



**July 20, 2022 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:07 a.m.
DATE: July 20, 2022
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout; 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 was present in the Commission office; Commission Engineer Joseph Ruggeri, Communications Director Darlene Yuhas, Executive Assistant Erica Vavrence, Review Zone Officer Colleen Maloney, and Deputy Attorney General Jason Kane participated via online platform.

GUESTS: Bob Barth, D&R Canal Watch; 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); Wayne Petko; Neil Yoskin; David Eareckson; Kelly Sullivan; Bhaskar Halari; Dave Pasicznyk; Jim Burt; Mike Ford; James X. McGinley; Sri Balijepalle; Ed Weirsky; Charlotte Raty; Jordan Viana; Michael Burns; Alexandra Horn; and Vince Spiezio.

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:

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

Director Hutchison stated that a quorum was present.

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

Confirmation of August 17, 2022, Meeting Date

Vice-Chairman Stout stated that the next Commission meeting would be held on August 17, 2022.

Minutes

Vice-Chairman Stout inquired if the Commissioners wished to propose comments or corrections to the June 15, 2022, meeting minutes. Hearing none, the Vice-Chairman called for a motion to approve the minutes. Commissioner Palmer made a motion to approve the minutes, which was seconded by Commissioner Shoffner. Vice-Chairman Stout directed Director Hutchison to call the roll:

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

The minutes were approved.

Review Zone Actions

Zone A Projects

- 22-4399D 51 Bridge Street -- Proposed Garage Dormer (Lambertville City)
- 21-5256B Sunoco Jacobs Creek Pipeline Replacement (Ewing Township/Hopewell Township)
- 22-5556A Strand Theatre Exterior -- Major Modification (Lambertville City)

Vice-Chairman Stout observed that the staff report for DRCC #21-5256B recommended approval of the project with 14 specific conditions regarding the means and methods employed for the proposed horizontal directional drilling related to the Sunoco Jacobs Creek pipeline project, and that any motion to approve should embody those provisions. Commissioner Reiser made a motion to approve the Zone A projects with all conditions recommended in the reports, which was seconded by Commissioner Palmer. Vice-Chairman Stout asked whether there were any comments on the two projects from the Commissioners or the public. Hearing none, he asked Director Hutchison to call the roll:

July 20, 2022

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

The motion was approved.

Zone B Projects

22-2638E	Colgate Paper Fire Suppression Units -- Major Modification (New Brunswick City)
21-3769B	1700 Rike Drive -- Proposed Warehouse/Office Building (Millstone Township)
22-5143A	Guru Nanak Sikh Heritage Temple -- Additions (Monroe Township)
21-5720	3740 Route 27 -- Residential Subdivision (South Brunswick Township)
21-5730	471 Elizabeth Avenue -- Proposed Self-Storage Facility (Franklin Township)
21-5754	Farm Road -- Proposed Subdivision (Hillsborough Township)
21-5776	425 & 429 Elizabeth Avenue -- Warehouse (Franklin Township)
21-5794	Prentice Lane -- Single-Family Residential Development (Municipality of Princeton)

Vice-Chairman Stout asked the Commissioners if they wished any of the Zone B projects to be considered individually. Hearing no such request, the Vice-Chairman entertained a motion on the Zone B projects. Commissioner Palmer moved to approve the projects, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout then asked for comments on the Zone B projects from the Commissioners or the public. Hearing none, he then asked Director Hutchison to call the roll:

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

The motion was approved.

Executive Director's Report

Director Hutchison reported that, in addition to the projects considered at the meeting, the staff completed 26 deficient staff reports, 7 jurisdictional determinations, 6 certificates of approval, 6 general permits issued, as well as 1 project staff report to be calendared at the August 17 meeting for the period encompassing June 15 to July 19. In addition to preparing the above documents, staff also organized and conducted 12 pre-application meetings related to proposed projects. He noted that as of July 19, there were 40 active projects undergoing staff review.

Mr. Hutchison noted that fee collections for the first month of the fiscal year totaled \$1,300. While this amount was modest, the Director noted that an extra deposit was made in June and that month's deposits

July 20, 2022

totaled \$90,748. Final total of deposits for Fiscal Year 2022, which concluded on June 30, was \$626,396 -- \$176,396 more than the FY 2022 anticipated appropriation of \$450,000.

The Director called the Commissioners' attention to a recent report published on the NJ Spotlight News website, which stated that the demand for warehousing throughout New Jersey continues to exceed supply and that rents are up, and vacancies are down. He said that this situation is driving growth to record highs in the central region of the State, which encompasses the Commission Review Zone. He noted that the report stated that one of two surveys for Newmark, a commercial real estate company that reports quarterly data on the market, indicated that demand for warehouse and distribution space, particularly newly constructed speculative product, shows no signs of slowing, and that in northern and central New Jersey, the vacancy rate dropped to a record low of 2.6% from 3.7% in 2021. Despite the economic impacts of rising inflation and interest rates, it appeared to the Director that Commission fee collections would remain strong provided the warehouse construction trend continued.

The Director reported that the Commission office foundation repair project was successfully completed by Hawley Brothers Contracting on July 1. Injectable grout was installed throughout the stone foundation, and penetrating radar was employed to ensure that voids were filled in conformance with the project drawings and specifications. The new grout needed to cure for a minimum of 30 days from the date of application, after which time the contractor would clean the mortar.

Mr. Hutchison reported that the Commission file scanning project was proceeding under the supervision of Erica Vavrence. On June 30, ACCSES-NJ completed a total of 3,225 small-format pages and 736 large-format document pages. The prior tranche of documents, consisting of 1,136 files, had been successfully saved to the DEP shared drive and, therefore, in the cloud, (i.e., stored on Internet servers).

The Director noted that on July 5, the Commission obtained a new tablet device from DEP's Office of Information Technology (DEP/OIT). The device is a "Samsung Galaxy Active Pro," which was purchased at the State contract price of \$753.33. It was immediately put to use at a stream corridor inspection site visit conducted by Joe Ruggeri and the Director on July 8 at the "Renaissance at Monroe" age-restricted residential development.

Erica Vavrence recently updated the application form on the Commission website, converting it to a fillable form pdf format, which will allow for easier entry and editing of application data. The application document has also been modified to reinforce the requirement for applicants to disclose the amount of impervious surface coverage in both the existing and proposed conditions at a project site and to disclose the amount of land disturbance. This information is required pursuant to the Commission's regulations (N.J.A.C. 7:45-2.2(a)2) and is essential to determining the Commission's jurisdiction over a project.

Director Hutchison reported that the staff had initiated discussions with DEP/OIT to replace the existing Commission project database. The Commission's project database was migrated from a Lotus notes application to MS Access in 2017. While this was a helpful short-term repair, the database has been in a "persistent unstable state" and experienced numerous crashes in recent months. Mr. Hutchison stated that the staff was working with DEP/OIT to replace the MS Access database with a new, more user-

friendly and robust application. The replacement of the database would also provide staff with the opportunity to correct errors (incorrect municipal designations, project numbering, etc.) in the old database caused by the limitations of the Access and Lotus programs. A new database would also facilitate the completion of OPRA requests. He also reported that the new database would be designed in such a way so that it would be compatible with public-facing elements necessary to implement future electronic permit filing.

Along with NJWSA Executive Director Marc Brooks, the Director said he participated in the DEP 2022 Youth Inclusion Initiative on July 14. The initiative is a pilot workforce development program designed to develop the next generation of environmental protection, conservation and stewardship leaders while also providing an avenue for young adults from open space-constrained communities to engage with nature as they provide valuable stewardship services to the public through seasonal jobs at the DEP. The DEP has partnered with Groundwork Elizabeth, Rutgers University Camden and Newark's Ironbound Community Corporation to create a workforce development curriculum for people ages 17 to 24. This year's cohort will learn and undertake work across sectors regulated by the DEP, including water quality, air quality and public lands management. The curriculum will provide information about careers in environmental protection and help participants develop the skills necessary to pursue those career paths. Director Hutchison stated that he was gratified to be able to provide information about the canal's history and the Commission's work. He thanked State Geologist Jeffrey Hoffman and Steven Domber of the DEP's Bureau of Water Resources and Geoscience for organizing the event.

The Director noted that the Commission had received inquiries from the public on the purported resumption of operations at the Lambertville Quarry (or Mt. Gilboa Quarry) operated by Trap Rock Industries, LLC. As of July 20, no application has been received regarding the quarry property, a 262-acre site (Block 59 Lots 3 and 4) in the southwest portion of Delaware Township, along Route 29 and bordered by Seabrook Road and Brookville-Hollow Road. Mr. Hutchison noted that the Commission's jurisdiction over the proposed reopening of the quarry was contingent upon two factors. The first is: does the project require any municipal or county land use (planning or zoning board of adjustment) or administrative approval. In the case of the Lambertville Quarry, the Director noted that Delaware Township has a quarry ordinance that has been in effect since 1978, as well as a "Quarry Compliance Committee" that reports to the municipal planning board. If the project were, in fact, subject to municipal land use or administrative permitting, then the project could be regulated by the Commission.

The Director observed that there was a second factor in the determination of jurisdiction: namely, does the applicant propose a "private project" under the meaning of that term in the Commission's regulations at N.J.A.C. 7:45-1.3. Whether or not the proposed reopening of the quarry is subject to Commission regulation and the scope of the Commission's review will depend upon what is being proposed. The Director reminded the public that the Commission's enabling statute directs that no project can be submitted for Commission approval until it has first obtained any required municipal approval(s). That way the Commission can be assured that the project meets with local zoning and planning requirements. Objectors to the quarry have been advised that the law and regulations have been created in such a way so that the Commission is not in the position to overrule local zoning and planning decisions. Whether or not a project is an "appropriate" use for the community at-large is

outside the scope of the Commission's jurisdiction, which focuses on whether the project is compliant with the regulations and meets the goals of the Commission Master Plan. The Director stated that Commission staff would monitor the situation, confer with their colleagues and partners at the DEP as events warrant, examine the facts, and impartially apply the regulations.

Finally, the Director reported that he was pleased to announce that the Commission has made its first foray into social media. Specifically, the Commission had launched its own Twitter page [@DRCanalComm](#). Noting that the new page had a total of 17 followers, the Director observed that he did not think Elon Musk had much to fear from the Commission in terms of popularity. In all seriousness, the Director stated that the Twitter page would permit the Commission to enhance its visibility, reach out to the regulated community and stakeholders in the event of emergency rescheduling or cancellations of Commission meetings, provide public service information from partner agencies that may impact the canal or park, and to provide interesting information from canal-related organizations in other states. The Director particularly thanked Darlene Yuhas for managing the page and for posting some interesting "Throwback Thursday" photos of the canal and its historic buildings.

Park Superintendent's Report

Superintendent Kalleser reported the unfortunate news of a fatality, which occurred over the weekend of July 16-17 at the Delaware and Raritan Canal State Park Scudders Falls public access area in Ewing Township.

Superintendent Kalleser reported that the chimney at the Kingston Locktender's House had been repaired, thereby arresting a leak that had damaged the interior of the building. Staff could now proceed with interior plaster repairs.

Superintendent Kalleser reported that the Park Service had submitted an application to the Commission for a project to replace the rear porch at the Griggstown Bridgetender's House, which currently serves as the Millstone Scenic Byway Visitor Center. The porch was destroyed by Tropical Storm Ida.

Superintendent Kalleser reported that the park multiuse trail had been resurfaced or "rerolled" between in the area between Landing Lane and the Georgetown-Franklin Turnpike/Washington Street (Somerset County Route No. 518) in the Borough of Rocky Hill. The contractor was presently working to resurface the multiuse trail from County Route 518 to State Highway Route No. 27 in Somerset County. After the completion of that portion of the trail, the project would thereafter move to two locations in Mercer County, from Alexander Road to Quaker Road in Lawrence Township, and thence from Whitehead Road in Lawrence Township to Mulberry Street in the City of Trenton. This would complete the multiuse trail resurfacing repairs arising from Tropical Storm Ida.

Superintendent Kalleser reported that park staff and the DEP Office of Resource Development (ORD) were pursuing options with the New Jersey Department of Transportation (NJDOT) to effect repairs to the former Belvidere-Delaware railroad trestle bridge at Prallsville Mills in Stockton, Hunterdon County. The bridge, which was damaged by Tropical Storm Ida and experience severe erosion to the adjacent streambank of Wickecheoke Creek, carries the park multiuse trail across the creek. She noted that the multiuse trail would remain closed in the area of the bridge for the foreseeable future.

Superintendent Kallesser reported that the Delaware and Raritan Canal State Park was unsurprisingly experiencing increased visitation during the recent summer heatwave.

Superintendent Kallesser reported that park staff met with the DEP/ORD and an historic preservation architect to discuss the potential elevation of the utilities at the Kingston Locktender's House. Such a project would improve the resiliency of the structure from the impact of flood events.

Superintendent Kallesser reported that the Landing Lane Spillway rehabilitation project would begin on July 25, which in turn would necessitate a closure of the park multiuse trail in the vicinity of the project. She observes that Delaware and Raritan Canal State Park visitors would be able to approach the spillway itself; but would not be able to proceed beyond that point, and they would not be able to continue across the Landing Lane Bridge toward the end of the multiuse trail in the City of New Brunswick.

Superintendent Kallesser reported that beginning July 25 and for a period of three weeks, the Five Mile Lock public access area parking lot would be refurbished. The project would require the closure of the parking lot during the week; however, the parking lot would be opened on weekends. The Superintendent said that generally visitors would be directed to park at the South Bound Brook Borough parking lot, or at the Demott Lane public access area in Franklin Township during the three-week closure period. She stated that visitors would be encouraged to obtain closure information on the DEP Division of Parks, Forests & Historic Sites website and the Delaware and Raritan Canal State Park Facebook page.

Vice-Chairman Stout inquired how the recently opened Bulls Island Inlet Trail was being received by park visitors. Superintendent Kallesser stated that the new 1.3-mile loop trail had been enthusiastically received by the public and that a growing number of park users were discovering and exploring the new trail.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar informed the Commission that work on the NJWSA Landing Lane Spillway rehabilitation project would start on July 25.

Mr. Sellar reported that the NJWSA was awaiting the approval of permit applications from State agencies before they could commence the Six Mile Run culvert rehabilitation project.

Mr. Sellar stated that NJWSA continued to close out the final items related to the project to dredge the main portion of the Delaware and Raritan Canal, including road paving work on Canal Road in Somerset County.

Mr. Sellar reported that NJWSA started the application of the herbicide fluoridone to treat Hydrilla within the canal on July 12, using a dose of 2 parts per billion, which would continue for an estimated period of 60 days.

Mr. Sellar reported that NJWSA was preparing to submit a permit application to the Commission for final design of Phase 1 of the repairs to the western canal embankment in the Borough of Stockton in the

July 20, 2022

area south of Prallsville Mills. He reminded the Commission that Phase 1 would include leveling the multiuse trail and other cosmetic repairs. Mr. Sellar reported that the Phase 2 repairs, which would include structural work, was still in the design stage. Vice-Chairman Stout and Mr. Sellar discussed the Commission's request that Phase 1 include the speedy removal or replacement of the tarps currently in place along and on top of the embankment.

Mr. Sellar reported that an application for the project to conduct in-kind repair areas to the riverside embankment of the Delaware and Raritan Canal from Bulls Island south to Prallsville Mills and remove dead and dying trees, as well as trees that were damaging the historic stone armoring of the feeder canal would be submitted to the Commission for review within the next month.

Mr. Sellar reported that the NJWSA was advertising bids for engineering consultants for the modification of the Prallsville Mills culvert and wastegate.

Old Business

None.

New Business

None.

Public Comment

None.

Written Public Comments

None.

Adjournment

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner Reiser 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 10:39 a.m.

Respectfully submitted,



John Hutchison, Secretary