



**April 30, 2021 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: April 30, 2021
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout; Deputy Director of Parks and Forestry Robin Madden, designee for Acting Commissioner Shawn LaTourette; Commissioner Phillip Lubitz; Commissioner John Reiser; Commissioner Douglas Palmer; Commissioner Chris Shoffner; all participated via online platform and teleconference.

STAFF: Executive Director John Hutchison and Ms. Colleen Maloney were present in the Commission conference room; Commission Engineer Joseph Ruggeri and Deputy Attorney General Jason Kane participated via online platform and teleconference.

GUESTS: Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Mike Sellar, NJWSA; Linda Barth, D&R Canal Watch; Robert Barth, D&R Canal Watch; Thomas O'Shea, Van Note-Harvey Associates; Karen Jeziorny, Director of Public Affairs Princeton University; Kirsten Calabro; Jay Kruse; Andy Grover; Jim Majewski; William Barish; Keith Harmis; Jeffrey K. Graydon; Mike Jeitner; Ricki Massand; Ethel Chan; and Beth Kenderdine.

Vice-Chairman Stout announced that this was a monthly meeting of the Delaware and Raritan Canal Commission and that the provisions of the "Senator Byron Baer Open Public Meetings Act" (OPMA) had been complied with in the scheduling of the meeting.

Vice-Chairman Stout announced that the meeting was being taped pursuant to the exception set forth at Section C.(1) of DEP Policy & Procedure 2.85 "Prohibition of Recording in the Workplace" Policy adopted on September 18, 2019.

Administrative Items

Since Commission members were participating via telephonic device pursuant to Article III, Section 4 of the Commission Bylaws, Vice-Chairman Stout directed the Executive Director to call the roll.

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Vice-Chairman Stout	Present
Deputy Director Madden	Present
Commissioner Reiser	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Present
Commissioner Palmer	Present

Vice-Chairman Stout confirmed the May 19, 2021 meeting date.

Minutes

Vice-Chairman Stout inquired if Commissioners had any comments with respect to the March 17, 2021 meeting minutes. Hearing none, he called for a motion to approve the minutes as prepared by the staff. Commissioner Lubitz moved to approve the minutes as submitted, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout directed Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Deputy Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The minutes were approved.

Review Zone Projects

Zone A Projects

Director Hutchison stated that agenda item 20-2091N NJAW Canal Road Treatment Plant would not be considered for vote as the applicant was unable to secure the required municipal approval pursuant to N.J.A.C. 7:45-3.2.

The Vice-Chairman stated the Commission would consider the following three Zone A projects:

#20-0724A	65 Wilson Street -- Proposed Residential Development (Lambertville City)
#21-5675	135 West Hanover Street -- Drainage Improvements (Trenton City)
#21-5683	55 Lambert Lane -- Proposed Residence Addition (Lambertville City)

The Vice-Chairman requested a motion on the three Zone A projects. Commissioner Lubitz moved to approve the three projects, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout asked for comments and questions from the Commissioners and then the public. Hearing none, he asked the Director to call the roll:

Vice-Chairman Stout	Yes
Deputy Director Madden	Yes

Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Zone B Projects

Vice-Chairman Stout asked the Commissioners if they required any of the eight Zone B projects to be considered separately. Commissioner Lubitz asked for a briefing on the two Princeton University projects before voting on them.

Vice-Chairman Stout requested a motion on the following six Zone B projects:

- #20-2945D Hightstown High School -- Tennis Courts & Site Work (Hightstown Borough/East Windsor Township)
- #20-5611 The Regency at Cranbury -- Proposed Adult Community (Cranbury Township)
- #20-5629 Proposed McDonald's Restaurant Reconstruction (East Windsor Township)
- #20-5637 Cranbury Road Sidewalk Construction (West Windsor Township)
- #20-5557 Madadi Retail Center Redevelopment (East Windsor Township/Hightstown Borough)
- #21-5665 29 Pleasant Valley Harbourton Road -- Proposed Residence (Hopewell Township)

Commissioner Lubitz made a motion to approve the projects, which was seconded by Commissioner Reiser. Vice-Chairman Stout asked for comments and questions from the Commissioners and then the public. Hearing none, he asked the Director to call the roll:

Vice-Chairman Stout	Yes
Deputy Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Vice-Chairman Stout asked Director Hutchison and Commission Engineer Joseph Ruggeri to brief the Commission on the remaining two Zone B projects:

- #21-2441FF Princeton University -- Soccer Stadium and Practice Field (Municipality of Princeton)
- #21-2441GG Princeton University -- Practice Facility at Springdale Golf Club (Municipality of Princeton)

Mr. Ruggeri stated that Princeton University has several projects underway and within the Review Zone at both the existing (East) university campus within the Municipality of Princeton, but also at the site of the proposed campus expansion in West Windsor Township. He noted that while the university has a larger development plan which integrates multiple projects, the projects are submitted to the Commission for review individually.

Commissioner Lubitz asked if the projects are reviewed with consideration to an increase in traffic from each individual project or if the traffic increase is reviewed collectively from all the projects. Mr. Ruggeri stated that the university has an overall traffic study, and that the traffic impact of each project is reviewed by the Commission pursuant to N.J.A.C. 7:45-11. Director Hutchison added the university submitted a traffic study for the East Campus, and, as each project is reviewed, staff refers to the larger study and extracts the relevant information necessary to determine compliance with respect to each individual project. The Director offered to share the comprehensive traffic study with the Commissioners who are interested in the overall traffic impact of the campus expansion projects.

Commissioner Lubitz asked if there was concern that Princeton University's projects would result in traffic impacts on Washington Road from Nassau Street to U.S. Highway Route 1. Mr. O'Shea, a consultant for the applicant, responded that the soccer stadium project which is under consideration at this meeting was a relocation of an existing stadium that would be displaced by the construction of a new residential college, which was approved by the Commission in 2020 (See DRCC #19-2441U). Mr. O'Shea further noted that the proposed stadium was an on-campus use that would not increase regional traffic.

Mr. O'Shea stated that the Princeton University East Campus projects, including the East Campus Garage, the relocated soccer stadium, and the TIGER & Athletic Operation project, which is a geo-exchange project currently under review by the Commission, can demonstrate compliance with the Commission's traffic impact requirements. He noted that the university-commissioned traffic study indicated there was an improvement in traffic conditions resulting from the development of Stadium Drive, which assists travel to and from the parking areas. He also noted that the East Campus Parking Garage project served to consolidate surface parking on campus, and did not add much additional parking.

With reference to the second Princeton University project on the meeting agenda, Mr. O'Shea stated that the Springdale Golf Course project area is a grass area converted to practice facilities, including pitching, putting greens, and sand traps, and that it is designed to meet Commission stormwater compliance.

Mr. O'Shea stated that the university views the Commission as partner when these projects are brought before the Commission. Director Hutchison observed that Princeton University Director of Public Affairs Karen Jezierny wished to comment. Ms. Jezierny stated that the university appreciated the Commission's guidance in moving the Princeton University projects forward. Commissioner Lubitz thanked the university for presenting the projects to the Commission.

Vice-Chairman Stout requested a motion on the two Princeton University projects. Commissioner Lubitz moved to approve the projects, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout asked for comments and questions from the Commissioners and then the public.

Mr. Massand stated his concern that the lighting proposed for the university soccer stadium could impact the serenity of the area, and asked if the lighting could affect migrating birds and wildlife. Director Hutchison noted for the benefit of the Commissioners and members of the public that he and Mr. Massand had corresponded previously on this subject. The Director noted that he communicated to Mr. Massand that the soccer stadium project was located in Commission Review Zone B; therefore, the scope of the Commission's review did not include an examination of the potential visual, historic, and natural quality impacts of the project. Thus, the issues Mr. Massand raised regarding the lighting height, illumination, and the height of the building itself were not subject to the Commission's jurisdiction.

Vice-Chairman Stout asked for further comments. Hearing none, he asked the Director to call the roll:

Vice-Chairman Stout	Yes
Deputy Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Executive Director's Report:

Director Hutchison reported on the staff workload for the period encompassing March 17 to April 28. In addition to the 11 projects listed on the meeting agenda, the staff completed: 39 deficient staff reports issued; 15 jurisdictional determinations; 11 certificates of approval issued; and 6 general permits. In addition to the preparation of the above documents, staff organized 22 pre-application meetings for proposed projects, which, like last month was an indication of a significant ongoing workload. In addition, 48 active projects were undergoing review as of the date of the Commission meeting.

The Director reported that deposits for the month totaled \$66,700, and that total deposits for Fiscal Year 2021, which began on October 1, 2020, stood at \$456,363. Mr. Hutchison noted that the Commission had met and exceeded its \$450,000 anticipated appropriation amount for the truncated 2021 fiscal year. He observed that an anecdotal analysis of the fee collections indicated that fees revenues remained robust due to the number of pending warehouse development projects, as well as an increase in the number of residential developments being proposed to satisfy municipal affordable housing obligations.

The Director reported that on April 19, 2021 the Governor nominated Alana C. Burman, resident of the City of Trenton, to the vacancy on the Commission occasioned by the resignation of Robert Bostock. Her nomination was received and referred to the Senate Judiciary Committee, the Director noted, which was the first step in obtaining the advice and consent of the State Senate to the nomination. If

confirmed, the Commission would have six public members in addition to the Acting-Commissioner's designee.

Mr. Hutchison noted that on April 6 he was informed by the DEP Office of Information Technology (DEP/OIT) that Microsoft Corporation was discontinuing the Skype for Business online platform in May. Therefore, OIT moved all DEP program units into the Microsoft Teams platform ahead of that deadline. From a functionality standpoint, the Director stated that he was assured that all the Skype for Business meetings features would remain available in MS Teams meetings, and that there was additional functionality under Teams that Skype lacked. The same type of meeting information would be added to the invitation, and it can be copied/pasted and forwarded just like the Skype for Business meeting information. Public users could still join as guests using the web client or through a telephone conference line.

The Director was pleased to inform the Commissioners that Hawley Brothers Construction completed the siding repairs and window replacement project for the exterior of the Commission office. In the course of replacing exterior siding a significant area of insect damage was discovered in the portion of the office that rests on posts adjacent to the conference room compromising the existing floor and making it impossible to nail new exterior siding to the building. Fortunately, the necessary repairs were accomplished through a change order to the existing repair project at an additional cost of \$6,500. The Director publicly thanked Mr. White from the DEP Office of Resource Development for administering the project, along with Richard Lees and David Clark from Ronald Sebring Associates, the Commission's architects for their work on the project, which has transformed the exterior of the building.

Mr. Hutchison noted that Commission staff had solicited three price quotes from three State contractors to re-stain the building exterior on March 30. Bids from two of the contractors were obtained on April 20. Upon completion of the necessary purchase order and payment voucher, the Director hoped to award the work to the lowest responsible bidder and begin the painting project in the month of June.

The Director reported that on March 29 he participated in a "key person interview" along with historian Richard Hunter and Pete Watson of the Howell Living History Farm to discuss the Moore's Station Quarry Rehabilitation and Park Development Master Plan Study. As Commissioners and members of the public may be aware, a master plan is being prepared on behalf of the Mercer County Park Commission by Simone Collins Landscape Architecture in order to solicit views on the future development of the Trap Rock Industries Moore's Station Quarry property in Hopewell Township. The quarry was acquired by Mercer County in 1998 along with more than 1,000 acres of land at Baldpate Mountain for the purpose of creating a park. Mining operations will cease at the Quarry in the spring of 2023, when a 25-year agreement with the quarry operator expires. Given the location of the quarry property in Review Zone A and the proximity of the property to the Delaware and Raritan Canal State Park, the Director observed that the Commission would be required to approve any future park development project.

Mr. Hutchison noted that on April 13 he participated in a site visit to the so-called “abandoned” portion of the canal in the vicinity of Lambertson Road in Hamilton Township and in Bordentown with the Superintendent Kalleser, Park Naturalist Fox and Park Historian Chirco to discuss opportunities for future mitigation projects in that area.

As he had mentioned in previous reports, the Director noted that the number of warehouse-related projects proposed within in the Review Zone had increased considerably over the two years. This trend -- called “warehouse sprawl” by the news media -- was the subject of a recent report by the planning organization NJ Future. Of the 15 municipalities in which warehousing has consumed the largest amounts of previously-undeveloped acreage since 1995, five of them are located in the Commission’s Review Zone (Franklin Township, Robbinsville Township, Monroe Township, South Brunswick Township and Cranbury Township). The Director noted that the report made a number of recommendations, increasing the involvement of State agencies in warehouse siting decisions, increasing the use of rail transport, using redevelopment sites such as former-industrial properties for new warehouses rather than undeveloped land, as well as the construction of vertical warehouses emerging “High Cube” technology, in which goods are stacked vertically and retrieved through the use of automated systems that remove packages from high shelves. If such recommendations are adopted by State policymakers, Mr. Hutchison noted that it could impact the Commission’s review of such projects, possibly creating conflicts with the 40-foot-height limitation requirement in most canal environments in Zone A, or the Commission’s traffic impact standards.

Additionally, Senate President Sweeney had proposed legislation which would amend the “Municipal Land Use Law” to provide for a more regional approach to reviewing such projects. Under the bill, when a municipality receives an application for a warehouse project, the developer would be required to inform adjoining communities of the application and send them a report on the project’s anticipated economic impact. The report would be written at the developer’s expense and would include an assessment of how the proposed warehouse would impact elements of a municipality’s master plan such as traffic, open space and affordable housing, as well as provide a projection of the effect on tax revenues and local wages and benefits. The bill would also create an intermunicipal board to consider concerns raised by adjoining municipal governments. It would allow the “host” municipality to approve an application if the joint panel determines that the project would not harm the “general welfare” of adjoining municipalities or impair their master plan. If two municipalities could not resolve their differences over a warehouse development plan, the aggrieved municipality could appeal to a new “Intermunicipal Impact Advisory Board,” a 15-member panel whose members would include a planner, traffic expert, and land-use attorney, appointed by the Governor, which would have the decision-making authority over whether the proposed warehouse project could proceed.

The Director also reported that he attended a remote “Canal Quarterly” meeting on April 28. At that meeting, he was informed of the status of two NJ Water Supply Authority mitigation projects which the Commission contributed mitigation monies to pursuant to the NJ Transit County Yard Improvements Project (DRCC #16-4954).

Vice-Chairman Stout stated that the workload being managed by Commission staff was extraordinary and he commended staff for “keeping their heads above water” during challenging times.

Park Superintendent’s Report

Superintendent Kalleser reported the success of several April “Earth Day” park clean-up events which occurred along the main canal, the feeder canal, the City of Bordentown, and the City of Trenton. She stated that COVID-19 safety protocols were observed during the clean-ups.

Ms. Kalleser reported that the leadership of the Division of Parks and Forestry met with Frenchtown Borough officials to discuss a summer operations plan for the DEP-owned properties located in the borough. She noted that the meeting included distribution of multi-lingual signage.

Ms. Kalleser reported that a macadam area was removed from the former-campground area at the Bull’s Island Recreation Area the previous week in preparation for the creation of the new “Inlet Trail” to be located at the presently-closed northern section of the island.

Ms. Kalleser reported that Rick Roethel, a maintenance supervisor at Bulls Island Recreation Area, would retire after 33 years of public service, and that he would be missed by his colleagues.

Ms. Kalleser reported that the Park Service was presently hiring temporary staff for summer employment at the Delaware and Raritan Canal State Park.

Ms. Kalleser reported that application was submitted to the DEP State Historic Preservation Office and the Commission to approve the proposed rehabilitation of the East Millstone Bridgetenders Station located near Amwell Road in Franklin Township, Somerset County.

Ms. Kalleser reported that several parking access areas of the Delaware and Raritan Canal State Park had been resurfaced in preparation for the upcoming summer season.

Ms. Kalleser reported that a project to effect exterior repairs to the historic home at the Rockingham State Historic Site were being advanced by the Division of Parks and Forestry. Rockingham is listed on the National and State Registers of Historic Places and was George Washington’s final headquarters of the Revolutionary War.

Vice-Chairman Stout asked Superintendent Kalleser for an update of the planned reopening of the northern section of the Bulls Island Recreation Area to visitors. Ms. Kalleser reported that tree replanting and signage related to the proposed Inlet Trail project needed to be addressed before the area could be opened to the public.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar stated that the contractor for the Dellwood Basin Retrofit Project, located near the intersection of Demott Lane and Easton Avenue in Franklin Township had been mobilized. He reminded Commissioners that the project involved the retrofit of an existing stormwater detention basin in order to improve water quality (total suspended solids, total phosphorus and sediment accumulation) which

eventually flows into the Delaware and Raritan Canal. The work included modifications to the outlet structure, removal of the concrete channels, installation of an underdrain and naturalization of the basin (planting with dry and wet meadow species). He noted that Franklin Township owns the basin and would continue to maintain the basin after completion of the project.

Mr. Sellar reported that Cedar Grove Brook Basin Project in Franklin Township was also proceeding and would consist of improvements to four existing stormwater basins. He further noted that Cedar Grove Brook has been identified as a significant contributor of sediment-laden water into the canal. At present an existing weir is located across the brook and slightly upstream of the Delaware and Raritan Canal. Past studies have shown that modifications to the weir (i.e., raising the weir and narrowing its notch) could substantially reduce the amount of sediment entering the canal. NJWSA has retained an engineer to evaluate the feasibility of implementing those modifications. If determined to be feasible, the engineer will then prepare a schematic design report. NJWSA expects that this analysis will start in May.

Mr. Sellar stated that the dredging project on the main portion of the Delaware and Raritan Canal had been completed, and that site restoration of the de-watering area was in progress.

Mr. Sellar reported that bids for the Landing Lane Spillway Repair project were advertised in late March and the bids were due on May 13, 2021, with a tentative start date in summer.

Mr. Sellar reported that the Island Farm Weir-Raritan River Embankment project work (DRCC #19-4584C) was largely complete and that only “punch list” items remained. He reported that New Jersey American Water Company has a contractor ready to proceed with repair of the adjacent downstream footbridge across the canal.

Mr. Sellar reported that with respect to the on-going Hydrilla monitoring and control program, that he expected to have an executed agreement with the consultant within the next month with a tentative start in July.

Mr. Sellar reported that NJWSA staff has surveyed the Brookville Waste gate area, just south of the Borough of Stockton, and is developing plans for the construction of a berm to alleviate an ongoing leak issue.

Mr. Sellar reported that at the Bulls Island Recreation Area canoe launch, several dead and dying trees which had damaged the canal embankment wall were removed. NJWSA staff was in process of planting five replacement trees at locations more distant from the canal where they would not cause problems in the future to the prism of the canal.

Ms. Barth inquired about the presence of scuba divers who were conducting inspections of the canal locks. Mr. Sellar stated that NJWSA was in the process of conducting an underwater inspection of the control gates at Griggstown, 10-Mile Lock, South Bound Brook Lock, and at the 5-Mile Lock in Franklin Township. The inspections were tentatively scheduled to take place at the end of May, but he allowed that the activities could be delayed until the autumn months.

Old Business

Commissioner Lubitz stated that Hunterdon County and Kingwood Township had passed resolutions related to the proposed New Jersey Department of Transportation (NJDOT) Rock Fall mitigation project, which, the Commissioner estimates, would affect and be visible along approximately three miles of park multiuse trail from the northern edge of Byram and northward. He reported that he had shared the resolutions with Director Hutchison. He noted the resolutions stated that the projects should be slowed down in order to permit public comment and input from local government officials, who have asked for an environmental impact study to be completed before the project is allowed to proceed. He reported that it appears the plan would plaster over the local landmark known as the “Devil’s Tea Table” and that the project was located in areas with only 10 feet of separation between N.J. State Highway Route No. 29 and Delaware and Raritan Canal State Park multiuse trail. He also noted that the project proposed to blast several feet of rock surface, install a chain fence, add gravel, and construct high fences to catch falling rocks. Commissioner Lubitz noted the project would, if approved, result in dramatic visual changes for patrons using the park.

Director Hutchison stated he would email a copy of the resolutions if anyone requested them.

New Business

Vice-Chairman Stout stated that the proposed approval of Commission Resolution #2021-01, authorizing the Vice-Chairman to enter on behalf of the Commission into a Memorandum of Agreement with the New Jersey Department of Transportation and the Department of Environmental Protection State Historic Preservation Office for the coordinated, standardized and expedited review of the visual, historic and natural quality impacts of projects to rehabilitate or replace certain bridges within the Commission Review Zone, would not be considered until additional concerns raised by DEP/SHPO had been addressed by NJDOT. He hoped that the matter could be calendared for consideration at the May Commission meeting.

Public Comment

None.

Written Public Comments

None.

Executive Session

None.

Adjournment

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner Lubitz moved to adjourn the meeting, which motion was seconded by Commissioner Shoffner. Vice-Chairman Stout called for a vote on the motion to adjourn, which was unanimously approved by voice vote.

The meeting adjourned at 10:59 a.m.

April 30, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Hutchison, Secretary