



**May 18, 2022 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: May 18, 2022
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Commissioner Phillip Lubitz; Robin Madden, designee for Commissioner of Environmental Protection Shawn LaTourette; Commissioner Douglas Palmer; Commissioner Chris Shoffner; and Commissioner John Reiser participated via online platform and teleconference.

STAFF: Executive Director John Hutchison and Review Zone Officer Colleen Maloney were present in the Commission conference room; Commission Engineer Joseph Ruggeri, Communications Director Darlene Yuhas, and Deputy Attorney General Jason Kane participated via online platform.

GUESTS: Robert von Zumbusch, Delaware and Raritan Canal Commission Master Plan Advisory Committee; Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Michael Sellar, New Jersey Water Supply Authority (NJWSA); Heather Desko, NJWSA; Wayne Petko; Randy Hudson; Dave Pasicznyk; Michael Sousa; Ryan Gormley; Jeff Haberman; Amie Rukenstein; Kathy Hale; Eric Dornfeld; Rikki Massand.

As prescribed in Article II, Section 3, subsection b. of the Commission Bylaws, the duties of the chair devolved upon Commissioner Lubitz in the absence of Vice-Chairman Stout. Since Commission members were participating via telephonic device pursuant to Article III, Section 4 of the Commission Bylaws, Acting Chairman Lubitz directed the Executive Director to call the roll:

Vice-Chairman Stout	Absent
Commissioner Designee Madden	Present
Commissioner Reiser	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Present
Commissioner Palmer	Present

Director Hutchison stated that a quorum was present.

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Acting Chairman Lubitz 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.

Acting Chairman Lubitz 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

Confirmation of June 15, 2022, Meeting Date

Acting Chairman Lubitz stated that the next Commission meeting would be held on June 15, 2022. He also indicated that he would not be able to attend the meeting scheduled for July 20, 2022.

EL-129 Lease Agreement

Acting Chairman Lubitz inquired if any Commissioner or member of the public had any questions regarding the proposed first amendment to the agreement dated April 8, 2002 between the Department of Environmental Protection Division of State Parks, Forests, and Historic Sites and Public Service Electric and Gas Company (PSE&G) for the maintenance, improvement, operation, repair and replacement of a 138Kv transmission line crossing and an access road within the Delaware and Raritan Canal State Park at Block 3601, part of Lot 9 on the Tax Map of the Township of Lawrence, County of Mercer. Seeing none, he requested a motion on the approval of the document. Commissioner Reiser moved to approve the amendment, which motion was seconded by Commissioner Shoffner. Acting Chairman Lubitz directed the Executive Director to call the roll:

Vice-Chairman Stout	Absent
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The first amendment to the EL-129 agreement was approved.

Minutes

Acting Chairman Lubitz inquired if the Commissioners wished to offer comments or corrections on the April 20, 2022, meeting minutes. Hearing none, the Acting Chairman called for a motion to approve the minutes as submitted by the staff. Commissioner Reiser made a motion to approve the minutes, which was seconded by Commissioner Palmer. Acting Chairman Lubitz directed Director Hutchison to call the roll:

Vice-Chairman Stout	Absent
Commissioner Designee Madden	Yes

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

The minutes were approved.

Review Zone Actions

Zone A Projects

22-0037B	50A, 50B, and 56 River Drive -- Rooftop Solar Panels (Hopewell Township)
22-2903K	1365 Lambertson Road Warehouse -- Major Modification (Hamilton Township)
15-4679	South Franklin Street -- Proposed Residential Dwelling (Lambertville City)
22-5033A	NJWSA Delaware and Raritan Canal Submersed Aquatic Vegetation Management Plan (Multiple locations)
22-5536A	34 River Drive -- Barn Demolition and Cottage Construction (Hopewell Township)

Acting Chairman Lubitz asked the Commissioners if they required any of the Zone A projects to be voted upon individually. Acting Chairman Lubitz asked for comments on the Zone A projects from the Commissioners and then the public. Hearing none, Acting Chairman Lubitz entertained a motion on the Zone A projects. Commissioner Palmer moved to approve the Zone A projects, which motion was seconded by Commissioner Reiser. The Acting Chairman directed Director Hutchison to call the roll:

Vice-Chairman Stout	Absent
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Zone B Projects

20-5605	490 Elizabeth Avenue -- Proposed Warehouse (Franklin Township)
21-5806	Pretty Brook Tennis Club -- Indoor Tennis-Squash Court Addition (Municipality of Princeton)

Acting Chairman Lubitz asked the Commissioners if they required any of the Zone B projects to be voted upon individually. The Acting Chairman then asked if there were any questions or comments from the Commissioners and then members of the public. Hearing none, Acting Chairman Lubitz requested a motion on the Zone B projects. Commissioner Reiser made a motion to approve the projects, which was seconded by Commissioner Shoffner. He then directed Director Hutchison to call the roll:

Vice-Chairman Stout	Absent
Commissioner Designee Madden	Yes

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

The motion was approved.

Executive Director’s Report

Director Hutchison reported that in addition to the projects listed on the agenda, the staff issued 18 deficient staff reports, 6 jurisdictional determinations, 9 certificates of approval, and 9 general permits during the period encompassing April 20 through May 17.

He also noted that in addition to the preparation of the above documents, staff organized and conducted 15 pre-application meetings related to proposed projects. The Director observed that proposed projects were following the recent trends of warehouse development and the construction of affordable housing projects with the Review Zone, as well as the continued expansion and redevelopment of the Princeton University campus.

The Director related to the Commission that he conducted three site inspections to examine visual and stream corridor impacts of proposed project applications and, in one case, the permitted uses of the existing stream corridor easement at the “Renaissance at Monroe” residential subdivision project in Monroe Township that was approved in 2002 (DRCC #02-2837).

As of May 16, the Director indicated that there were 25 active projects undergoing staff review.

The Director reported the fee collections for the preceding month totaled \$85,750. Deposits for Fiscal Year 2022 totaled \$535,648. Therefore, with two months remaining in the fiscal year that ends on June 30, 2022, the Commission had exceeded its anticipated appropriation of \$450,000 by approximately \$85,000.

Director Hutchison relayed that the final minor items were completed at the Delaware and Raritan Canal State Park Moore’s Station public access area mitigation project along N.J. State Highway Route No. 29 in Hopewell Township. This included the painting the lines for the ADA-compliant parking space and coating the guide rails in “State Park” brown. He noted that Commission staff would now coordinate with the Park Superintendent and PSE&G on the mitigation project proposed to rehabilitate and improve the park public access area at 5-Mile Lock in Franklin Township.

Following up on the Commission’s direction at the April 20, 2022, meeting, the DEP Office of Information Technology (DEP/OIT) procured the Logitech “Connect” portable “Conference Cam” device, which would enable the Commission to conduct meetings in a hybrid format once COVID-19-related social distancing protocols were relaxed or lifted. He would coordinate the deployment of the equipment with DEP/OIT and DEP General Services staff.

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Mr. Hutchison reported that on April 25 he participated in a meeting convened by the DEP Office of Permitting and Project Navigation with Sherute, LLC and Colliers Engineering, regarding the proposed redevelopment of the Lambertville Station Inn property. He noted that Commission staff were able to advise the applicant of the stream corridor and visual, historic and natural quality impact implications of the project, as well as clarify certain property ownership issues adjacent to the site. Director Hutchison noted that the project was in its preliminary stages, and that no application had been received by the Commission.

The Director stated that on May 6 he and the Superintendent of the Park met with representatives from the applicant engineers for the Lamberton Road warehouse road-widening project (DRCC #20-29031) near the so-called “abandoned canal” in Hamilton Township, Mercer County, which the Commission approved on June 16, 2021. The applicant was required as a condition of approval to undertake a series of mitigation projects in the Delaware and Raritan Canal State Park, which included:

- Parking lot improvements at the N.J. State Highway Route No. 129 trailhead;
- Improvements and relocation of the gate at the Lamberton Road Public Access;
- Restoration of the 1/43 mile-marker;
- Vegetation clearance and the installation of didactic signage at Lock No. 1; and
- Cutting of “hazardous trees/leaners” along the multiuse trail.

The Director expressed that he hoped the Commission would be pleased to see the projects advance, and that he was gratified by the cooperation he had received from the project applicant. He also reported that the staff’s analysis of the underlying warehouse project proved to be accurate regarding that project’s visual impact upon the Delaware and Raritan Canal State Park.

Finally, the Director indicated that among the general permits issued during the past month were permits to undertake the in-kind replacement of the Grist Mill roof at Prallsville Mills, as well as permits to replace the canoe/kayak docks in the Delaware and Raritan Canal State Park at Blackwells Mills and Kingston.

Park Superintendent’s Report

Park Superintendent Kalleser reported that the hiring of seasonal employees for the Delaware and Raritan Canal State Park was in full swing.

Superintendent Kalleser stated that the wooden stairs to the Delaware River at the Fairview Road and Point Pleasant locations in Kingwood Township, Hunterdon County, have been installed for the summer season for tubers, kayakers and canoeists.

Park Superintendent Kalleser informed the Commission that the park has a new full-time maintenance employee who is assigned to the Somerset County maintenance shop.

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The Superintendent reported that park staff had an interesting experience when a movie crew performed some filming at the Bull's Island Recreation Area for a planned independent film titled "The Sweet East."

Superintendent Kalleser stated that Franklin Township multiuse trail resurfacing project between Landing Lane and Chapel Drive had been completed. After taking the current week off, work crews would resume during the week of May 23 from Chapel Drive and points south.

Park Superintendent Kalleser reported that exterior repairs had been completed to the windows, soffit and doors of the Rockingham Children's Museum, and that the repairs were completed in time for the Rockingham "Children's Day" event scheduled for May 22.

The Superintendent reported that interpretive programs within the Delaware and Raritan Canal State Park had been revised and would resume. Revised registration procedures were being worked through, and the interpretive programs were being advertised via social media on the park's Facebook page, the DEP park website, and by means of a govdelivery.com blast email platform, to which the Superintendent encouraged interested members of the public to enroll.

The Superintendent reported that on May 16 there was an attempted sexual assault in the Delaware and Raritan Canal State Park at Blackwells Mills and Canal Road in Franklin Township, Somerset County, in the vicinity of the Six Mile Run Reservoir Site. A DEP press release would be issued providing additional information.

Acting Chairman Lubitz requested that the Superintendent provide some details about the tree planting at the Bull's Island Recreation Area. The Superintendent stated that the AmeriCorps watershed ambassador, in conjunction with the environmental commissions of both Delaware and Kingwood townships, had successfully planted 400 perennial herbaceous plants and shrubs, as well as some trees, at two key locations along the proposed Inlet Trail route. The Stockton Borough Volunteer Fire Company graciously offered their equipment to water the new plantings. Additionally, the N.J. Department of Transportation "Good Neighbor" program also planted trees along the former campground road. The Superintendent noted that this was a good segue into an announcement from Commissioner Designee Madden.

Commissioner Designee Madden stated that she was pleased to report that a ribbon-cutting event to open the new Bull's Island Inlet Trail would be held on Friday, June 3 at 10 a.m. Commissioners and Commission staff will receive an email invitation to the event, which will feature keynote remarks by DEP Deputy Commissioner Sean Moriarity.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that the contractor for the NJWSA Landing Lane Spillway rehabilitation project was tentatively scheduled to start in early June; however, the contractor was still experiencing supply chain difficulties related to construction material acquisition.

Mr. Sellar also reported that the NJWSA was still awaiting the approval of outstanding permit applications before they could commence the Six Mile Run culvert rehabilitation project.

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Mr. Sellar indicated that final plans for the project to rehabilitate the canal embankment in Stockton were being developed by the NJWSA and its consultant, and that permit applications would be submitted when the final plans were complete.

The NJWSA was in the process of preparing an amended schematic design for the project to rehabilitate the canal embankment between Bull's Island and Stockton.

Mr. Sellar stated that the authority was reviewing a revised feasibility study submitted by their consultant for the implementation of the Cedar Grove Brook Stormwater Management and Watershed Restoration Project in Franklin Township, Somerset County.

Mr. Sellar reported that the Kingston canal lock was inspected on May 4, and subsequently a minor repair to the operator device was undertaken by NJWSA personnel.

Mr. Sellar noted small repair and dredging projects to address damage caused by Tropical Storm Ida were being performed by NJWSA staff along the entirety of the Delaware and Raritan Canal.

Acting Chairman Lubitz inquired whether the Stockton embankment project design was complete and awaiting the submission of the necessary permit applications, or whether the design was still being finalized. Mr. Sellar responded that the design was still being finalized to address suggestions made to the NJWSA engineering division and consultant by the Commission and its stakeholders.

Old Business

None.

New Business

None.

Public Comment

Mr. Massand thanked the Director for the update information on the proposed Lambertville Station Inn redevelopment, and the Prallsville Grist Mill roof replacement. Mr. Massand informed the Commission that on May 17 Preservation New Jersey announced its 2022 List of the 10 Most Endangered Historic Places in New Jersey. He noted that the Stockton Inn property made the list, and that Preservation New Jersey supported an adaptive reuse, or sensitive redevelopment of the site that allowed for the preservation of the much-loved inn in a manner that respects the historic character of downtown Stockton Borough.

Acting Chairman Lubitz asked if there were any other comments or announcements from members of the public. Seeing none, he expressed his appreciation to Commissioner Designee Madden for the reopening of the northern section of Bull's Island Recreation Area. Commissioner Designee Madden noted that the congratulations should be directed to the employees of the DEP Park Service, who work every day to protect and preserve the Delaware and Raritan Canal State Park.

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Written Public Comments

None.

Adjournment

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

The meeting adjourned at 10:28 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", with a long horizontal flourish extending to the right.

John Hutchison, Secretary