



**Public Hearing  
September 21, 2022  
Delaware and Raritan Canal Commission**

TIME: 9:30 a.m.  
DATE: September 21, 2022  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice-Chairman Bruce Stout attended in person. Commissioner Philip Lubitz 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; Henry Kent-Smith, Fox Rothschild; Renee Antiss, Colliers Engineering and Design.

Vice-Chairman Stout announced that this was a public hearing of the Delaware and Raritan Canal Commission and that the scheduling and notification of the hearing had been undertaken pursuant to the provisions of the “Senator Byron Baer Open Public Meetings Act” (OPMA).

Vice-Chairman Stout announced that the public hearing 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.

Vice-Chairman Stout requested Executive Director Hutchison to provide a brief summary of the purpose of the public hearing.

Mr. Hutchison stated that, in accordance with the provisions of the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq., the Commission received a request from 269 Wyckoff Mills Road Urban Renewal, LLC for the partial release of a Commission conservation easement as a result of a planned development project located at 269 Wyckoff Mills Road in the Township of East Windsor, Mercer County. The conservation easement was granted by 269

Wyckoff Mills Road EW3, LLC, to the Commission on May 24, 2018, and applied to the property at Block 12, Lot 2.

Director Hutchison stated that the lot was required to be restricted as a condition of Commission's approval of a proposed development of the lot, which was now being altered as a result of a pending project before the Commission (DRCC #22-5075A). As holder of the conservation easement, the Director stated that the Commission was required to conduct a public hearing on the proposed partial release of the easement before making a final determination on the project application. The Director further noted that pursuant to N.J.S.A. 13:8B-6, the approval of the Commissioner of the Department of Environmental Protection was also required to effectuate the release of the easement.

Director Hutchison stated that the public hearing was being conducted prior to the regularly scheduled Commission meeting during which DRCC #22-5075A would be considered. He noted that the public had been notified of the hearing and was invited to participate or comment either in person, or by means of online platform or teleconference call.

Vice-Chairman Stout asked if any Commissioners or member of the public had any comments on the proposed easement release. There was no comment from the Commissioners.

Henry Kent-Smith, Esq. of the law firm Fox Rothschild, LLP, identified himself as the attorney for the applicant for project DRCC #22-5075A, and introduced Renee Antiss of Colliers Engineering & Design, Inc., the engineering consultant for the project. Mr. Kent-Smith stated that while no members of the public had appeared to offer comments on the project, he requested that Vice-Chairman Stout continue the meeting for an additional 10 minutes. Vice-Chairman Stout agreed to continue the meeting in case a commenter was arriving late or had encountered technical difficulties joining the online platform.

Commissioner Lubitz joined the meeting at 9:35 a.m.

Vice-Chairman Stout noted the time at 9:40 a.m. and asked again if there were any comments from the Commissioners or members of the public. Hearing none, he adjourned the hearing at 9:40 a.m.

Respectfully submitted,



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John Hutchison, Secretary