



**June 21, 2023 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.  
DATE: June 21, 2023  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

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

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

GUESTS: John Cecil, Assistant Commissioner, DEP State Parks, Forests & Historic Sites; Lauren Rojewski, Superintendent, Delaware and Raritan Canal State Park; Vicki Chirco, Resource Interpretive Specialist, Delaware and Raritan Canal State Park; Michael Sellar, Facilities Manager, New Jersey Water Supply Authority (NJWSA); Christopher DeGrazia; Michael Pannell; Lynn Halling; Paul DeVitto III; Andrew Smith; Maria Ulloa; Eric Sandmann; Emily R. Goldman, Senior Associate Director of Planning and Land Use Affairs, Princeton University; Nicholas Berrios; Robert von Zumbusch, Kingston Historical Society; Rikki Massand; Linda Meier, Woodmeier Farm.

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.

Since Commission members were participating in person and via telephonic device pursuant to Article

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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.

**Administrative Items**

Confirmation of July 19, 2023, Meeting Date.

Vice-Chairman Stout stated that the next Commission meeting would be held on July 19, 2023. Commissioner Designee Madden stated she would need to send a substitute as she is unable to attend.

**Minutes**

Approval of the Minutes of the May 17, 2023, Commission meeting.

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the May 17, 2023, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Shoffner made a motion to adopt the minutes as proposed, which 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	Yes
Commissioner Palmer	Absent

The minutes were approved.

**Review Zone Actions**

Zone A Projects

23-1858B Washington Crossing State Park -- Visitor Center (Hopewell Township)  
23-2441AAA Princeton University -- Lake Campus Operations Building (West Windsor Township)  
22-5943 399 Campus Drive --- Proposed Warehouse (Franklin Township)

Vice-Chairman Stout asked if members of the Commission wished to review any of the Zone A projects separately. Hearing none, he requested a motion on the three Zone A projects. Commissioner Reiser made a motion to approve the projects, which motion was seconded by Commissioner Designee Madden. The Vice-Chairman asked for comment on the Zone A projects from the Commissioners and

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then the public. Hearing none, the Vice-Chairman directed 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	Absent

The motion was approved.

Zone B Projects

22-5126A 2 Farrington Boulevard -- Multiuse Development (Monroe Township)  
22-5945 839 Route 33 West -- Proposed Demolition/New Building (Monroe Township)  
23-5993A Mary Jacobs Foundation -- Library Patio (Rocky Hill Borough)

Vice-Chairman Stout asked if any member of the Commission wished to consider the Zone B projects separately. Hearing no such request, he asked for a motion on the three Zone B projects. Commissioner Reiser moved to approve the projects, which motion was seconded by Commissioner Designee Madden. The Vice-Chairman asked for comment from the Commissioners and then the public on the Zone B projects. Hearing none, the Vice-Chairman directed 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	Absent

The motion was approved.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing May 18, 2023, to June 20, 2023. In addition to the 6 projects listed on the meeting notice, the staff issued 26 deficient staff reports, 8 jurisdictional determinations, 10 certificates of approval, and 10 general permits. In addition to these matters, staff organized and conducted 13 pre-application meetings related to proposed and pending projects and performed 3 site visits. As of June 20, 2023, there were 36 projects awaiting staff review.

The Director stated that fee collections rebounded quite nicely for the final month of the Fiscal Year 2023, which ends on June 30, and totaled \$65,600. The Commission collected \$522,587.62 for Fiscal Year 2023, exceeding its anticipated appropriation of \$500,000 by \$22,587.62.

With regard to significant events and meetings, Mr. Hutchison stated that on May 23 he and Darlene Yuhas met with NJWSA staff and the DEP State Historic Preservation Office staff to examine the work

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at the Landing Lane Spillway Rehabilitation Project (DRCC #19-3300B). The Commission's approval of the project was conditioned upon the Commission staff approving a mock-up of the spillway stonework to ensure that the work maintained the historic character of this 19th century component of the Delaware and Raritan Canal's design. At the time, a concern was expressed that the rehabilitated spillway stonework -- which also serves as the park multiuse trail -- would be constructed in a random ashlar pattern with darkly tinted and deeply recessed mortar joints. However, Commissioners serving at the time were also concerned that if the mortar joints were too deeply recessed, it could obstruct cyclists using the trail. The Director expressed the belief that the agreed upon mock-up met with the approval of all the park stakeholders.

The Director reported that on June 14 he participated in the first online meeting organized by the New Jersey Department of Transportation (NJDOT) of the Route 29 Kingwood Rockfall Mitigation - Design Working Group. He noted that the stated purpose of the project is to make four rock cuts along N.J. State Highway Route No. 29 in Kingwood Township, Hunterdon County, between milepost 27.31 and milepost 30.43 to reduce the frequency and severity of rockfall events at these locations. The Director observed that the meeting was well-attended by community leaders from Kingwood Township and that served to "reset" a conversation with that community. He further noted that the Commission staff periodically receives complaints about the proposed project from Kingwood residents who are concerned about the impact to the geological anomaly known as the "Devil's Tea Table," a 20-foot-tall pillar of reddish-colored siltstone capped by a massive flat boulder. Residents of Bucks County, Pennsylvania, have also contacted the Commission regarding the impact of the project on their scenic views.

The Director notes that the Kingwood project had also raised objections from residents of Lambertville and supporters of the Lower Delaware Wild & Scenic River corridor, who oppose a similar project proposed between milepost 17.0 and milepost 18.25 at the southern end of the city in the vicinity of Goat Hill, which is located in the Commission Review Zone and is a site with significant historical associations, having been used during the Revolutionary War by both George Washington and Lord Cornwallis to view opposing activity on the Delaware River. The local promontory has long been known as "Washington's Rock."

The Director reported that on May 25 the Commission staff was informed that a resident of Delaware Township was bitten by a rabid coyote whilst taking a walk in the vicinity of Worman Road near the Commission office at Prallsville Mills. Three men assisted the victim and chased the coyote away until an ambulance and police arrived. On May 26, the coyote was shot and killed by the DEP Division of Fish and Wildlife, and it was subsequently found to be rabid.

The Director concluded by reporting that among the General Permits issued this month, there was a General Permit No. 1 approved for the rehabilitation of the parking lot at the Rockingham Historic Site in Franklin Township, Somerset County (DRCC #23-3602D), which is another in a series of projects to prepare DEP historic sites for the United States Semiquincentennial in 2026, celebrating the 250th anniversary of the 1776 Declaration of Independence.

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

Superintendent Rojewski reported that repairs to the pedestrian bridge at the Millstone Aqueduct in Plainsboro Township, Middlesex County, were complete as of June 2, 2023.

The Superintendent reported that new signage was installed in parking areas to better inform the public of the reinstatement of boat launch fees for the 2023 season and to provide information on how to purchase a permit. Additionally, she noted that new signs would be installed within the upcoming week at the Frenchtown Park/Ride area to inform the public of the appropriate use of the park and, separately, at the entrance of the Cooley Preserve Lot to reduce potential traffic congestion and inform the public of the lot's limited seasonal availability.

Superintendent Rojewski reported that construction at the Cooley Preserve Lot, including asphalt paving, line striping and drain repairs, was completed on May 15, 2023. Park Service staff installed a gate at the entrance on June 5, 2023. She noted that the tubing concession operations had commenced with no issues to report.

The Superintendent reported that exterior renovations at the Rockingham Historic Site were ongoing, with work expected to be completed by end of July. In addition, a process had been initiated to pursue additional improvements at the site, including pavement repairs to parking areas and improved barrier-free accessibility.

Superintendent Rojewski reported that the project to repair Tropical Storm Ida damage to the former railroad trestle, which conveys the park multiuse trail over the Wickecheoke Creek at Prallsville Mills, commenced on May 26, 2023. She reported that a total closure of the multiuse trail had been instituted in the area of the construction work.

The Superintendent stated that work to remove hazardous trees from the Bulls Island Recreation Area Day Use Area would be scheduled in the near future with a date to be determined.

The Superintendent reported Bulls Island Recreation Area seasonal staff had planned programming for Fire Safety Day for the public on July 8, 2023, with potential programming support requested from the New Jersey Forest Fire Service.

Superintendent Rojewski reported on park multiuse trail conditions. A sink hole was reported by a park user on the multiuse trail in the Princeton area, which was assessed and backfilled on June 13, 2023. Park Service staff also responded to a report of the worn condition of trail exercise equipment along the path in the Titusville area of Hopewell Township, Mercer County. Staff assessed the conditions and moved the equipment. Funding for replacement equipment was being researched.

The Superintendent concluded her report and stated that a Special Use Permit was issued for a July 6, 2023, day camp fishing excursion program.

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Vice-Chairman Stout asked Superintendent Rojewski if she could provide a timeline on the repairs of the former Belvidere-Delaware railroad trestle at Prallsville Mills. The Superintendent stated that the project would be completed within approximately two months or by the end of the summer.

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

Mr. Sellar reported that work was proceeding on the Landing Lane Spillway rehabilitation project (DRCC #19-3300B) located in the City of New Brunswick, Middlesex County. He noted that the mock-up of the stonework of the depressed spillway area on the park multiuse trail was examined by the Commission Director and the State Historic Preservation Office (SHPO) in accordance with the condition in the project's certificate of approval. An August completion date was anticipated for the project.

Mr. Sellar informed the Commission that the project to rehabilitate the stone culvert, which conveys Six Mile Run underneath Canal Road, the Delaware and Raritan Canal and the park multiuse trail, in Franklin Township, Somerset County (DRCC #22-3306C), would commence in early July. He noted that the project would require the closure of Canal Road, which would be a matter of interest to the residents of Franklin Township.

Mr. Sellar informed the Commission that bids were received for the Phase 1 of the project (DRCC #22-3255D) to repair an approximate 1.0-mile section of the western embankment of the Delaware and Raritan Feeder Canal in Stockton Borough, which separates the canal from the Delaware River and is generally located between the Prallsville Lock and the railroad bridge crossing over the canal at Brookville in Stockton Borough. He noted that a contract was being executed and that no start date has been determined.

Mr. Sellar reported that the alternative solutions for the Cedar Grove watershed project are being considered by NJWSA engineers.

Mr. Sellar informed the Commission that the NJWSA was waiting for shop drawings to be submitted by the contractor for the project to replace 11 canal sluice gates located at four locks in Somerset County.

Mr. Sellar stated that NJWSA staff was addressing seasonal severe thunderstorm damage along the canal, including tree debris cleanup. He noted that farm tractors, ride-on mowers, push mowers, and weed cutters were being used for maintenance mowing along the canal.

Mr. Sellar reminded the Commission that last year a harmful algal bloom (HAB) was detected in the Millstone River. To address potential algal bloom, the NJWSA was engaged in the discharge of water at the Kingston wastegate to maintain the Millstone River water levels. He also noted that an apparent algal bloom was detected in the canal on June 20, 2023, between Ten Mile Lock and South Bound Brook Lock (Lock No. 11). NJWSA was working with the DEP and conferring with raw water customers to determine the type and extent of the potential bloom, along with next actions.

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Vice-Chairman Stout asked Mr. Sellar if the Phase 1 work on the Stockton embankment would commence this calendar year. Mr. Sellar stated that he will apprise the Commission on the construction schedule when it becomes available.

**Old Business**

None.

**New Business**

None.

**Public Comment**

Ms. Meier, of Woodmeier Farm, requested information on a previously approved project, DRCC #22-1851B 638 Brunswick Pike -- Cannabis Facility, which is located adjacent to her property. She requested clarification of an OPRA request and asked if the Commission planned to ask the applicant for new materials, or if the Commission planned to reexamine the previously submitted project materials.

Director Hutchison stated that in a pre-application meeting, he and the Commission engineer made a number of requests to the engineer of record for the project, requesting additional information so Commission staff could better understand the project's stormwater management design and the amount of impervious surface coverage at the project area in the proposed condition. He stated that those documents had not been submitted by the applicant, but upon receipt of those documents, they would be subject to Commission staff review. After the completion of that review, another staff report would be issued indicating whether or not the project was technically compliant with the Commission's regulations.

Ms. Meier asked if she could have a copy of the Commission letter requesting the addition materials. Director Hutchison explained that the request was a verbal request made at the pre-application meeting and that, accordingly, no such record existed. He further explained that the Commission's regulations permit the Commission Executive Director to conduct pre-application meetings with applicants. He explained that specific information related to the impervious surface coverage and other issues on the site that were the subject of Ms. Meier's litigation were requested.

Ms. Meier asked when she would be permitted to see newly submitted project documents. Director Hutchison stated he would forward a copy of the staff report upon completion. Ms. Meier asked when she would be able to access the submitted engineering materials. Director Hutchison stated she would need to submit an OPRA request, and the Commission would respond accordingly. Director Hutchison stated he would defer to Deputy Attorney General Viana on whether the 30-day review requirement applied in this case because the matter has been remanded to the Commission from the Superior Court; however, he intended to review the submitted materials and produce a staff report within 30 days of receipt of the new submission.

Vice-Chairman Stout asked for further public comment. There was none.

**Written Public Comments**

None.

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**Adjournment**

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner Reiser made a motion to adjourn, 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 10:35 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", written in a cursive style.

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John Hutchison, Secretary