

**October 21, 2015 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.

DATE: October 21, 2015

PLACE: D&R Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Vice Chairman John Loos, Commissioner Julia Cobb Allen,
Commissioner Bruce Stout, Commissioner Mary Leck,
Commissioner Phil Lubitz, Commissioner Texel

STAFF: Executive Director Marlene Dooley,
Deputy Attorney General Melissa Abatemarco,
Ms. Colleen Christie Maloney

GUESTS: Superintendent Patricia Kalleser; Mr. Joseph Shepherd, NJWSA; Mrs. Linda Barth, Canal Watch; Mr. Robert Barth, D&R Canal Watch; Mr. Brian Strizki, JMT; Ms. Tina Shutz, NJDOT; Mr. Omar Hameed, NJDOT; Ms. Dana Hecht, NJDOT; Mr. Rich Goldman, Drinker Biddle; Mr. Matt Witters, Eustace Engineering; Mr. Jim Bash, Dynamic Engineering; Mr. John Vincenti, JV Engineering; Mr. Dipal Patel, Raajipo, LLC; Mr. Artie Bifulco, Matrix; Mr. Patrick Carroll, Carroll Associates; Mr. William Passodelis and Mr. Mario Cutugeo, Princeton Abbey and Cemetery.

Vice Chairman Loos announced that this was a regularly scheduled meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met in the scheduling of the meeting.

Administrative Items

Vice Chairman Loos confirmed that next month's commission meeting date is November 18, 2015. He noted he would not be in attendance at the meeting.

Minutes of the Meeting

Vice Chairman Loos noted that the commission was advised that commissioners can vote on minutes if they were not in attendance, provided they read the minutes before the vote.

Minutes of the August 19, 2015 Meeting

Vice Chairman Loos asked for comments or corrections on the minutes. Hearing none, Vice Chairman Loos asked for a motion on the minutes. Commissioner Stout motioned to approve the minutes and Commissioner Leck seconded the motion. The minutes were approved unanimously.

Minutes of the September 16, 2015 Meeting

Vice Chairman Loos asked for comments or corrections on the minutes. Commissioner Lubitz noted a correction on page 10. The reference to Horseshoe Bend Preserve was corrected with a reference to the state-owned Kappus and Dotoli properties.

Commissioner Texel moved to approve the corrected minutes and Commissioner Stout seconded the motion. The minutes were approved unanimously.

Review Zone A Projects

Vice Chairman Loos asked Director Dooley to describe the projects.

15-4300A 81 Clinton Street Addition (Lambertville)

Director Dooley described the project, a one-story addition to a home which is adjacent to the D&R Canal State park. Vice Chairman Loos asked for comment from the commission and the public. Hearing none, he asked for a motion. Commissioner Stout moved to approve the project and Commissioner Lubitz seconded the motion. The project was approved unanimously.

15-4774 2 Stockton Sergeantsville Rd Shed (Stockton)

Director Dooley described the project, a shed in the rear of the property. The entire property is within a stream corridor and a waiver was recommended to give the property owner a reasonable use of the yard. Vice Chairman Loos asked for comment from the commission and the public. Hearing none, he asked for a motion. Commissioner Lubitz moved to approve the project and Commissioner Stout seconded the motion. The project was approved unanimously.

15-4096C Phase 1 – Princeton Abbey and Cemetery (Plainsboro Twp)

Director Dooley gave a brief history of the project and project site, including that, in 2011, the commission approved a subdivision, an educational campus and a cemetery zone for the St. Joseph's Seminary 40-acre site. That approval included identifying a stream corridor. Located in Commission Review Zones A and B, the project is subject to visual and stormwater impact. Phase I of a multiphase project includes two garden mausoleums, lawn parking, and approximately 2,500 grave sites. Stormwater will be managed by two rain gardens.

Mr. Goldman, attorney for the applicant spoke about the history of the site, including that it had been owned by the Congregation of St. Vincent DePaul, and operated as St. Joseph's Seminary for 100 or so years. The property was originally zoned as office and commercial similar to nearby Forrestal Center. The congregation changed the zoning from office and commercial use to an educational campus and cemetery use. He noted that a cemetery for brothers of the congregation is located on the site and that several non-profit educational entities have occupied the educational portion of the site. He noted that in 2011, the commission approved a site plan for the educational campus and cemetery zone and put land in easement off the property, adjacent to the canal. A 400-foot setback was established for the school campus to preserve the character of the site. He noted that the municipality of Plainsboro approved the cemetery project.

Mr. Goldman described the current project, Phase 1 of a multiphase plan spanning over 50 years, which will involve very little traffic. This start up phase would be approximately 5 years, involving sales and little building beyond the two mausoleums. Mr. Goldman described the chapel and its use on the adjacent site.

Mr. Passodelis noted the long time horizon of the project. He discussed grading and

planting. He noted that there is an overall campus master plan and the Phase 1 mausoleums would be blocked by the existing education buildings from the view of the park.

Vice Chairman Loos noted there is a bald eagle nest in this area. There was discussion regarding the location of the eagle's nest, maintenance of large trees on the project site and the buffer provided by the easement area buffer.

Mr. Carroll noted that the landscape plan preserves as many the mature trees as possible and that that the grave markers will be both flush mounted and raised. He described the evergreens planted for screening and that drainage would be managed by two rain gardens. Mr. Witters described the rain gardens and the low stone wall with potential cremation niches. Mr. Goldman noted that the colors and materials of the mausoleums replicate the existing education building. Mr. Goldman noted the project is designed to be a park-like setting, yet economically useful to the applicant.

Commissioner Texel asked about the setback of Phase 1 from the park. Mr. Witters noted all work would be at least 500 feet from the park. Commissioner Leck, Mr. Goldman and Mr. Carroll discussed a mix of native and non-native plantings, which would be similar to the existing plantings on the campus.

Commissioner Stout noted that although he would support the Phase 1 plan, it would not mean he supports subsequent phases which are closer to the park. Mr. Witters noted that it is understood that all phases of the cemetery will require review by the commission.

Mr. von Zumbusch commented that the preservation approach is well done. He noted that the chapel on the property is extraordinary and worth a visit. He stated that he has no problem with Phase 1, but would have problems Phase 2, which would include work closer to Mapleton Road and the canal. He noted that, with reference to the discussion about native and non-native plantings, the seminary had a relationship with Princeton Nurseries, and early on, many of the trees at Princeton Nurseries were non-native. The project's plan for a mix of trees makes sense.

Mr. Barth asked for clarification about the stream corridor easement location. Mr. Goldman showed the 2011 easement on a map, between Mapleton Road and the canal. There was discussion about a small grotto which is located within the easement area. Mr. Goldman noted that the grotto would remain.

Vice Chairman Loos called for a motion on the project. Commissioner Lubitz motioned to approve the project; Commissioner Leck seconded the motion. The project, Phase 1, was approved unanimously.

Zone B Projects

Commissioner Lubitz noted one engineer listed in the Zone B staff reports is a Kingwood Township engineer and he asked if he could vote on the project. DAG Abatamarco noted he could if he felt he could make an impartial vote. Commissioner Lubitz stated that he could make an impartial vote.

15-4691 Lafayette Avenue Subdivision (Ewing Twp)

Director Dooley described the project, which involves reconfiguring two lots into three lots and the construction of three homes and an access road. The property drains to the canal, and therefore the applicant will treat stormwater with an infiltration basin to 95% TSS removal.

15-4166D Matrix Corporate Center Campus Building F (Monroe Twp)

Director Dooley described the project, which includes expansion of parking and a building at this corporate campus and repairs to parking areas. An above-ground infiltration basin will provide stormwater management.

15-4766 Raajipo Residential Subdivision (Robbinsville)

Director Dooley described the project, which includes a large residential development. Two surface wet ponds will provide stormwater management.

15-4692 Kiddie Academy at Raider Boulevard (Hillsborough Twp)

Director Dooley described the project, which involves construction of a daycare facility with associated improvements. Stormwater will be managed with an underground detention basin and porous pavement.

15-2917A Sharbell Commercial Development (Plainsboro Twp)

Director Dooley described the project, which is part of the Village Center development. The project includes construction of a commercial building for use by several tenants, with associated site improvements. Stormwater will be managed by new and existing facilities.

15-2430D Hampton Inn and Day Care (Cranbury Twp)

Director Dooley described the project, which includes construction of a hotel and daycare center with associated improvements. A commission stream corridor was previously delineated and preserved on the property. The current project does not intrude into the stream corridor. Stormwater management will be provided by an above-ground infiltration basin.

Vice Chairman Loos called for comment from the commission and then the public. Mr. Barth and Ms. Dooley discussed the use and maintenance of porous pavement on projects, including the Kiddie Academy project.

Vice Chairman Loos called for a motion. Commissioner Texel moved to approve the Zone B projects. Commissioner Stout seconded the motion. The projects were approved unanimously.

Carried Forward from Previous Meeting:

15-4736 Route 518 Bridge Replacement (Franklin Twp)

Vice Chairman Loos stated that the commission would now further consider the Route 518 Bridge Replacement project. Ms. Hecht, NJDOT, reintroduced her team, including

Mr. Hameed, Ms. Shutz, and Mr. Strizki. She noted the bridge must be replaced and there were concerns discussed at the last commission meeting about replacement of a timber deck with a concrete deck, which is designed to the AASHTO standards. The commission asked that the applicant address mitigation measures to keep the character of the area, such as creating a wood sidewalk, tinting and stamping the concrete deck, addressing the railing materials, and installation of a signalized crosswalk.

Ms. Hecht noted that Route 518 is a county route and the DOT does not have jurisdiction over a county route. The county is agreeable to pedestrian signs at the crosswalk, but, Ms. Hecht stated, the county would not agree to a signalized crosswalk and the maintaining of the pedestrian signals. Ms. Hecht noted that a warrant analysis concluded that the thresholds were met to allow a pedestrian crosswalk in this area.

Ms. Hecht noted that there would not be a timber sidewalk, but DOT would provide a stamping and tinting of the concrete to look like wood. The deck of bridge cannot be stamped due to the way it is constructed. The deck concrete would be tinted. The commission will have a choice of colors for the sidewalk and deck.

Mr. Strizki noted that rails must be AASHTO crash tested. For timber railings, a couple of wood railing systems exist, but there is not an approved timber system for this kind of bridge.

Regarding the commission's request that the applicant explore stamping the deck of the bridge to give a wood-like appearance, Mr. Strizki noted that DOT found it is not feasible. When the deck is constructed, the concrete sets quickly and it can not be stamped. He had looked across the country to find an example of a stamped deck, and found none.

Mr. Strizki noted that timber sidewalks are an issue for drainage, due to the concrete bridge deck and curb. Photographs were shared by the applicant which illustrated different colors and stamping patterns for the sidewalk. Mr. Strizki noted that a test section would be poured prior to actual construction.

Commissioner Texel noted he was unable to attend last month. He asked for clarification about AASHTO specifications for timber bridges. Mr. Strizki noted that AASHTO would require that the timber be covered with asphalt. Commissioner Texel asked if the bridge is listed as a state registered historic structure. Mr. von Zumbusch noted that the whole canal is on the National Register, and that includes the bridges within the park. Commissioner Texel asked if SHPO would offer professional comment that there could, perhaps, be an allowance for a substitute material for such a historic bridge. Vice Chairman Loos noted there is a provision at the federal level which would allow an exemption for environmental, scenic or historic value. Mr. Strizki noted that such a provision would not be allowed because of safety issues, in this case the need for skid resistance.

Commissioner Texel asked if all 23 timber park bridges would be changed to concrete. Those bridges would not have the quarry traffic or great number of average daily traffic. Ms. Hecht noted the urgency to address the Route 518 bridge and that, as discussed at the

previous meeting, the DOT agreed to work with the commission in a working group to set up protocols for future bridge replacements and that each case would be looked at individually.

Commissioner Texel noted that SHPO should be included in that working group and that switching timber out on park bridges might set a precedent and one could lose the entire fabric or history of the canal based on such a decision, which is based on safety concerns. Ms. Hecht noted that she found that the commission indicated last month it would prefer a tinted concrete bridge deck over a timber plank covered with asphalt. Commissioner Lubitz noted that the proximity to Trap Rock and truck traffic make this bridge different from other canal bridges. Mr. Strizki noted that the bridges with asphalt over timber are in horrible shape.

Vice Chairman Loos discussed the site-specific difficulties of speed and a hill near the Route 518 bridge. Mr. Strizki noted that the traffic count showed a lot of trucks at peak time.

Commissioner Stout asked for clarification about the pedestrian activated lighted crosswalk, and the applicant's statement that it could not be signalized. Ms. Hecht noted that the county stated it will not and cannot maintain a lighted crosswalk. Executive Director Dooley noted she had spoken with the county engineer just before the meeting and regarding the working group or task force to discuss these issues. Also, Executive Director Dooley thought the county might be concerned about setting a precedent for a signalized crosswalk in a mid-block location throughout the county or park. Director Dooley suggested going back to the county to discuss the situation.

Ms. Hecht spoke with the county's public works director who indicated they do not have the ability to maintain the signalized crosswalk preferred by the commission. Ms. Hecht noted that DOT agrees to install the crosswalk but not maintain it. Director Dooley noted that the approval could be conditioned upon DOT funding the initial cost or installing the crosswalk and Somerset County's agreement to maintain it.

Commissioner Lubitz indicated that if it is in the county's best interest to have the bridge repaired, they might reconsider their decision to maintain such a crosswalk. Vice Chairman Loos offered that ownership of the signal could be designated to the DOT. Vice Chairman Loos suggested that the county deed the land where the crosswalk signal is located to the state for their maintenance, such as in Franklin Township, where the area of bridge footings were to be deeded to the state. He suggested this condition for the approval, which would need Somerset County's agreement to do so.

Commissioner Texel noted that timber planking is preferred. Mr. Strizki noted that timber decks can be considered if the ADT is under 750, an entrance into a park, for example. Commissioner Texel noted that the timber decks could be easily lost for all time with the planned bridge replacements.

Commissioner Leck inquired about the projected longevity of the proposed bridge. The current bridge was built in approximately 1950. Mr. Strizki noted that the proposed bridge is to have an expected life of 75 to 100 years.

Mrs. Barth asked if the guide rails can be made of wood and backed with something stronger and if the railings over the bridge be made like this. Mr. Strizki noted that all railing systems must be crash tested.

Mrs. Barth further discussed using timber planks. She asked if timber plank-like rectangular prisms of concrete could be used. Mr. Strizki noted that such a construction would create joints, which allow water infiltration. He pointed out that the proposed bridge will be constructed as a continuous pour, with no joints on the deck.

Commissioner Leck asked about the impact of salt on the concrete. Mr. Strizki noted that the concrete is a very high strength and made to resist the salt.

Mr. von Zumbusch discussed the AASHTO standards, that the existing design features are acting in a satisfactory manner, and that he wished to see accident history analysis rates on timber decked bridges. He noted that the commission has not been able to see the final drawings. Nor has SHPO had a chance review this. The design needs to be finished before it comes to the commission. He noted that during his participation in creating the Historic and Recreational Development Plan for the park, DOT recommended that one would never put asphalt on timber bridges. He noted that issues need to be resolved before approving the project. He noted the need for safety and possibility that a concrete deck may be required, but there should be a way to drain a wood sidewalk.

Ms. Shutz stated that SHPO is okay with the project and has closed the issue out. She noted that if there are changes to the project, by the commission for instance, the project would need to go back to SHPO. SHPO found that the bridge is not a contributing element and not a historic bridge. She further discussed a meeting with SHPO staff that previous Monday. There was discussion about the location of the bridge in the past and a swing bridge which was changed to a fixed bridge.

Commissioner Texel asked for clarification about the age of the bridge and SHPO's finding. Ms. Dooley noted that she was not clear that SHPO had made a final determination. But, she noted that the commission has separate regulations for visual impact and the Master Plan for the park.

Commissioner Texel asked why a timber sidewalk could not be constructed. Commissioner Lubitz asked for clarification. Mr. Strizki noted there are drainage issues. Water cannot drain through the concrete deck. Commissioner Stout asked if drainage could not be run off the side of the bridge. Ms. Hecht noted that maintenance and resources are of concern, with consideration of timber versus concrete. She believes that the DOT has come in good faith with the intention to balance the needs of public and resources, and meet the visual component requested by the commission.

Mr. Barth noted he understands the bridge must be replaced, but why not rebuild what is there, and replace and repair as needed? By changing the existing features of the bridge, one is throwing away the historic character. He disagrees with SHPO's finding that the bridge is not historic, and noted it is on the historic register, and has contributing aspects

to the canal's history. He stated that there should be mitigation if historic character is lost from the site. Striping and signing all crossings would be an example of mitigation. He suggested white railings with wood and added safety factors. He would prefer a swing bridge to replace the existing bridge.

Mr. von Zumbusch noted that Mercer County has allowed signalization on crosswalks at busy intersections, and it is worth going back to Somerset County to discuss the proposed crosswalk at this location.

Commissioner Lubitz and Ms. Hecht discussed maintenance costs of the current walkway on the bridge versus a wood walkway on the bridge.

Ms. Shutz noted that DOT is going to follow the AASHTO standards. They do not want to incur the liability of doing the timber bridge on this structure, given the amount of trucks and volume of traffic. As well, the DOT would not consider a timber bridge without asphalt overlay.

Commissioner Stout noted that he found the applicants to be dismissive of the concerns of the commission and its request for a wooden walkway. Ms. Hecht noted that during the past month DOT staff have looked at these issues and apologized if there is an appearance of being dismissive. The DOT wishes to move forward with the Route 518 bridge replacement project and feels that they have met the request by offering the timber-look walkway that preserves the character, and balances the needs of the commission and the DOT's needs for future resource use. Commissioner Stout discussed adjusting the design to drain a wood walkway. Mr. Strizki and Ms. Hecht noted that the DOT must be concerned with ADA compliance. Ms. Hecht noted there is no leeway with the federal ADA requirements and the FHWA allows no exceptions. Commissioner Texel noted projects in other states in which leeway may have been allowed. He noted that the commission should ask SHPO to explain the ADA piece of projects. Commissioner Lubitz noted that new bridges in parks are wood and presumably ADA compliant.

Vice Chairman Loos called for a motion on the project. Commissioner Lubitz motioned to approve the project with conditions that a pedestrian-activated signalized crosswalk is included, and also a wooden sidewalk, a tinted deck close to the existing wood color with the Executive Director making a final determination, and that this approval has no bearing or precedence over future canal park bridge replacements. Commissioner Stout seconded the motion.

Vice Chairman Loos asked for further comment from the commission and the public. Mr. von Zumbusch asked for confirmation the motion included the wooden sidewalk. Vice Chairman Loos said yes. Ms. Shutz asked the commission what would be the process if they cannot construct the signalized crosswalk or the timber deck. Vice Chairman Loos noted they would need to come back for review by the commission. Vice Chairman Loos clarified that the railings will be constructed as noted on the plans. Vice Chairman Loos noted the commission and citizens need to contact Somerset County officials and freeholders to support the pedestrian-activated signalized crosswalk. Commissioner Stout asked how long the project will take. Mr. Strizki noted the road

would be closed for 22 days. Vice Chairman Loos called for a vote. The motion was approved unanimously.

Vice Chairman Loos thanked the DOT for their participation in the process.

Executive Director's Report

Director Dooley provided and commented upon the monthly work tally. She presented a fiscal report, and there was a discussion about indirect costs, staffing, rent and ownership of the office, carry forward, and budget.

The director noted there had been an appeal made by objectors of the PSEG Ridge Road Substation project.

Director Dooley noted the commission had not received a response from PennEast to the Commission's letter. She described the option to become an "intervener" in the PennEast pipeline/FERC matter. Commission Lubitz motioned to have the commission apply to become an intervener and Commissioner Stout seconded the motion. It was approved unanimously.

Director Dooley reported on the letter sent to Douglas Palmer.

Director Dooley began mailing letters to municipalities informing them of their obligation to inform potential applicants to contact the commission regarding project review.

Park Superintendent's Report

Superintendent Kalleser noted that the Skylands magazine featured information on the Millstone Byway. She noted there were many events taking place within the park, it is hunting season, farm lease auctions would be held in the next month, there was a meeting to discuss extending the multi-use trail up to Milford upon the Black River and Western Railroad property, and the park received a trails grant with which they would purchase four bicycles to patrol and interpret along the park. Vice Chairman Loos and the superintendent discussed the age of the deck and boat launch at the Griggstown Canal Tender's House. Mrs. Barth asked about the BR&W Railroad running a line to Lambertville. There was discussion about the potential of a train ride in Lambertville.

NJ Water Supply Authority Report

Mr. Shepherd noted that maintenance dredging near Whitehead Road resulted in 1,200 cubic yards of sediment and divers will be inspecting the waste gate and Carnegie Lake aqueduct. In response to a question, Mr. Shepherd noted the dredging project may occur in 2017. Vice Chairman Loos encouraged the commission to review the NJWSA annual report.

Old Business

Vice Chairman Loos commented on the CD featuring Mr. Jim Amon speaking at a Canal Watch function.

New Business

Director Dooley outlined her recent conversations with Department staff regarding Bulls Island and the possible timing of future applications. Commissioner Texel commented that one new idea explored included new access to the north end of the island. He noted the DEP would like to get the plan before the commission again. Also, the idea would be to put multiple ideas out to stakeholders for a 60-day review period, and have a public meeting, before the end of the 60-day comment period. At the same time, commissioners could go out to the site with professional staff to discuss the proposal. The idea would be to get the project approval by April. Demolition of existing infrastructure, already approved by the commission, would take place in the spring. Commissioner Texel noted that the issues of risk and liability would need to be addressed. The plan is to make progress so the superintendent can manage resources. The DEP would reach out to stakeholder groups, such as municipalities and environmental groups.

Public Comment

Mr. von Zumbusch commented on Bulls Island, noting access along the canal to get to the head of the island is the most important. Also, all the floodplain areas along the Millstone Valley would have the same tree situation and one would not want to close the whole park. Regarding wooden bridges, DOT needs to consider maintenance of existing vehicular bridges and the need for repair. He noted many of the wooden railings have been switched to metal railings, at least along the feeder canal. Also, he suggested that the DOT keep and maintain those which are wood. The visual aspect of the park is tied together by the structures, including bridges and canal houses.

Mr. von Zumbusch noted that the November 10, 2015, Kingston Fire House lecture on the Kingston Quarry is postponed until the spring as Trap Rock's representative is not available. In its place, a lecture, Kingston: Crossroads of the Revolution, will be featured.

There was discussion of the make-up of the task force or working group to review future bridge repairs and replacements. Director Dooley suggested that the commission send a letter to potential participants to organize the group. Vice Chairman Loos asked the Executive Director to begin the process. The following entities for inclusion in the work group were named: D&R Canal Commission, DOT, Parks, SHPO, Somerset County Engineer Office, Mercer County, Franklin Township, D&R Canal Watch, and members of the advisory committee, and potentially NJWSA.

Commissioner Texel moved to create the canal bridge replacement taskforce including those entities and individuals named above. Commissioner Lubitz seconded the motion. It was approved unanimously.

Mr. Barth asked if there was a list of projects from which the commission might choose should mitigation be required for a project when the commission cannot control what is going on, but has an opportunity to improve the park. Vice Chairman Loos noted that there is not, and mitigation is made on a case by case basis. He noted that crossings are a priority. Director Dooley agreed, there is not a specific list, but that mitigation is to be in close proximity to the project, and that park access and parking areas are priorities as well. Superintendent Kalleser noted that parks staff creates a capitol project list

annually. Vice Chairman Loos asked for a copy of it.

Executive Session

There was no executive session.

Adjournment

Vice Chairman Loos noted he would entertain a motion to adjourn the meeting. Commissioner Texel motioned to adjourn and Commissioner Leck seconded the motion. The motion was approved unanimously. The meeting adjourned at 12:30 p.m.

Respectfully submitted,



Marlene Dooley
Secretary

