



**September 20, 2023 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.  
DATE: September 20, 2023  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice-Chairman Bruce Stout and Mark Texel, designee for Commissioner of Environmental Protection Shawn LaTourette, attended the meeting in the Commission office. Commissioner Douglas Palmer, Commissioner John Reiser, and Commissioner Chris Shoffner participated via online platform and teleconference.

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

GUESTS: Michael Sellar, Facilities Manager, New Jersey Water Supply Authority (NJWSA); Bob Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Ted Bayer, Bayer Risse; Andrew L. French, French and Parrello; Michael Chaykowsky; Tiago Duarte; Henry T. Chou; Dave Pasicznyk; Russ Smith, Hopewell Valley Engineering; Michael Ehrenreich; Rebecca Gelman, Gelman Architecture; Justin Ruby.

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 III, Section 4 of the Commission Bylaws, Vice-Chairman Stout directed the Executive Director to call the roll:

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Vice-Chairman Stout	Present
Commissioner Designee Texel	Present
Commissioner Reiser	Present
Commissioner Lubitz	Absent
Commissioner Shoffner	Present
Commissioner Palmer	Present

Director Hutchison stated that a quorum was present.

**Administrative Items**

Confirmation of October 18, 2023, Meeting Date

Vice-Chairman Stout stated that the next Commission meeting would be held on October 18, 2023.

**Minutes**

Approval of the Minutes of the August 16, 2023, Commission meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the August 16, 2023, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Reiser made a motion to adopt the minutes as proposed, which was seconded by Commissioner Designee Texel.

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

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

The minutes were approved.

**Review Zone Actions**

Zone A Projects

#23-2090L	Union Fire House -- Verizon Wireless Tower Extension/Additions (Hopewell Township)
#22-3059D	940 Easton Avenue -- McDonald's Restaurant (Franklin Township)
#23-4952D	1872 River Road -- Proposed Hotel (West Amwell Township)
#23-4168C	42 York Street -- Outdoor Improvements (Lambertville City)
# 23-5812B	47 South Union Street -- Garage Renovation and Window Replacement (Lambertville City)

The Vice-Chairman asked if any Commissioner wished to pull a Zone A project for discussion separate from the other Zone A projects. Commissioner Designee Texel stated he wished to consider DRCC# 23-2090L Union Fire House -- Verizon Wireless Tower Extension/Additions separately.

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Vice-Chairman Stout requested a motion on the remaining four Zone A projects. Commissioner Reiser made a motion to approve the Zone A projects with the exception of DRCC #23-2090L. The motion was seconded by Commissioner Palmer. The Vice-Chairman asked for comment from the Commissioners followed by the public.

Mr. von Zumbusch stated that while he found the review of 23-4952D 1872 River Road -- Proposed Hotel to be thorough, he did not agree with the recommendation to approve the project. He stated that the project is adjacent to the Delaware and Raritan Canal State Park and that State Highway Route No. 29 was part of the Delaware River Scenic Byway. He noted that the former farmhouse on the project site was eligible for inclusion on the National Register of Historic Places. He stated while he supported the adaptive reuse of the property, and even its use as a small hotel, the submitted design was one of the worst he had ever seen. He further declared that the design completely ignored the treatment standards set forth in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

Mr. von Zumbusch observed that the Larison-Ege Farmstead farmhouse stood alone on the property, and that the proposed hotel addition should have been designed to be set back substantially from the farmhouse, which is a typical requirement for additions to historic buildings. He stated that the submitted design was a "hodgepodge" of addition sections consisting of a variety of architectural styles, varying roof forms, and different materials that have the effect of drawing attention to themselves, rather than the historic house. He further stated that the parking area and main entrance should have been located at the rear of the hotel building, further up the hill and beyond the 200-foot setback line.

Mr. von Zumbusch also noted that the proposed design conceals the Larison-Ege farmhouse from the park due to the extensive landscaping needed to screen the parking lot and new hotel addition. He continued that while the landscaping does conceal some of the "horrendous" proposed additions, it also conceals the house, which in turn adversely impacts the character of the scenic byway corridor along the Delaware and Raritan Canal. He remarked that the project was reminiscent of a situation described by Frank Lloyd Wright, who quipped that "a doctor can bury his mistakes, but an architect can only advise his clients to plant vines." He noted that the proposed landscaping also had the unfortunate effect of blocking the view of the canal from the hotel. He urged the Commissioners to reject the project without prejudice to provide time for it to be redesigned and to not grant the requested waivers of strict adherence associated with the application.

Vice-Chairman Stout asked for further comment. Hearing none, he asked Director Hutchison to call the roll on the four Review Zone A projects.

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

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The motion was approved.

#23-2090L Union Fire House -- Verizon Wireless Tower Extension/Additions (Hopewell Township)

Vice-Chairman Stout requested a motion to approve DRCC #23-2090L Union Fire House -- Verizon Wireless Tower Extension/Addition. Commissioner Palmer made the motion, which was seconded by Commissioner Reiser. The Vice-Chairman asked Commissioner Designee Texel to comment.

Commissioner Designee Texel noted the wireless tower project involved permitting an additional 13 feet in height to be constructed to the existing tower, which in turn exceeded the 40-foot height limitation in the Commission's regulations (See N.J.A.C. 7:45-10.4(b)2). He stated it was his understanding that the 2001 Historic Sites Council determination on the earlier version of the tower was predicated upon a tower that would not exceed 40 feet. He noted that, with other State historic sites, there have been applications that have been denied by the State Historic Preservation Office (SHPO). Commissioner Designee Texel stated that he was concerned that SHPO had not been provided with an opportunity to comment on this iteration of the project, and that this could set a precedent for the development of additional towers along the canal. Accordingly, Mr. Texel proposed that the approval of the project be conditioned upon the applicant seeking review of the project from the SHPO.

Vice-Chairman Stout asked if the Commissioners who made and seconded the motion to approve the application, Commissioners Palmer and Reiser, respectively, would support amending their motion to include an additional condition requiring SHPO review of the project. Commissioners Palmer and Reiser noted their agreement to the proposed amendment to the motion.

Vice-Chairman Stout requested further comment from the public. Mr. Barth stated that 10 or 12 years ago, a smaller tower was approved for the Union Fire House site, and the existing tower had "grown" three times since its original construction. He observed that this practice set a terrible precedent. Mr. von Zumbusch stated his agreement with Mr. Barth and voiced his support for the condition on the approval proposed by Commissioner Designee Texel.

Vice-Chairman Stout asked Director Hutchison to call the roll for a vote on the project. Director Hutchison stated that the motion was to approve project DRCC# 23-2090L with the conditions recommended by staff that were detailed in the staff report, along with the additional condition that the project be referred to the SHPO for review.

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

The motion was approved.

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Zone B Projects

- # 23-2572B 89 Twin Rivers Drive -- Building Renovation (East Windsor Township)
- #23-2823H The Hun School of Princeton -- Poe Dormitory Demolition & Reconstruction (Municipality of Princeton)
- #23-3341M Penn Medicine Princeton Health -- Temporary Parking Lot (Plainsboro Township)
- #23-3341N Penn Medicine Princeton Health -- Cancer Center Parking Garage (Plainsboro Township)
- # 23-5665B 29 Pleasant Valley Harbourton Road -- Major Modification (Hopewell Township)

The Vice-Chairman asked if any Commissioner wished to consider any Zone B project separately. Hearing none, the Vice-Chairman requested a motion on the Zone B projects. Commissioner Shoffner made a motion to approve the five Zone B projects, which motion was seconded by Commissioner Reiser. The Vice-Chairman asked for comment from the Commissioners and then the public.

Mr. Chou, representing the applicant for 23-2572B 89 Twin Rivers Drive -- Building Renovation, stated that he wished Commission staff to execute the conservation and maintenance agreement as quickly as possible, upon project approval, to facilitate the project. Director Hutchison stated that Commission staff would do so.

The Vice-Chairman directed Director Hutchison to call the roll on the Zone B projects.

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

The motion was approved.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing August 17, 2023, to September 19, 2023. In addition to the 10 projects listed on the meeting notice, the staff issued 21 deficient staff reports, 10 jurisdictional determinations, 4 certificates of approval, and 13 general permits. In addition to these matters, staff organized and conducted 15 pre-application meetings related to proposed and pending projects. As of September 19, 2023, there were 23 projects undergoing staff review.

The Director stated that fee collections totaled \$38,900 for the month, noting this amount was a solid improvement upon August's collections, and considerably more than fees collected in July. He stated that fee collections were less than the \$59,850 collected in September 2022, but in line with the \$33,050 collected in 2012. The Director noted that with three months of Fiscal Year 2024 completed, the Commission had collected \$89,750. If the Commission anticipated appropriation of \$650,000 is spread evenly across the fiscal year, the Director stated, the Commission needs to collect \$54,166 per month to meet the anticipated appropriation amount. Therefore, the Commission should have collected about \$162,500 by the end of September.

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Director Hutchison stated that although the modestly improved fee collections were a relief, the Commission staff would need to remain vigilant with respect to spending until fee revenues come into line with the anticipated appropriation amount. This issue, along with other fiscal matters, will be discussed at the Fiscal Year 2024 quarterly budget meeting which, Director Hutchison stated, would include the DEP Comptroller Stephen Matis and Natural and Historic Resources Operations Chief Madden.

The Director reminded the Commissioners that he cancelled the Commission's purchase order with ACCSES-NJ for the Commission file scanning project. He noted that a large document scanner has been leased from Ricoh for 48 months at a cost of \$322.81/month and will be delivered to the office on September 28.

Director Hutchison reported that a number of Commissioners are not available to attend the November 15 Commission meeting, and the only day a quorum was present within a reasonable time period of that date was Wednesday, November 29. Therefore, staff would reschedule the November meeting for 10:00 a.m. on Wednesday, November 29, 2023.

Director Hutchison reported that Commission staff completed draft "Frequently Asked Questions" (FAQs) regarding the interaction between the new DEP Inland Flood Protection Rules and the Commission's rules. On the advice of the Office of the Attorney General, staff was waiting to post them to the Commission website, and that this would likely occur once the DEP issued its own guidance with respect to the regulations.

Director Hutchison reported that the third meeting of the New Jersey Department of Transportation (NJDOT) Route 29 Kingwood Rockfall Mitigation Project -- Design Working Group Meeting is scheduled for October 2. He hoped more will be learned about both the Kingwood and Lambertville/Goat Hill projects.

Director Hutchison reported that NJDOT reported several challenges to the Commission with respect to their project to replace the bridge that conveys Washington Road (Mercer County Route No. 571) over the Delaware and Raritan Canal in Princeton/West Windsor Township (DRCC #23-4721E). These included an unaccounted-for concrete obstruction, which, after consultation with the project's archaeological team, was not significant. He stated that NJDOT also encountered issues with the depth of the existing bulkheads' timber planks, which are used to retain the embankment. Specifically, they terminate at a higher elevation than originally anticipated. As a result, excavating down behind these walls (outside of the canal) for the installation of the new timber façade could result in instabilities of the embankment. The contractor requested that the bottom of the timber façade be raised to reduce risk of destabilization. The contractor requested the façade be terminated 1.0 foot below the canal. The NJDOT proposes terminating the façade 1.5 feet below water at the west side of the canal, and 3.0 feet below water at the east side.

Finally, Director Hutchison reported that a sinkhole developed on the Prallsville Mills campus at the rear of the historic Grist Mill. He stated that two raceways existed on the site in the 19<sup>th</sup> century that powered the grist and sawmills. One of these raceways, known as the "tail race" exits the Grist Mill, turns sharply toward the left and proceeds under the Wickecheoke Creek, the former rail trestle and

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ultimately to the Delaware River. He reported that Commission staff were alerted to the sinkhole by park patrons and that the Commission notified the State Park Service, which in turn placed cones, barrels and tape to cordon off the area. The Commission also provided the Park Service and DEP Office of Resource Development (ORD) with copies of the 1986 Prallsville Master Plan so that those groups were aware of the location of the tail race. Director Hutchison stated that, on Friday, September 22, there would be a meeting with ORD to determine how best to conduct an emergency repair.

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

Commissioner Designee Texel stated that Superintendent Rojewski was unavailable to attend the meeting, and that he would provide her report.

Commissioner Designee Texel reported that the Big Bear tubing concession had ceased operations in Kingwood Township for the season, and that the Fairview and Cooley Tract parking lots in Kingwood Township had been reopened for public use. He reported that Park Service seasonal staffing had been reduced, and that remaining park staff would continue to support park projects and administrative work, including the installation of signage at the Delaware River parking lot in Frenchtown Borough. He also noted that the Borough had removed picnic tables from the river area, which he hoped would deter unauthorized swimming and general overuse.

Commissioner Designee Texel reported that a Delaware River cleanup event was held on September 16, coordinated by the Delaware River Greenway Partnership and park naturalist Stephanie Fox. More than 200 volunteers cleaned up 18 different locations from Frenchtown Borough south to the City of Trenton.

Commissioner Designee Texel stated that a sinkhole caused by a collapsed storm sewer pipe was reported in July by a homeowner who lives on Easton Avenue/Main Street in South Bound Brook Borough, adjacent to Delaware and Raritan Canal State Park property. Following assessment of the site conducted by the NJWSA and the State Park Service, it was determined that the pipe in question was not State infrastructure. South Bound Brook Borough subsequently determined it was not municipal infrastructure, and it was likely that the pipe was a drainage feature installed by a property owner without the required permitting. Although not assuming ownership, the State Park Service with the help of NJDOT would commence repairs to the pipe as an emergency measure. He noted that an application to authorize the emergency project would be submitted to the Commission in due course.

Commissioner Designee Texel reported that on August 31 a helicopter taking off from Princeton Airport crashed in the Delaware and Raritan Canal State Park in the vicinity of Carnegie Lake and State Highway Route No. 27 in the Kingston area of South Brunswick Township, Middlesex County. State Park Service staff and the State Park Police supported the response effort by implementing park access closures and by issuing public notifications. On September 2, 2023, access to the park was restored.

Commissioner Designee Texel reported that the Delaware and Raritan Canal State Park multiuse trail would be closed from September 18 through September 22 in the area of Six Mile Run due to the ongoing NJWSA culvert repair project (See below).

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

Mr. Sellar reported that, in addition to the information Commissioner Designee Texel provided regarding the helicopter accident, he went to the scene and observed that a boom had been placed across the Millstone River as a precaution in the event that fuel or other fluids leaked from the aircraft; however, he reported that he detected no sheen on the water surface.

Mr. Sellar reported that work was completed, with the exception of some short “punch list” items, on the Landing Lane Spillway rehabilitation project (DRCC #19-3300B) located in the City of New Brunswick, Middlesex County.

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), was underway. The project will involve periodic road and park multiuse trail closures, which will be posted on the park website.

Mr. Sellar reported site work had commenced for 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 stated that the tarps were removed, tree trimming, tree removal work and vegetation clearing had started, and some embankment repairs were started. The contractor anticipated an early December completion of the Phase 1 project.

Mr. Sellar reported that NJWSA continued to monitor the canal for the presence of the invasive aquatic plant Hydrilla. He stated that no Hydrilla plants were found during the 2023 season, and that a tuber survey would take place in October.

Mr. Sellar informed the Commission that the contractor for the project to replace 11 canal sluice gates located at four locks in Somerset County had placed the order for the gates and that significant time would be needed to manufacture the devices.

Mr. Sellar stated that NJWSA continued to monitor the Delaware and Raritan Canal and the Millstone River for a blue-green harmful algal bloom (HAB) caused by Cyanobacteria (i.e., Blue-green Algae), which was detected in the Millstone River last summer; however, no bloom had been detected thus far.

Mr. Sellar stated that NJWSA staff was addressing the sinkhole associated with a culvert on Easton Avenue (Somerset County Route No. 514) in Franklin Township near the border of that municipality with South Bound Brook Borough. He stated that a repair design and a pre-bid site meeting was scheduled for September 21.

**Old Business**

None.



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**New Business**

None.

**Public Comment**

Vice-Chairman Stout asked for public comment.

Mr. Barth stated that, on October 7 and 8, Somerset County was hosting “Your Weekend Journey”; and that on this occasion the East Millstone Bridgetender’s House, the outhouse, and the Bridgetender Station would be open to the public.

**Written Public Comments**

None.

**Adjournment**

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

The meeting adjourned at 10:35 a.m.

Respectfully submitted,



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John Hutchison, Secretary