



**August 17, 2022 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:07 a.m.  
DATE: August 17, 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; Commissioner Philip Lubitz; 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; Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Chingwah Liang, NJDEP Bureau of Flood Hazard and Stormwater Engineering; Robert Ridolfi; William White, NJDEP Office of Natural and Historic Resources; Daphne Galvin; Bryan VanderGheynst; Robert Von Zumbusch, Delaware and Raritan Canal Commission Master Plan Advisory Committee; Julia Algeo; Sapan Desai; Daniel Tarabokija; Max Hansen; Shri Kot; Dave Pasicznyk, NJDEP Bureau of Water Resources and Geoscience; and Bruce Sattin.

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	Present
Commissioner Shoffner	Present
Commissioner Palmer	Absent

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 September 21, 2022, Meeting Date

Vice-Chairman Stout stated that the next Commission meeting would be held on September 21, 2022.

Minutes

Vice-Chairman Stout inquired if the Commissioners wished to propose comments or corrections to the July 20, 2022, meeting minutes. Hearing none, the Vice-Chairman called for a motion to approve the minutes. Commissioner Shoffner made a motion to approve the minutes, which was seconded by Commissioner Reiser. Vice-Chairman Stout directed Director Hutchison to call the roll:

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

The minutes were approved by a vote of 4-0-1.

**Governmental Project**

22-5668A Delaware and Raritan Canal State Park -- Cooley Preserve Parking Lot (Kingwood Township)

The Vice-Chairman entertained a motion on the Cooley Preserve Parking Lot project. Commissioner Lubitz moved to approve the project, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout then asked for comments on the project from the Commissioners or the public.

Kingwood Township resident Lois Voronin addressed the Commission to oppose the project. She charged that the Commission staff report for DRCC#22-5668A states that the proposed parking lot is being built for 32 vehicles; however, her review of the submitted plans indicated that the project proposes 185 parking spaces. Ms. Voronin further stated that she objected to the State Government constructing a parking lot for the sole benefit of a private business that would charge \$6.00 per vehicle to park during the summer. She stated that her tax dollars would be used to build the parking lot and that the project was a non-conforming land use located in the middle of an area zoned for residential use. She stated that the government had no regard for the existing land use regulations and the people who live in the area and would be impacted by increased traffic, noise and litter. She also remarked that the

Delaware River has become overused and recreational tubers had completely taken over the river. She stated that a person cannot swim in the river without being hit by a tube, which happened to her. She concluded her remarks by offering the opinion that “the government is out of control.”

Director Hutchison stated that Ms. Voronin was factually incorrect in her analysis of the project site plan, and that the reference to 32 parking spaces on Page 3 of the Commission staff report referred to the number of parking spaces in the current configuration of the lot, not the proposed conditions of the parking lot. Mr. Hutchison also stated that, pursuant to the definition of a “government project” at N.J.A.C. 7:45-1.3, zoning board of adjustment or planning board approvals are not required for the Commission to approve such a project.

Ms. Voronin repeated her charge that the project was an example of government out of control. She stated that the government did not care about the impact of the project on people who live in the area. She further remarked that people have a right to know the zoning of the place they are living in and expect that this zoning would be maintained. She further stated that no government agency should be able to do whatever they want. She asked if the government had the courtesy to notify the people in the area that this business was going to be put there. She noted that due to the project, Kingwood Township residents must deal with traffic and do not derive any money from the business. In addition, the business places a burden on the local emergency management squad. She stated that the Commission could cite whatever laws it wanted; in her opinion the project was an illustration of the government out of control.

The Vice Chairman asked for further comment.

Commissioner Lubitz stated that that the revenues brought in from the park tubing concession lessens the tax burden on taxpayers. He stated that for the eight or nine months of the year when the tubing business is closed, the parking lot would provide additional parking and prevent park patrons from parking on the side roads of Kingwood Township, which has been a complaint lodged by local residents for several years. He also stated that he appreciated and agreed with some of Ms. Voronin’s comments, but that he would, nevertheless, vote yes on the project.

Director Hutchison noted that Commissioner Palmer joined the meeting at 10:10 a.m.

The Vice-Chairman called for a vote and asked Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	No
Commissioner Palmer	Yes

The motion was approved by a vote of 5-1.

**Review Zone Actions**

**Zone A Projects**

- 20-3592A      3000 Brunswick Pike -- Proposed Hotel (Lawrence Township)
- 22-5837A      9 Brookville Hollow Road -- Residence Demolition/Reconstruction (Stockton Borough)

Vice-Chairman Stout asked the Commissioners if they wished either of the Zone A projects to be considered individually. Hearing no such request, the Vice-Chairman entertained a motion on the Zone A projects. Commissioner Palmer made a motion to approve the Zone A projects, which was seconded by Commissioner Reiser. 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:

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

The motion was approved unanimously.

**Zone B Projects**

- 22-3624F      The Farmhouse -- Major Modification (Hopewell Township)
- 21-4494A      1100 Randolph Road -- Warehouse Addition (Franklin Township)
- 21-5790      110-130 Belmont Drive -- Warehouse (Franklin Township)
- 22-5847      14 Gordon Avenue -- Proposed Restaurant (Lawrence Township)

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 Lubitz 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	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved unanimously.

**Executive Director's Report**

Director Hutchison reported that, in addition to the projects considered at the meeting, Commission staff

completed 14 deficient staff reports, 12 jurisdictional determinations, 8 certificates of approval, and 13 general permits. In addition to preparing the above documents, staff also organized and conducted 12 pre-application meetings related to proposed projects and 3 site inspections pertaining to pending applications. He noted that as of August 16, there were 48 active projects undergoing staff review. Mr. Hutchison observed that the number of jurisdictional determination applications, pre-application meeting requests, and pending applications all indicate a continued busy workload for the Commission staff for the foreseeable future.

Mr. Hutchison noted that fee collections for the month totaled \$66,777.72, which brought the total for the fiscal year to \$68,077.72. This amount is well in excess of the \$26,800 collected in August 2021 and compared favorably with the \$51,900 collected in August 2020 and \$54,100 in fees collected in August 2019.

Mr. Hutchison reported that the 13 general permits (GPs) issued during the month included several projects in and around the Delaware and Raritan Canal State Park:

- A GP-1 was issued to replace the rear porch at the Griggstown Bridgetender's House in Franklin Township, Somerset County, which was destroyed by Tropical Storm Ida.
- The GP-1 was issued for the New Jersey Water Supply Authority project for the in-kind reconstruction of the canal embankment from Bull's Island Recreation Area to Prallsville Mills.
- A GP-1 was issued for the restoration of the exterior siding and other elements of the Rockingham Historic Site in Franklin Township, the home which served as George Washington's final headquarters of the Revolutionary War.
- A GP-1 was issued to the Superintendent for an Eagle Scout project to repair the railing at the Scudder Falls public access area of the park.
- A GP-1 was issued to the Mercer County Park Commission for the Phase 1 stabilization project at the so-called "Canal House" -- more correctly known as the "Harbour House," located near the Baldpate Mountain Yellow Trailhead at Route 29 in Hopewell Township.

Director Hutchison thanked Superintendent Kalleser and Park Historian Vicki Chirco for taking time to visit a number of these sites so he could better understand and examine the project areas.

Mr. Hutchison stated that he was pleased to report that mitigation projects being undertaken by project applicants were underway at the so-called "abandoned" section of the Delaware and Raritan Canal in Hamilton Township. Specifically, resurfacing and repairs to the parking areas at Canal Boulevard and Lamberton Road had begun, as well as hazardous tree removal along the multiuse trail, and vegetation clearing, graffiti removal, and new didactic signage at the historic Lock No. 1 site.

In addition, he reported that the mitigation project to rehabilitate the public access area at Five Mile Lock was completed by contractors retained by Public Service Electric & Gas Company.

Director Hutchison observed that if anyone ever doubted the importance of the Delaware and Raritan Canal Commission, these projects, which enhance the enjoyment of the park for the State's residents and have been achieved at no cost to the taxpayer, were a tangible example of the Commission's work.

### **Park Superintendent's Report**

Superintendent Kalleser reported that an individual had been charged with the sexual assaults within the park in Plainsboro and Franklin townships.

Superintendent Kalleser reported that the Rockingham Historic Site exterior repair project would commence with a pre-bid meeting and that a contractor could be selected by the end of October.

The Superintendent reported that the harmful algae bloom (HAB) was found in the Millstone River near its confluence with the Raritan River in July. She noted that the New Jersey Water Supply Authority was monitoring the HAB, and all the impacted water purveyors had been notified.

The Superintendent noted that the Kingston Locktender's House chimney and interior plaster repairs were completed with the assistance of the Canal Society of New Jersey.

The Superintendent stated that the Five Mile Lock park access area refurbishment had been completed with welcomed assistance from the Commission. She noted that the project had improved both the function and safety of the lot, which had been repeatedly flooded by the nearby Raritan River. Director Hutchison then displayed a PowerPoint presentation of photographs of the "before" and "after" conditions at the access area, which included the construction of an ADA-accessible parking space, and the placement of new wooden bollards in the parking area.

### **New Jersey Water Supply Authority (NJWSA) Report**

No report.

### **Old Business**

None.

### **New Business**

Superintendent Kalleser stated that on Saturday, September 17, 2022, 8:30 a.m. to 11:30 a.m., the New Jersey Clean Communities Program would sponsor the Fifth Annual Delaware River Cleanup Day. She invited the public to participate in both shoreline and on-water cleanups in park, which had experienced heavy use during the summer. She noted that information regarding the event could also be accessed online at: [www.delawarivergp.org](http://www.delawarivergp.org).

Mr. Barth asked when the Commission would meet in person again. Director Hutchison stated that the Commission had completed upgrades to its remote meeting technology, which would permit the Commission to adopt a "hybrid" meeting format. The hybrid meeting format would allow Commissioners and members of the public the flexibility to attend meetings in person or remotely. The Director then demonstrated the camera capabilities for the meeting participants. The Director expressed his appreciation to the DEP Office of Information Technology for their assistance in selecting and installing the remote meeting technology. Vice-Chairman Stout asked the Director to check on the status of the current State policy with respect to social distancing related to the COVID-19 pandemic, and, if possible, to proceed with the in-person hybrid meeting format as soon as possible.

**Public Comment**

None.

**Executive Session**

Vice-Chairman Stout requested that Director Hutchison read the resolution prepared for the executive session to discuss personnel matters. Director Hutchison then read the Commission Resolution 2022-01, which had been distributed to the Commissioners and posted on the Commission website seven days prior to the meeting:

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Delaware and Raritan Canal Commission (“Commission”) is of the opinion that those circumstances presently exist; and

**WHEREAS**, the Commission will discuss personnel matters concerning terms and conditions of employment issues within the meaning of N.J.S.A. 10:4-12(b)(8);

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission may enter into closed session at its public meeting of August 17, 2022, for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney-client privilege will not be disclosed.

This Resolution shall become effective upon a roll-call vote of the Commission.

The Vice-Chairman requested a motion to approve the Resolution 2022-01 and thereby go into executive session. Commissioner Lubitz moved to approve the resolution, which was seconded by Commissioner Shoffner. The Vice-Chairman directed the Director to call the roll:

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

The motion was approved unanimously. At 10:30 a.m., the Commission entered into executive session.

**Post-Executive Session Meeting**

The Commission returned to public session at 10:40 a.m.

Director Hutchison stated that the Commission had discussed personnel issues relating to a potential promotion for a member of the Commission staff. In addition, he reported that the Commission had received additional engineering assistance from the DEP Division of Land Use Protection. Chingwah

August 17, 2022

Liang and Dhruv Patel, both veteran engineers in the DEP, had joined the staff on a part-time basis to assist with the growing workload of project applications.

**Written Public Comments**

None.

**Adjournment**

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

The meeting adjourned at 10:42 a.m.

Respectfully submitted,

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

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John Hutchison, Secretary