



**February 21, 2024 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: February 21, 2024
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission office. Mark Texel, Designee for Commissioner of Environmental Protection Shawn LaTourette; Commissioner John Reiser; Commissioner Douglas Palmer; 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: Linda Barth, D&R Canal Watch; Robert Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Michael Sellar, Facilities Manager, New Jersey Water Supply Authority (NJWSA); Julie Compton; Michael K. Ford, Van Cleef Engineering Associates; Kelley O'Such, E&LP; Thomas Muller; Thomas Zukofski; Rikki Massand; Dave Pasicznyk, NJDEP Bureau of Water Resources and Geoscience; Kathy Hale; Jessica L. Peslak; Michael Gallagher; Charlie Kratovil; Elizabeth Kulinich; Hital Patel; Beth Eisen; Ms. Natalie Tun, HomeWorks Trenton; Joshua B. Zinder, AIA; Paul Stern.

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.

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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 Texel	Present
Commissioner Reiser	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Present
Commissioner Palmer	Present

Director Hutchison stated that a quorum was present.

Administrative Items

Confirmation of March 20, 2024, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for March 20, 2024, at 10 a.m.

Minutes

Approval of the Minutes of the January 17, 2024, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the January 17, 2024, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Lubitz made a motion to adopt the minutes as proposed, which was seconded by Commissioner Shoffner.

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

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

The minutes were approved.

Review Zone Actions

Zone A Projects

#23-5295C 39 Bridge Street -- Exterior Lighting (Lambertville City)
#23-6005 1212 Edgewood Avenue -- HomeWorks After-School Residential Program Building Renovation (Trenton City)

Vice-Chairman Stout inquired if any Commissioner wished to review either of the Review Zone A projects individually. Commissioner Lubitz requested to review DRCC# 23-6005 1212 Edgewood

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Avenue -- HomeWorks After-School Residential Program Building Renovation separately.

Vice-Chairman Stout called for a motion on DRCC# 23-5295C 39 Bridge Street -- Exterior Lighting. Commissioner Lubitz motioned to approve the project, which motion was seconded by Commissioner Designee Texel. Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, he asked if the public had any comments. Hearing none, Vice-Chairman Stout directed Director Hutchison to call the roll:

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

The motion carried.

Vice-Chairman Stout called for a motion on #23-6005 1212 Edgewood Avenue -- HomeWorks After-School Residential Program Building Renovation. Commissioner Lubitz made a motion to approve the project for the purpose of initiating a discussion, which motion was seconded by Commissioner Palmer.

Commissioner Lubitz noted that that the NJWSA had concerns about the project. Vice-Chairman Stout asked Mr. Sellar to comment on the authority's concerns. Mr. Sellar stated he provided the NJWSA's concerns to Director Hutchison, which were included as proposed conditions of approval as indicated in the Commission staff report. He noted that NJWSA was concerned about site excavation related to the proposed three-story addition, as well as excavation to install the proposed sanitary sewer main interceptor located near the toe of the canal embankment. He suggested that it would be prudent if the NJWSA reviewed the proposed means and methods set forth in the excavation plans to ensure that the canal embankment would not be compromised as a result of those excavations, which could in turn result in a breach in the canal. Director Hutchison stated that based on comments from the NJWSA, he updated the Commission staff report to recommend approval of the project conditioned upon the submission of a foundation excavation plan and a revised utility plan to the NJWSA for the authority's review and approval.

Vice-Chairman Stout asked Mr. O'Such, engineer for the applicant, if the applicant had the opportunity to review the updated staff report which included the proposed conditions placed upon the approval. Mr. O'Such stated they had reviewed the updated staff report and stated that he believed that the applicant could comply with the proposed conditions.

Vice-Chairman Stout asked Commissioner Lubitz if he would be willing to amend his motion to include the two approval conditions set forth in the updated Commission staff report. Commissioner Lubitz stated that he agreed to amend the motion. Vice-Chairman Stout then asked Commissioner Palmer if he agreed to modify his motion to second the motion to approve the project to include the two conditions. Commissioner Palmer indicated his agreement to second the amended motion.

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With respect to the project, Commissioner Lubitz stated he found the project to be worthwhile and asked if different designs were considered for the proposed elevator tower roof on the proposed building addition other than the proposed “butterfly” roof.

Mr. Zinder, who identified himself as the architect for the applicant, stated that the butterfly roof design feature of the elevator tower was designed in a manner so as to separate the new structure from the historic portion of the building, which was in keeping with 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 (“Standards”). He stated that the butterfly design was representational of an “open book,” which corresponded with the HomeWorks organization’s basic model of scholarship and education. He stated that other roof designs were considered, but it was decided that the proposed design met the Secretary of Interior’s Standards and also provided a thematic element to the overall project.

Commissioner Lubitz stated that the area of the City of Trenton in which the project is located, which runs parallel to the Delaware and Raritan Canal from Sullivan Way to Cadwalader Park, was built largely in the mid-1950s, and that the residential dwellings tended to have flat roofs. He stated that the butterfly roof stuck out like a “sore thumb” and that the design was more appropriate for Palm Springs. He noted that the roof design was inappropriate and did not harmonize with the built environment of the neighborhood. He stated while he could not support the butterfly design, he could support a flat roof design or something similar found in the built environment in Trenton.

Ms. Tun, the applicant and co-founder of the HomeWorks program, stated that the project would be the home for an after-school program for high school girls. She stated they had considered other roof designs, but this butterfly design, which is designed to collect rainwater as part of the stormwater management infrastructure for the project, was also a metaphor for the collection of knowledge. She stated that the scholars and their families who constitute the HomeWorks community, contributed to the design process and supported the butterfly roof design. She noted that the building as designed would stand out and be a hub and strong presence for the surrounding neighborhood.

Mr. Zinder noted that the project and design received unanimous approval by the City of Trenton Zoning Board of Adjustment, and the city found that the project fit into the neighborhood.

Commissioner Lubitz stated he was in support of the project and the restoration of the historic farmhouse building but felt that the butterfly roof would detract from the adjacent historic portion of the building.

Mr. von Zumbusch stated that Commission Executive Director Hutchison had prepared a thorough staff report on the project. He acknowledged that the project to rehabilitate the building was good; however, he stated his strong objection to the butterfly roof, which he believed was not consistent with the surrounding neighborhood and presented itself like an advertisement for the program. He suggested that if some sort of recognition of the building were necessary, statuary at the ground level could be integrated into the project. In addition to the roof design, he objected to the use of a stone veneer for the building foundation, which he said was not historically appropriate material and had the unfortunate tendency to draw one’s attention downward and away from the building. He also objected to the

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proposed white vinyl board on board fencing, and stated his preference for chain link, which would be covered in vines over time. Finally, he stated his general preference to emphasize the attributes of the old farmhouse structure on the site.

Mr. von Zumbusch concluded by stating that while the project was commendable in that it followed a history at the site of women involved in efforts to help women, but the butterfly roof was totally incompatible and unnecessary to the project. He noted that it was not in his opinion compatible with the Secretary of Interior's Standards because it draws attention to the modern part of an otherwise historic structure.

Commissioner Palmer agreed with Commissioner Lubitz that the butterfly roof design was not necessary. He noted that he grew up in the Edgewood Avenue neighborhood and knew it well; and that the proposed roof design was not like anything in the neighborhood. He did note that he found the HomeWorks scholar project to be commendable.

Vice-Chairman Stout stated that he was also familiar with the project site, and that he administered the property during his tenure as Executive Director of the Juvenile Justice Commission as a residence for delinquent girls. He stated his belief that the HomeWorks project and associated building renovation was a great resource for the City of Trenton.

Commissioner Lubitz suggested that the Commission deny the project without prejudice to allow the applicant time to return to the Commission at a future meeting with the required excavation plans detailed in the staff report and a revised architectural plan, providing an elevator tower roof topped with a feature other than the proposed butterfly design. He observed that as things stood, there are two "no" votes for the project as proposed.

Director Hutchison stated that if Commissioner Lubitz wished to pursue this approach, then he needed to withdraw his motion to approve the project as proposed by staff and propose a new a motion to deny the project without prejudice pending the receipt of the excavation plans detailed in the staff report and a revised architectural plan, which provided that the elevator tower roof design use a feature other than the butterfly design.

Mr. Zinder stated that the applicant could provide illustrations to demonstrate that the roof was harmonious with the overall building, but that it also complied with the Secretary of Interior's Standards, and that it did not detract from the historic farm structure. He further stated that rather than an advertisement, the design provided a new identity for the women of Trenton. He stated that the Florence Crittenton Trenton home was a wonderful organization, but it represented an archaic and patronizing system of help to so-called "fallen women." The new design provided a new and modern perspective on the historic building, and instead emphasized the scholars' program and the students' identity and success. Mr. Zinder further stated that a delay could conflict with timelines imposed by the City of Trenton for construction of the project. In addition, he noted that a delay could imperil funding for the project.

Commissioner Designee Texel asked for clarification regarding the amended motion. He also inquired about the impact a denial without prejudice would have upon the applicant as it related to the project's

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funding, and in terms of the redevelopment and historic adaptive reuse of the site. Mr. Texel noted that he did not like the look of the butterfly roof as a matter of personal preference; but he did not think that that this alone would constitute a reason to set the project back. He also observed that personal dislike of a design element was not necessarily the same as objection based upon the Secretary of Interior's Standards. He concluded with the observation that personal opinions about the roof design could be clouding the Commissioners' views of an otherwise meritorious project.

Ms. Tun stated that the \$2.075 million loan the HomeWorks organization has secured from TD Bank would be in jeopardy if the project permits could not be obtained within a certain timeline. She also stated she initially did not support the butterfly roof, but the scholars enthusiastic endorsement convinced the HomeWorks building committee to select the design. She further stated that the scholars, all of whom were young, had lived their lives among nondescript buildings that were not of the best quality. She said that the students' participation as scholars at the HomeWorks campus was an issue of identity and pride, and the residents, community members, and the City of Trenton could be proud of the program.

Director Hutchison stated that Mr. Zinder's observation was correct; if there were changes to the design of the project, it was likely that further review would be required from the City of Trenton Zoning Board of Adjustment, and that N.J.A.C. 7:45-3.2 prohibited the Commission from voting on the project until a new memorialized resolution was adopted.

Director Hutchison also observed that Commissioner Designee Texel's request for further clarification of the motion on the floor was well taken. He clarified that the amended motion currently before the Commission was to deny the project without prejudice, allowing the applicant to return with the excavation plan as noted as a condition in the latest staff report, and a revised architectural plan providing a roof design other than the butterfly roof.

Commissioner Lubitz asked Ms. Tun if the project is pressed into a timeline resulting in HomeWorks losing the current loan, would that preclude her from securing a new loan. Ms. Tun stated that it had taken two years to find a lender willing to finance the project, and they had been to many banks and had not been successful. She stated it would be very hard to obtain a new loan.

Vice-Chairman Stout stated that he did not wish to impose such a burden on the applicant. He noted he respected the perspective of the high school scholars and stated that he perceived that a majority of the Commission may wish to approve the project.

Commissioner Palmer stated he was moved by Ms. Tun's explanation of how much work had gone into the program, and his belief that the program would bring benefits to the City of Trenton. He observed that he was aware of how young people in Trenton felt, and this project would create pride and help the neighborhood in question. Commissioner Palmer stated that given these reasons, he would withdraw his objection to the project.

Director Hutchison stated that the motion of the floor is to deny the project without prejudice pending receipt of the foundation excavation and utility excavation plans requested in the staff report and revised architectural elevations which reflected that the elevator tower roof be other than the butterfly design.

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Commission Palmer withdrew his second to the motion. Vice-Chairman Stout asked if another Commissioner was willing to second Commissioner Lubitz’s motion to deny. Commissioner Shoffner offered a second to the motion. Vice Chairman Stout asked the Director to call the roll:

Vice-Chairman Stout	No
Commissioner Designee Texel	No
Commissioner Reiser	No
Commissioner Lubitz	Yes
Commissioner Shoffner	No
Commissioner Palmer	No

The motion failed.

Vice-Chairman Stout asked for a motion to include only the conditions set forth in the updated staff report, namely, that the applicant would submit foundation excavation and utility excavation plans to the NJWSA for approval. Commissioner Palmer made a motion to approve the project as proposed in the staff report. Commissioner Designee Texel seconded the motion.

Director Hutchison repeated the motion, in which Commissioner Palmer, seconded by Commissioner Designee Texel, was to approve the project as proposed in the Commission staff report of February 20, 2024, which included a condition that the applicant shall submit a foundation excavation plan for the proposed three-story addition and a utility excavation plan for the proposed sewer interceptor, so that NJWSA may approve the means and methods of the excavation to protect the embankment of Delaware and Raritan Canal. Vice-Chairman Stout asked the Director to call the roll:

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

The motion carried.

Zone B Projects

- #22-4802A 40 Kildee Road -- Proposed Residence (Montgomery Township)
- #22-4813A Silvia Street/Parkway Avenue -- Mixed Use Development (Ewing Township)
- #21-5728 161 Cedar Grove Lane -- Proposed Minor Subdivision (Franklin Township)
- #22-5926 837 Somerset Street -- Mixed-Use Building (Franklin Township)
- #23-6077 200 Livingston Avenue -- Apartment Building (New Brunswick City)

Vice-Chairman Stout inquired if any Commissioner preferred to review any of the Review Zone B projects separately. Hearing no such request, he asked for a motion on the Zone B projects. Commissioner Reiser made a motion to approve the projects, which was seconded by Commissioner

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Shoffner. Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, he asked if the public had comment. Hearing none, Vice-Chairman Stout directed Director Hutchison to call the roll:

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

The motion carried.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing January 17, 2024, to February 20, 2024. In addition to the 7 projects listed on the meeting notice, staff issued 22 deficient staff reports, 9 jurisdictional determinations, 3 certificates of approval, and 8 general permits. In addition to those matters, staff organized and conducted 11 pre-application meetings related to proposed and pending projects. As of February 20, 2024, 17 projects were undergoing staff review.

Director Hutchison reported that fee collections totaled \$16,950 for the month. This represented the lowest February monthly fee collection in the last eight years. With eight months of the 2024 Fiscal Year completed, the Commission has collected \$234,675.

Director Hutchison reported that the project file digitization project being advanced by the Commission's two temporary employees, Megan Black and Kylee Conner, continued to make remarkable progress. Since the previous month's meeting, they scanned the contents of an additional 19 files boxes, bringing the total boxes scanned to 34.

Director Hutchison reported that Darlene Yuhas was working with the Department of the Treasury Office of Information Technology (NJ OIT) on the preparation of an online version of the 2023 Commission Annual Report. NJ OIT would charge the Commission an estimated \$6,021.15. He stated that, since the production of the annual report is a statutory mandate, and because the DEP Office of Communications has stated that they were not able to assist the Commission -- either this year or going forward -- incurring the cost would be unavoidable.

Director Hutchison reported that the Commission Master Plan Revision process continued to advance, albeit at a deliberate pace. At present the DEP Office of Management and Budget -- which would handle disbursements from the account the NJ Historic Trust grant monies would be deposited into -- requested clarification of certain language contained in the grant agreement. NJ Historic Trust was reviewing this request and pledged to reply within the next two weeks.

Director Hutchison reported that on January 30, he participated in a site visit with Superintendent Rojewski and Mr. Sellar regarding flooding in the backyards of several residences on Locke Court in Ewing Township. He stated that the Commission's records relating to the building of that subdivision

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were destroyed at some point in the 1990s, so there were no stormwater management plans on file. However, by following the contours of an intermittent stream in the rear yards of these properties, the party was able to locate an obstructed culvert where this watercourse crosses beneath Wilburtha Road, which is a municipal street in the Township of Ewing. Superintendent Rojewski was in the process of writing a response to the property owner who notified the Commission of the flooding situation at the January 2024 meeting.

Following up on a request from Commissioners at the January meeting, Director Hutchison reported that he was contacted by Tina Shutz of the New Jersey Department of Transportation (NJDOT) on January 22 regarding that agency's long-term plans for State Highway Route No. 29. She was working on organizing a meeting with all the units in the NJDOT that would be part of a response to the Commission and involved in future discussions.

Park Superintendent's Report

Superintendent Rojewski reported that the sinkhole discovered within the park near Fairview Road in Kingwood Township underwent an emergency repair by NJDOT and related closures to the path will be removed within the week.

Superintendent Rojewski reported that the New Jersey State Park Police were investigating incidents of vandalism and graffiti at the pedestrian bridge at the Alexauken Creek aqueduct in Lambertville. She stated vandalism repairs and graffiti removal were underway and would be completed by the end of the week.

Superintendent Rojewski reported that State Park Service staff continued resurfacing of the park multiuse trail in the Kingston/Princeton area following recent winter storms.

The Superintendent reported that NJWSA would be conducting emergency embankment repairs along the multiuse trail in the area south of Fireman's Eddy in Hopewell Township, starting the week of February 26. To support this work safely, the State Park Service would close the parking lot at Fireman's Eddy and the multiuse trail in the area between the embankment repair north to Fireman's Eddy parking area. She anticipated that work would be complete by the week of March 8.

Superintendent Rojewski reported that the Sherman House, a historic structure which dates from the Canal Era in Griggstown, was broken into on February 5, and that windows and doors were damaged. The burglars attempted to remove the radiators; however, New Jersey State Park Police arrived on the scene and foiled the burglary, causing the perpetrators to flee. She reported that repairs to the building were ongoing.

Superintendent Rojewski reported on the proposed conveyance of a small amount of State park property in Franklin Township, Somerset County, to Public Service Electric and Gas Company (PSE&G) for the proposed installation of a new pump station at Weston Canal House Road.

New Jersey Water Supply Authority Report

Mr. Sellar reported on the status of the rehabilitation project at the Six Mile Run culvert. He noted that the roadwork was mostly complete with intermittent closures, and the contractor would begin multiuse

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trail repairs, weather permitting, that would entail temporary future multiuse trail closures.

Mr. Sellar reported that NJWSA staff was actively addressing repair projects along the multiuse trail and the canal embankment arising from storm events in January.

Mr. Sellar reported that work to correct the leak at the so-called “Workhouse Spillway” located across N.J. State Highway Route No. 29 from the Mercer County Correctional Center in Hopewell Township would begin the following week. The project would require the installation of a temporary bridge over the existing bridge at Fireman’s Eddy to accommodate heavy equipment.

Mr. Barth asked for clarification on the use of a “concrete-like” material that was installed near the spillway in South Bound Brook. Mr. Sellar confirmed that it is a foundation, or base course, over which the State Park Service would place a final layer of material. Superintendent Rojewski stated that the State Park Service would address repairs to the multiuse trail in South Bound Brook, Kingston, and Princeton after threat of further winter storms had abated. Mr. Barth stated his opinion that this had the effect of altering the historic character of the former canal towpath.

Mr. David Pasicznyk of the DEP Geological and Water Survey asked Mr. Sellar if core samples had been taken from the Workhouse Spillway project. Mr. Sellar stated he did not have cores but suggested that he might contact Mr. Darin Shaffer at the NJWSA with such a request.

Old Business

None.

New Business

None.

Public Comment

Vice-Chairman Stout opened the floor to public comment.

Mrs. Barth noted that as part of the 50th anniversary celebration of the founding of the Delaware and Raritan Canal State Park and the Commission, Canal Watch offered celebratory mugs for sale. She also announced that the Watch had published a book of canal-related poems. She donated this book to the Commission library. She noted that copies of the book were available with a donation.

Mr. von Zumbusch stated that the Millstone Valley Coalition had created an audio tour of the Millstone Scenic Byway, which would allow visitors to listen to the tour while driving along the loop road that surrounds the park from Kingston to Millstone to East Millstone. The audio tour is available on the Millstone Valley Preservation Coalition website at: <https://www.millstonevalley.org/audiotour.html>

Mr. von Zumbusch commented that with respect to project DRCC #23-6005, it was unfortunate that the Trenton Zoning Board of Adjustment would have to review changes to the HomeWorks project at 1212 Edgewood Avenue and wondered whether that was in fact a correct statement of the facts. He reminded the Commission that their concern about the visual impact of a project is based upon what can be seen from the Delaware and Raritan Canal State Park.

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Written Public Comments

None.

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 a voice vote.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

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

John Hutchison, Secretary