



**March 15, 2023 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: March 15, 2023
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout, Commissioner Phillip Lubitz and Robin Madden, designee for Commissioner of Environmental Protection Shawn LaTourette, attended the meeting in the Commission office; 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, 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; Lauren Rojewski, Superintendent, Spruce Run; Vicki Chirco, Resource Interpretive Specialist, Delaware and Raritan Canal State Park; Michael Sellar, Facilities Manager, New Jersey Water Supply Authority (NJWSA); Wayne Petko; Robert Barth, D&R Canal Watch; Linda Barth, D&R Canal Watch; Dennis M. Toft; Robert LaCosta; Gregory Ricciardi; Robert N. Ridolfi; Keith Liberman; Zeke Cullen; Robert von Zumbusch, The Kingston Historical Society; Christine Yeatman; Gary Forshner, Esq; Michael Thomas, T&M Associates; Mille Zimmer; Joel Coyne; Harry H. Gordon; Wendy Gordon.

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	Present
Commissioner Palmer	Present

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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 April 19, 2023, Meeting Date

Vice-Chairman Stout stated that the next Commission meeting would be held on April 19, 2023.

Minutes

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the February 15, 2023, meeting minutes. Commissioners proposed no comments or corrections. Commissioner Designee Madden made a motion to adopt the minutes as proposed, which was seconded by Commissioner Palmer.

Vice-Chairman Stout asked 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	Yes

The minutes were approved.

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the February 15, 2023, Executive Session meeting minutes. No comments or corrections were offered. Commissioner Designee Madden made a motion to adopt the minutes, which was seconded by Commissioner Lubitz.

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

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

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Commissioner Palmer Yes

The Executive Session minutes were approved.

Review Zone Actions

Zone A Projects

None.

Zone B Projects

- #22-2308I Trenton-Mercer Airport -- Forest to Meadow Conversion (Ewing Township)
- #22-2789X The College of New Jersey -- Tennis Courts Reconstruction (Ewing Township)
- #22-3589F Carnegie Center West -- Corporate Housing Apartment Building (West Windsor Township)
- #21-4156C 159 Princeton Hightstown Road -- Partial Building Demolition (East Windsor Township)
- #20-5647 Monroe Veterans Housing -- Proposed Apartment Building (Monroe Township)
- #22-5922 352 Eggert Crossing Road -- Cannabis Cultivation Facility (Ewing Township)

Vice-Chairman Stout asked if any Commissioner wished to consider the Zone B projects separately. Hearing no such request, Vice-Chairman Stout stated he would recuse himself for consideration of #22-2789X, The College of New Jersey -- Tennis Courts Reconstruction, as he was previously employed by the college. Vice-Chairman Stout left the room at 10:05 a.m., whereupon Commissioner Lubitz assumed the chair.

Commissioner Lubitz asked if the Commissioners had comments or questions regarding #22-2789X, The College of New Jersey -- Tennis Courts Reconstruction. He asked the public the same. Hearing none, he called for a motion on the project. Commissioner Reiser made a motion to approve the project. The motion was seconded by Commissioner Designee Madden. Commissioner Lubitz instructed Director Hutchison to call the roll:

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

The motion was approved.

Vice-Chairman Stout returned to the meeting at 10:06 a.m. and assumed the chair.

Vice-Chairman Stout asked if any Commissioner had comments on the remaining five Zone B projects. Commissioner Designee Madden asked Director Hutchison to clarify if the proposed project at the Trenton-Mercer Airport is required by the Federal Aviation Administration (FAA). Director Hutchison stated he was advised by the applicant that the proposed work was a safety-related measure required by

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the FAA. Vice-Chairman Stout asked if any member of the public wished to comment on the five Zone B projects. Hearing none, he called for a motion on the project. Commissioner Lubitz then made a motion to approve the five projects. The motion was seconded by Commissioner Reiser. Vice-Chairman Stout 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.

Executive Director’s Report

Mr. Hutchison reported on the monthly workload, noting that in addition to the projects listed on the agenda, the staff issued 13 deficient staff reports, 10 jurisdictional determinations, 3 certificates of approval, and 6 general permits. He also reported that he had considered and ultimately denied two requests from holders of certificates of approval to revise the design of their projects and have those revisions be considered “minor modifications.” In addition to the above-mentioned documents, staff organized and conducted 22 pre-application meetings related to proposed projects.

Director Hutchison stated that he performed a site inspection on March 2 with Colleen Maloney to examine a solar array approved in 2016 by the Commission (DRCC #16-4951) located on Croton Road in the Quakertown neighborhood of Franklin Township, Hunterdon County. He reported that he also met with officials from the Southeastern Pennsylvania Transportation Authority (SEPTA) on March 10 to discuss their planned in-kind repairs to the bridge, which conveys the SEPTA West Trenton commuter rail line over the Delaware and Raritan Canal north of Lower Ferry Road in Ewing Township, Mercer County.

Director Hutchison reported that fee collections for the month totaled \$61,071.78, which compared quite favorably to the \$33,950 collected in March 2022. The Commission had, therefore, collected \$410,174.50 with three months remaining in the fiscal year. The Director stated his opinion that the Commission would likely meet and exceed its \$500,000 anticipated appropriation for Fiscal Year 2023. Whether the Commission would meet the proposed \$650,000 anticipated amount for Fiscal Year 2024 remained unclear. However, with 22 pre-application meetings and 10 jurisdictional determinations in the last month, and the onset of warmer weather and increased construction activity, it did not appear to the Director that fee revenues were likely to drop substantially in the short-term.

Mr. Hutchison informed the Commission that with respect to the Master Plan update process, Darlene Yuhas was collaborating with colleagues in the DEP to complete the grant award packet that must be submitted to the New Jersey Historic Trust (“Trust”) no later than March 31, 2023. He noted that the Trust required certain financial information, which can only be obtained from the DEP Office of

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Management and Budget, but that he did not anticipate any difficulties in meeting the submission deadline.

Pursuant to the provisions of Executive Order No. 215 (1989), which requires the preparation of an environmental impact statement in support of major State department, agency, or authority construction projects, Director Hutchison stated that he submitted comments on behalf of the Commission on the DEP Office of Resource Development project to construct a new visitor center at Washington Crossing State Park. The new center is proposed to replace the existing center located to the north of the project area, which was constructed in 1976 to commemorate the national Bicentennial. He noted for the benefit of members of the public that the Delaware and Raritan Canal State Park bisected the Washington Crossing State Park west of River Road (N.J. State Highway Route No. 29) and generally parallels River Road. He also observed that the project fell within the boundaries of the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures within 300 feet of the centerline of the canal.

Director Hutchison stated that the Commission had been advised by ACCSES NJ that there was a new vendor for the Commission scanning project. Easterseals New Jersey has been succeeded by Bright Star Technologies of Newark. The Director reported that Bright Star is a non-profit, social enterprise that helps to place veterans into careers in forward-looking areas, such as technology, working on Bright Star projects for federal, state, county and local governments. He stated that the Commission looked forward to working with Bright Star and thanked ACCSES NJ for helping to ensure a smooth transition to the new vendor.

Among the pre-application meetings he attended in the past month, Director Hutchison called the Commission's attention to a meeting with the New Jersey Department of Transportation (NJDOT) regarding the replacement of the bridge that conveys Washington Road (Mercer County Route No. 571) over the Delaware and Raritan Canal at the border of the Municipality of Princeton with West Windsor Township. Director Hutchison reminded those present that he issued an emergency General Permit No. 1 last summer for repairs to the bridge following an inspection that discovered several serious defects. NJDOT installed temporary lateral bracing across the structure and constructed 11 temporary post jacks in the canal along the east abutment. However, he stated, a permanent solution needed to be advanced that also corresponded with Mercer County's planned replacement of the bridge that spans Carnegie Lake and would not disrupt traffic heading to and from Princeton University.

Park Superintendent's Report

Superintendent Kalleser reported that Park Service staff met with representatives of Public Service Electric and Gas Co. (PSE&G) at Demott Lane to discuss the tree species that would be planted in a small area where five trees were removed to permit a crane to access the company's utility poles related to project DRCC #21-5707. She indicated that the new trees would be planted in the Spring.

Superintendent Kalleser reported that the repair of the former railroad trestle that conveys the multiuse trail over the Wickecheoke Creek at the Prallsville Mills will begin when the weather is sufficiently warm to allow for the application of grout. She noted that the NJDOT had stated the repair was the most

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important for the Park Service and that it was anticipated that the project might be completed in late May or early June 2023.

The Superintendent reported that a pre-bid meeting had occurred for the Port Mercer House sewer project, which would connect the house to the Ewing Lawrence Sewerage Authority (ELSA) sewer line. The NJDEP Office of Resource Development (ORD) is in the final permitting stage. A pre-bid meeting was anticipated for Summer 2023 and once a contractor was selected, a Mercer County road opening permit would be obtained.

Superintendent Kallesser reported that the Griggstown Bridgetender's House deck repair, one of the final repairs related to Tropical Storm Ida damage, would be put out to bid in March, and it is anticipated that work will begin in May or June 2023.

Superintendent Kallesser reported that preparations for the upcoming summer recreation season were in full swing and that seasonal employment openings were still available at Bulls Island Recreation Area.

The Superintendent reported that the project to elevate the Kingston Locktender House furnace had received Department of the Treasury Division of Division of Property Management and Construction code review approval, leaving only the need to obtain plumbing permits from the Department of Community Affairs Division of Codes and Standards.

The Superintendent reported that on March 4, 2023, the Division of Parks, Forests & Historic Sites and the New Jersey Watershed Ambassador program oversaw cleanups in the Delaware and Raritan Canal State Park at the Millstone Aqueduct in Plainsboro Township, and along the D&R Greenway Trail that follows the former Belvidere-Delaware railroad bed and generally parallels Bellevue Avenue from Prospect Street to Warren Street in the City of Trenton. Other cleanups were planned for March 18 at Bulls Island Recreation Area and on March 24 at Duck Island in the so-called "abandoned" section of canal. She noted that information regarding the events was available on the DEP's various social media accounts.

Superintendent Kallesser noted that effective April 1, Superintendent Lauren Rojewski, presently serving at the Spruce Run Recreation Area, will become the Superintendent of the Delaware and Raritan Canal State Park.

Vice-Chairman Stout thanked Superintendent Kallesser for her extraordinary and thoughtful work as the Superintendent of the Delaware and Raritan Canal State Park and noted the many accomplishments of her remarkable tenure. Commissioner Lubitz stated that Superintendent Kallesser's collaboration with Kingwood Township was extraordinary and was much appreciated by the residents of that community.

Superintendent Rojewski stated she was excited to assume the leadership of the Delaware and Raritan Canal State Park and build a positive relationship with the Commission.

Commissioner Lubitz stated that he observed excavation at the DeRewal Chemical Company Superfund site located south of the Borough of Frenchtown wastewater treatment plant and adjacent to the Delaware and Raritan Canal State Park Riverview public access area parking lot in park on Route 29 in

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Kingwood Township. Superintendent Rojewski stated that an underground storage tank excavation and post-excavation soil sampling were being conducted by the U.S. Environmental Protection Agency and that no impacts related to the operation of the parking lot were anticipated.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that the Landing Lane Spillway repair project located on the left (i.e., Raritan riverside) embankment of the Delaware and Raritan Canal in the City of New Brunswick, which began in mid-November, was ongoing with an anticipated completion date at some point during the upcoming summer months. The Landing Lane 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. Sellar stated that at the current time, no date had been set for the planned review of the stone surface of the structure, which would be located on the park multiuse trail.

Mr. Sellar reported that an engineering review for the design of the western canal embankment repair project in Stockton Borough was complete and that a request for bids for the project would be sent out in March or April 2023.

Mr. Sellar reported that the feasibility study for the Cedar Grove watershed project is being reviewed by NJWSA engineers.

Mr. Sellar reported that a "notice to proceed" was issued for the in-kind replacement of 11 sluice gates and operating components at four locks: Griggstown Lock, Ten Mile Lock, South Bound Brook Lock and Five-Mile Lock on the Delaware and Raritan Canal in Somerset County (DRCC #22-5924).

Mr. Sellar reported that a small weep or leak was being addressed by NJWSA on the Delaware and Raritan Feeder Canal near Scudder Falls, directly across from the Erini Restaurant in Ewing Township.

Old Business

None.

New Business

Vice-Chairman Stout stated that pursuant to the provisions of N.J.S.A. 13:13A-11i., the Commission would consider the approval of the draft annual report for its activities for the calendar year ending December 31, 2022. He asked for comments from the Commissioners.

Commissioner Lubitz stated that he found the draft 2022 annual report extraordinary. Director Hutchison stated that the report reflects both the creativity and hard work of Commission staff member Darlene Yuhas. He also wished to acknowledge the contribution of Maria Scimone, a graphic designer employed by the DEP Communications Office, who worked closely with Darlene Yuhas and completed her work on the project in a compressed timeframe. The Director stated that he hoped the report, in addition to complying with the mandate of the Legislature, educated the public about the work of the Commission and provided transparency about the Commission's finances and its operations.

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The Vice-Chairman asked for a motion to approve the 2022 annual report. Commissioner Lubitz made a motion to approve the report 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	Yes

The motion was approved.

Public Comment

Mrs. Barth thanked Superintendent Kalleser for her work on behalf of the D&R Canal Watch.

Mr. von Zumbusch lauded Superintendent Kalleser's work with the Millstone Valley Preservation Coalition, the Kingston Historic Society, and the Mapleton Preserve.

Mr. Gordon, a resident of Old River Road in West Amwell Township, addressed the Commission regarding his and his neighbors' concerns over a proposed hotel project approved by that municipality, located at the intersection of Old River Road and Route 29. He noted that he was an avid user of the Delaware and Raritan Canal State Park.

Mr. Gordon stated his concerns regarding the hotel project, including the proposed architectural design, and its effect on the property given its historic nature. He also stated that the project posed a danger to persons attempting to cross Route 29 from the hotel to access the Delaware and Raritan Canal State Park. He further noted that the Big Bear Gear outdoor gear rental business, which is adjacent to the proposed hotel site, may encourage its clientele to traverse from the retail business over the hotel property to Old River Road to gain access to the park; and that the previously proposed hotel project planned for a "boutique" hotel and differs from the current project, which is designed to host events and provide conference rooms. This would, he averred, result in a more intense use of the property. He also noted that the proposed septic system facility would not be capable of serving this more intense use of the site. He also contended that the limited amount of vehicle parking on the premises of the planned hotel -- specifically 25 spaces to support 10 hotel rooms, a 17-seat restaurant, plus event patrons, and restaurant staff -- was inadequate. This would in turn impact Old River Road and the driveways of the residents of that neighborhood as motorists heading to and from the hotel would find themselves unsafely backing into ditches along that road.

Mr. Coyne, resident of 3 Old River Road, West Amwell Township, recounted that he had worked with former Commission Director Jim Amon to map the Delaware and Raritan Canal State Park as a GIS specialist. He noted his appreciation of the historic nature of the canal and park and noted that he had assisted Director Amon with the "Linkages" project the Commission staff undertook in 2002 to illustrate the canal's central role in the region and identify the resources in the canal park's corridor.

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Mr. Coyne characterized the hotel as currently proposed as a disruption to the fabric of the community that lives on Old River Road. Mr. Coyne further detailed his concerns with the proposed project, including the location and maintenance of the restaurant grease traps, which would be located above and adjacent to Route 29, and which he stated could overflow toward the canal. He stated his concern that the septic system capacity was inadequate for such a project, and that the potential existed for a sewage overflow to Route 29 and then into the canal. He expressed his concern regarding the potential for localized flooding near the project site at the point where Old River Road and Route 29 connect. Mr. Coyne related his belief that the fact that the project required many hardship variances from West Amwell Township was proof that the project site was not the correct site for such an enterprise. He further stated his concern about the disposal of garbage, specifically odors and the possibility of attracting vermin to the area. Mr. Coyne provided the Commission with exhibits, a copy of which is appended to these minutes.

Commissioner Lubitz asked if the hotel project has been granted municipal zoning approval. Mr. Coyne stated that a conditional approval had been issued by West Amwell Township.

Commissioner Designee Madden asked how the applicant proposed to address spill-over parking. Mr. Gordon stated that shuttle buses were proposed by the applicant for special events; but that there was no turnaround area for such a vehicle on the site. He stated that it was unclear where hotel patrons would park and be transported to the facility, but that perhaps the applicant proposed using parking at the Fireman's Eddy public access area of the Delaware and Raritan Canal State Park or the parking lot Golden Nugget Antique Flea Market for the hotel's activities. Mr. Coyne noted his concern that emergency vehicles might not be able to respond to issues involving park users and Delaware River users should the applicant take parking spaces at the Fireman's Eddy parking area for the hotel's purposes. Vice-Chairman Stout inquired if the applicant intended to use parking at the Big Bear Gear site for the hotel, since they were adjacent to each other and under the same ownership. Mr. Coyne stated that it was unclear whether such an arrangement was proposed.

Vice-Chairman Stout advised the applicants to attend the meeting at which the Commission would consider approval of the proposed project. Director Hutchison informed the objectors that an application was pending before the Commission as project DRCC# 23-4952D, and that a staff report outlining several deficiencies in that application was issued by the Commission on March 14, 2023. Mr. Hutchison informed the objectors that, in the event the project was found compliant with Commission technical regulations and a memorialized resolution from the municipal planning board or zoning board of adjustment, as the case may be, was submitted to the Commission, the project could be calendared for consideration at the next monthly Commission meeting. Director Hutchison stated he would supply a copy of the staff report, which was a public document, to anyone who wished to receive it. Commissioner Lubitz explained to the objectors that the staff report would outline the scope of the Commission jurisdiction and would -- by omission -- illustrate the areas of concern relating to the project that were not within the Commission's regulatory scope of review.

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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 10:50 a.m.

Respectfully submitted,

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

John Hutchison, Secretary

ORRCAQH

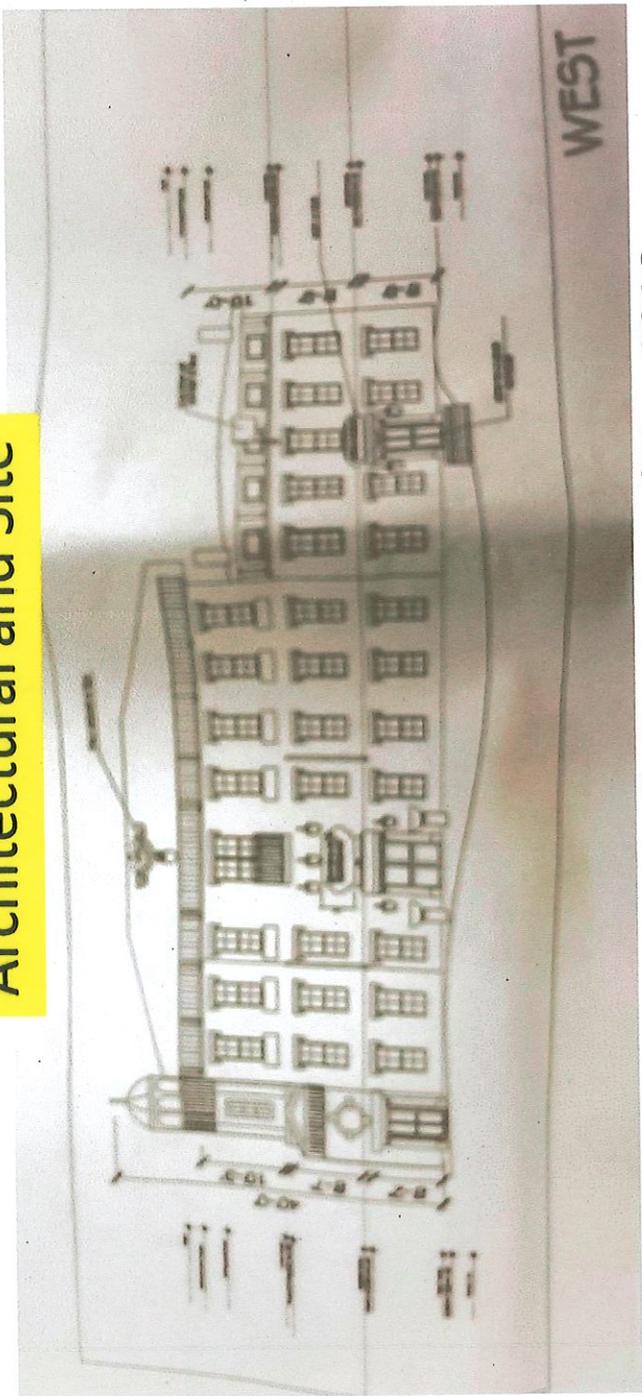
(OLD RIVER ROAD COMMUNITY AGAINST QUARRY HOTEL)

Names of Old River Road residents and length of residency on Old River Rd

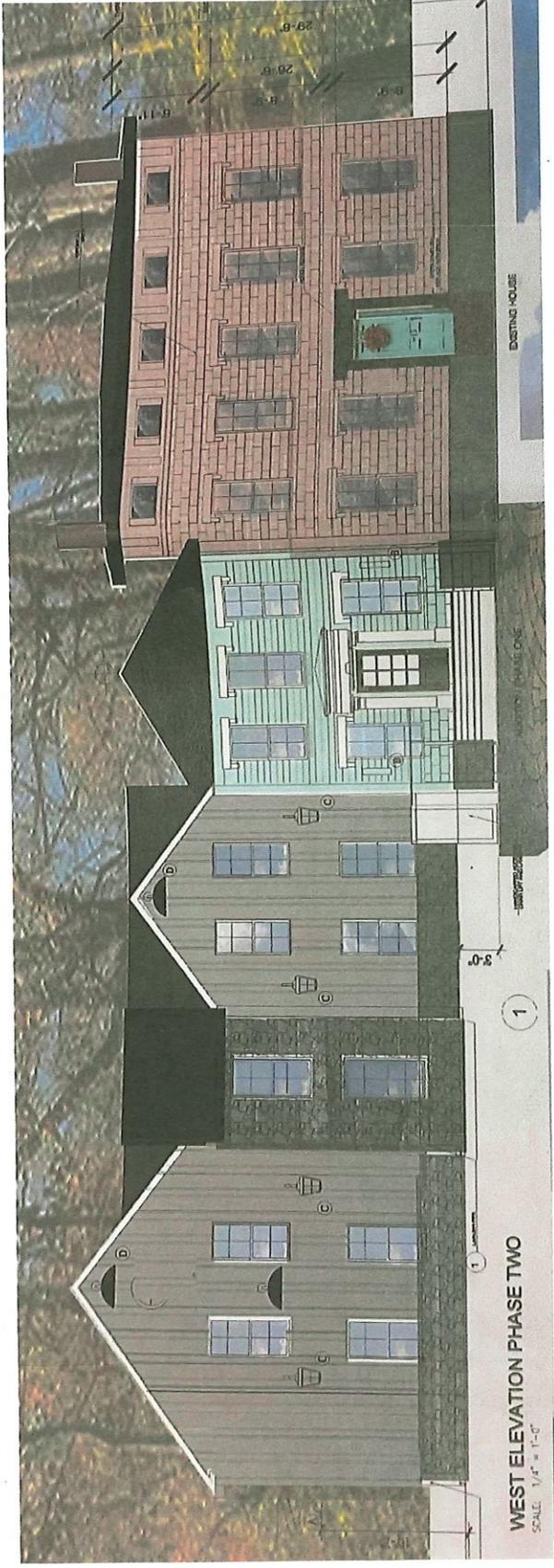
Joel W. Coyne- 3 Old River Road resident since 1997
Ulrike M. Zimmer- 3 Old River Road resident since 1997
Victoria Zona- 9 Old River Road resident since 2002
Daria Porter- 9 Old River Road resident since 2002
Dana Stewart- 13 Old River Road resident since 1992
Harry Gordon- 17 Old River Road resident since 1988
Wendy Gordon- 17 Old River Road resident since 1988
Melissa Massett- 21 Old River Road resident since 1999
John Martorana- 34 Old River Road resident since 1985
Guita Martorana- 34 Old River Road residence since 1985

10 residents, total length of Old River Road residency- 285 years

Architectural and Site



General's Retreat rendition 2016



Quarry Hotel rendition 2022