



**December 21, 2022 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: December 21, 2022
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission office. Robin Madden, designee for Commissioner of Environmental Protection Shawn LaTourette, Commissioner Douglas Palmer; Commissioner John Reiser; and Commissioner Caryl “Chris” Shoffner participated via online platform and teleconference.

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

GUESTS: Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Michael Sellar, New Jersey Water Supply Authority (NJWSA); Tom O’Shea, Van Note-Harvey Associates; David Fisher; Christopher DeGrezia; Mitch Newman; Carolyn Chaiko; Joshua Sewald; Joseph A. Paparo; Kevin O’Connell; Robert von Zumbusch, President, Kingston Historical Society; Zoe Ferguson, Esq., Lieberman Blecher & Sinkevich; Linda Meier, WoodMeier Farms.

Since Commission members were participating in person and 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	Absent
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 January 18, 2023, Meeting Date

Vice-Chairman Stout stated that the next Commission meeting would be held on January 18, 2023, and urged any member who would not be able to attend to promptly notify the staff. Commissioner Palmer stated he would be unable to attend the January Commission meeting. Commissioner Lubitz stated he would be unable to attend the February Commission meeting.

Approval of proposed schedule of Commission meeting dates for 2023

Vice-Chairman Stout requested a motion to approve the proposed 2023 Commission meeting schedule. Commissioner Lubitz moved to approve the dates, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout asked Director Hutchison to call the roll:

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

The calendar year 2023 meeting schedule was approved.

Minutes

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the November 16, 2022, meeting minutes. No comments or corrections were proposed. Commissioner Lubitz moved to adopt the minutes, which motion was seconded by Commissioner Reiser.

Vice-Chairman Stout asked Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes

Commissioner Lubitz	Yes
Commissioner Shoffner	Absent
Commissioner Palmer	Yes

The minutes were approved.

Director Hutchison noted that Commissioner Shoffner joined the meeting at 10:08 a.m.

Review Zone Actions

Zone A Projects

- #22-2441WW Princeton University -- Athletic Operations Building (West Windsor Township)
- #22-5812A 47 South Union Street -- Additions/Elevation Change (Lambertville City)

Vice-Chairman Stout asked if any Commissioner wished to consider either of the Zone A projects separately. Hearing none, he asked for a motion to approve the projects. Commissioner Lubitz made a motion to approve the projects, which motion was seconded by Commissioner Designee Madden.

Vice-Chairman Stout asked if any Commissioner had comments on the Zone A projects. Hearing none, he asked if any member of the public had comments on the Zone A projects. Hearing none, he instructed 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

- #22-4108A 201 Clarksville Road -- Self-Storage Facility (West Windsor Township)
- #22-4815B White Oak Drive -- Proposed Residence (Municipality of Princeton)
- #22-5084A Serenity Walk -- Age-Restricted Residential Development (Plainsboro Township)
- #22-5373A Antheil Elementary School -- Parking Lot Reconstruction (Ewing Township)
- #21-5664 The Collection at Hopewell -- Proposed Residential Development (Hopewell Township)
- #21-5684 Jersey Avenue -- Proposed Mixed-Use Development (New Brunswick City)
- #22-5867 913-927 Ridge Road -- Proposed Townhome Development (South Brunswick Township)
- #22-5925 701 Mount Lucas Road -- Office Building (Municipality of Princeton)

Vice-Chairman Stout asked if any Commissioner wished to consider the Zone B projects separately. Hearing none, he asked for a motion to approve the projects. Commissioner Lubitz made a motion to approve the projects, including the condition recommended in the staff report for #22-4108A 201 Clarksville Road -- Self-Storage Facility. The motion was seconded by Commissioner Reiser.

Vice-Chairman Stout asked if any Commissioner had comments on the Zone B projects. Hearing none, he asked if any member of the public had comment on the Zone B projects. Hearing none, he instructed 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

Executive Director Hutchison reported on the workload encompassing the period of November 16, 2022, to December 20, 2022. In addition to the 10 projects listed on the meeting agenda, the staff issued 22 deficient staff reports, 12 jurisdictional determinations, 11 certificates of approval, and 4 general permits. Staff also completed review of one project to be calendared for the January 2023 Commission meeting.

In addition to the preparation of the above documents, staff organized and conducted eight pre-application meetings related to proposed projects. Director Hutchison conducted two site visits: one related to unauthorized construction in the Review Zone, and one to confer with the Superintendent of the Delaware and Raritan Canal State Park and Hopewell Township officials regarding the ownership of an obstructed storm culvert that was the cause of localized flooding in the "island" neighborhood of Titusville.

Director Hutchison reported that as of December 20, there were 15 active projects undergoing staff review.

Director Hutchison reported that fee collections for the month totaled \$41,250, which amount was close to the \$48,200 collected in December 2021, the \$30,600 collected in 2020 and the \$34,775 collected in 2019, respectively. Fee collections for the fiscal year totaled \$255,852.72, which compared favorably to the \$289,601 collected at this time in 2021. Therefore, with 40% of the fiscal year concluded, Director Hutchison observed that the Commission had collected 39.4% of its anticipated annual appropriation.

Director Hutchison reported, following consultation with DEP Comptroller Steven Matis, that he agreed to raise the Commission's anticipated annual appropriation from \$500,000 to \$650,000. Mr. Hutchison stated that this adjustment should make it easier to obtain approval from DEP Management and Budget for future expenditures. He further noted that the Commission had exceeded the \$500,000 anticipated appropriation in each of the last three fiscal years (FY 2020 -- \$512,075, FY 2021 -- \$643,162, FY 2022

-- \$696,037) and last fiscal year this number was exceeded by nearly \$200,000; so, the revised anticipated appropriation was a more accurate representation of the Commission's revenue situation.

Director Hutchison reported that although fee collections during the preceding month were somewhat less than the same time last year, he read with interest a recent online report on NJ Spotlight News on the state of the warehouse construction trend in New Jersey. The report indicated that the fundamentals behind the warehousing surge remained strong, and that one industry report estimated 26.5 million square feet of warehouse space was planned in New Jersey over the next three years. As the State Planning Commission noted in their report on New Jersey's warehousing issued earlier this year, "It is clear the market is screaming for more supply in available space." Director Hutchison stated that this will impact the Commission's workload and fee collections.

Director Hutchison reported that on December 7, John Cecil, Assistant Commissioner for State Parks, Forests & Historic Sites, held a virtual broadcast for DEP colleagues that provided an update on the reorganization of that division which occurred a year ago. The broadcast also provided a refresher on the new organizational structure, discussed the division's strategic planning process and the results of an employee survey on various issues, and showcased key achievements of 2022.

Director Hutchison reported that during the "Achievements of 2022" portion of his broadcast, Assistant Commissioner Cecil mentioned the New Jersey Historic Trust (Trust) grant for the revision to the Commission Master Plan, the opening of the Bull's Island Inlet Trail, and the restoration of the East Millstone Bridgetender's Station among the successes realized by the DEP during the past year. Director Hutchison stated that he believed the Commissioners could take a great deal of pride in the role that the Commission has played in all of these endeavors.

Director Hutchison provided an update on progress made with the Commission Master Plan update process. Commission staff is in contact with a colleague at the Trust, who is reviewing the standard Trust grant agreement language to determine what modifications may be needed to accommodate the project, and he expected to begin working on the agreement very shortly. As part of this initial work, Ms. Yuhas and Director Hutchison would need to craft a request for proposal (RFP) to hire a consulting firm. The contract with the consultant that is ultimately hired to do the work based upon the RFP would be included in the grant agreement. Director Hutchison further stated that since this is an area in which he did not possess a great deal of experience, it was his hope that DEP colleagues could help guide the Commission through the RFP preparation process.

Director Hutchison called the Commission's attention to a recent newspaper op-ed piece written by Jay Watson, Co-executive Director of the New Jersey Conservation Foundation, regarding the establishment of a unified urban park in the City of Trenton that would not only serve local residents, but also draw visitors to the capital. With the renovation of the State House nearing completion, Mr. Watson argues that it is now a promising time to examine how a new park can be created that ties the Capitol Complex neighborhood to the Assunpink Greenway and Mill Hill Park to the south.

Director Hutchison reported that when he read Mr. Watson's editorial, he immediately reached out to tell him about the Commission's efforts to update and revise the Commission Master Plan and asked if the Commission could coordinate its efforts with his. Director Hutchison stated that the portion of the Delaware and Raritan Canal State Park located in the area of the Calhoun and West Hanover streets

contains two historically significant canal houses, and that there had been much discussion in the past about the Calhoun Street house becoming the office for a future “Capitol Park.” The West Hanover Canal House has not been used for many years since Thomas Edison State College stopped using the building.

Mr. Hutchison noted that he had been particularly struck by the large areas of surface parking lot especially near Passaic Street that run up to the edge of the canal and speculated whether the widespread adoption of telework policies by State Government departments and agencies will require the State to utilize these surface parking lots in the future. The potential removal of this impervious surface coverage and its conversion to parkland would be a significant environmental and recreational asset for the city and the State. Director Hutchison further stated that Ms. Yuhas, who had worked closely with Mr. Watson during his tenure at the DEP, and he intend to have conversations with Mr. Watson in the new year to advance common goals.

Commissioner Palmer agreed that there is an overabundance of State parking lot areas in Trenton. He stated that Mr. Watson could be a great asset to the Commission, and that he looked forward to collaboration with Mr. Watson and the New Jersey Conservation Foundation.

Director Hutchison stated that since the year was drawing to a close, he would provide an update on the progress that has been made scanning the Commission’s application and project information. In 2022, the scanning vendor has successfully scanned 12,496 small format pages of documents such as staff reports, stormwater reports easements and certificates of approval, and 2,852 large format pages of engineering and architectural plans have been scanned. Erica Vavrence has worked with the vendor to not only keep this complicated process moving but has also spent time culling superfluous documents such as highway maps, fax cover sheets and duplicate documents from the files before they are sent to the vendor, which helps to keep the costs of the project in check, which in turn benefits the taxpayers of this State.

Vice-Chairman Stout asked for clarification on the status of the New Jersey Historic Trust Master Plan grant award. Director Hutchison stated that the Master Plan grant, which had been approved by the New Jersey Historic Trust, must be approved by the Garden State Preservation Trust, and would then be transmitted to the Governor’s office, which in turn would present the grant project, along with the other proposed Trust grants, to both Houses of the Legislature as appropriation bills.

Vice-Chairman Stout agreed with Commissioner Palmer’s comments about the overabundance of parking lots in Trenton and stated that collaboration with Mr. Watson on a park project in Trenton was a wonderful thing. He suggested that such a project could be considered a design element for inclusion in the updated Master Plan.

Park Superintendent’s Report

Superintendent Kalleser reported that park and Commission staff met on site with Hopewell Township, and then on a later day with the park administrator and regional CMS, to discuss the drainage concern in the vicinity of Rivera Avenue in the Titusville neighborhood of Hopewell Township.

Superintendent Kalleser reported that the new parking area located at the Cooley Preserve in Kingwood

Township was under construction, and that the Norway maples on the southern side of the entrance drive were removed, and silt fencing was being installed. The project was estimated to take 150 days to complete barring any weather-related delays.

The Superintendent reported that PSE&G had requested a five-day closure of the Demott Lane parking area to complete the electric line upgrade project at the Demott Lane right-of-way where it then crosses over the Delaware and Raritan Canal and the Raritan River, which was approved by the Commission in January 2022 (DRCC #21-5707). She indicated that the proposed work would take place in early 2023.

The Superintendent reported that the Landing Lane spillway replacement project in the City of New Brunswick was underway, which in turn required that the park multiuse trail be closed to park patrons in the area of the spillway. She noted that park patrons can still walk up to the spillway, but not beyond. The contractor had installed signage of the closure, and the park websites and social media accounts had been updated regarding the closure, which was anticipated to last for the next six months.

Superintendent Kalleser reported that the Delaware and Raritan Canal State Park would host three “First Day” hikes on January 1, 2023. One of the hikes would take place at Lambertson Road, where attendees can meet at the Interstate Highway Route No. 295 scenic overlook parking lot. Another proposed hike would take place on the White Oak Trail in Delaware Township, where attendees can meet at the Bulls Island Recreation Area parking lot. The third would be located in the City of Trenton and would start at the area where the park intersects with the Trenton Battle Monument. She noted that additional information on the hikes would be posted on the DEP Division of Parks, Forests & Historic Sites website and social media accounts.

The Superintendent reported that the Commission, the DEP State Historic Preservation Office (SHPO), and Department of Transportation (NJDOT) had conducted a cursory discussion regarding proposed replacement of the bridge over the Delaware and Raritan Canal at Washington Road in the Municipality of Princeton and the Township of West Windsor.

Commissioner Lubitz inquired if repairs had commenced at that portion of the multiuse trail and the canal bridge over the Alexauken Creek in the City of Lambertville. Superintendent Kalleser stated that the repairs would begin soon, and that the contractor had already mobilized some equipment at the site.

Commissioner Stout inquired if there had been any progress on the repair of the former railroad trestle that conveys the park multiuse trail over the Wickecheoke Creek in the Borough of Stockton at Prallsville Mills. Superintendent Kalleser said she did not have an update on the status of that project to report.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that the Landing Lane Spillway repair project began in mid-November. The Landing Lane Spillway is located on the left bank of the canal in the City of New Brunswick. The spillway is part of the canal’s flood control system and consists of a stone masonry structure that discharges into the Raritan River. The Landing Lane Spillway is part of the original fabric of historic appurtenant structures along the canal and dates to its original construction.

Mr. Seller informed the Commission that the NJWSA intends to lower the water level in the Delaware and Raritan Canal by one foot to implement the proposed repair, which would still maintain a sufficient supply of water in the canal to serve water purveyor customers downstream of the spillway. He reported that a stone mock-up of the spillway would be available for review by the Commission sometime in January, and that NJWSA Engineer Paul Harenberg would contact Director Hutchison to schedule a date for a site visit.

Mr. Sellar stated that the plans and specifications for the rehabilitation of the Six Mile Run culvert in Franklin Township were being finalized to be sent out for bid, and that the NJWSA expected the project could commence in the summer of 2023.

Mr. Sellar reported that permits from the Commission, the Hunterdon County Soil Conservation District, and NJDEP Flood Hazard program were obtained for the proposed canal embankment repair project in Stockton Borough. He reported that the NJWSA was engaged in a process with the DEP Division of Parks, Forests & Historic Sites to determine whether the project was subject to the compensatory reforestation provisions of N.J.S.A. 13:1L-14.1 et seq.

Mr. Sellar reported that during the week prior to the Commission meeting, the NJWSA-retained engineer completed a survey and freshwater wetlands delineation for the proposed upper embankment repair project located at Bulls Island Recreation Area south to Prallsville Mills in Stockton Borough.

Mr. Sellar reported that the contract bids for the design engineer for the culvert and wastegate repairs at the Prallsville Mills were due on January 5, 2023.

Mr. Sellar also reported that NJWSA had addressed all the major damage arising from Tropical Storm Ida and that only minor issues related to that storm needed to be addressed.

Old Business

None.

New Business

None.

Public Comment

Ms. Ferguson, an attorney with the firm of Lieberman Blecher & Sinkevich, who represents WoodMeier Farms, stated her client Linda Meier was present. She stated they wished to address the Commission regarding a project approved at the November 16, 2022, Commission meeting, DRCC# 22-1851B -- 638 Brunswick Avenue -- Cannabis Facility, the meeting minutes for which were approved at today's meeting.

Ms. Ferguson stated that the Commission based its decision on a staff report with insufficient information. She stated that the staff report stated there was no new access drive, when there is a new access drive proposed. She also stated that there was insufficient information provided to the Commission on issues of stormwater and the stormwater basin design to make a decision. She stated

that all projects must go forward properly and requested reconsideration of the Commission’s November approval of the project.

Vice-Chairman Stout called for further public comment.

Mr. von Zumbusch stated that a “First Day” hike, sponsored by Friends of the Princeton Nursery Lands, would take place at the Mapleton Preserve, stepping off at noon from the Delaware and Raritan Canal State Park Office at Mapleton Road.

Executive Session

Vice-Chairman Stout stated that the Commission would enter executive session. He asked Director Hutchison to read Commission Resolution No. 2022-02 proposing that the Commission meet in executive session.

Director Hutchison read the text of Resolution No. 2022-02, distributed to the Commission and posted on the Commission website, which stated that the Commission would meet in executive session to discuss personnel matters involving the terms and conditions of employment issues within the meaning of N.J.S.A. 10:4-12(b)(8).

Vice-Chairman Stout asked for a motion for the Commission to enter executive session. Commissioner Lubitz moved to enter executive session, which motion was seconded by Commissioner Shoffner. The Vice-Chairman instructed 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.

The Commission went into executive session at 10:30 a.m.

Return to Public Session

The Commission returned to public session at 10:35 a.m. Vice-Chairman Stout stated that the Commission had discussed a personnel matter and asked Director Hutchison to summarize the discussion. Director Hutchison stated that the Commissioners had received a copy of Commission Resolution No. 2022-03, which proposed to approve a change in functional job title and commensurate salary increase for Erica Vavrence, an employee of the Commission.

Vice-Chairman Stout requested a motion to approve the resolution. Commissioner Lubitz moved to approve the resolution, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout instructed Director Hutchison to call the roll.

December 21, 2022

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.

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 Shoffner. Vice-Chairman Stout called for a vote on the motion to adjourn, which was unanimously approved by voice vote.

The meeting adjourned at 10:40 a.m.

Respectfully submitted,



John Hutchison, Secretary