked the NJWSA for previously repairing a damaged railing on the canal path south of Stockton.

Mr. Loos moved to enter into Executive Session for the purpose of discussing personnel matters. Ms. Mitchell seconded the motion and it passed unanimously. The Commission entered into Executive Session at 10:45 a.m. At 11:05 a.m. the Commission returned to the Public Meeting and adjourned.

Respectfully submitted,



Ernest P. Hahn  
Secretary