



**June 18, 2025, Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.  
DATE: June 18, 2025  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice-Chairman Bruce Stout attended the meeting in the Commission Office. Commissioner Designee Robin Madden, Commissioner Phillip Lubitz, Commissioner John Reiser, and Commissioner Caryl “Chris” Shoffner participated via online platform and teleconference.

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

GUESTS: Michael Sellar, New Jersey Water Supply Authority (NJWSA); Maggie Mitchell-Strehl, Superintendent, Delaware and Raritan Canal State Park; Bob Barth, D&R Canal Watch; Linda Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Josephine Schuster; Susan Bristol, The Watershed Institute; Rachel Dokovitch; Ariela Ferris; Ryan Krueger, Princeton Hydro; Steven Varneckas; Carly M. Clinton; James Cosgrove; Jack A. Eelman; Russ Smith; Kip Cherry, New Jersey Chapter of the Sierra Club; Kate Coffey, Day Pitney; Peter Dickson, New Jersey Chapter of the Sierra Club; Chris Hitchcock, New Jersey Chapter of the Sierra Club; Joseph Holzapfel, Bohler Engineering; Kathleen Gallagher, Kingston Greenways; Mark Smith; Rikki Massand; Douglas Ulene.

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 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

June 18, 2025

September 18, 2019.

Since some Commission members were participating via telephonic device pursuant to Article III, Section 4 of the Commission Bylaws, Vice-Chairman Stout directed Executive Director Hutchison 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 16, 2025, Meeting Date**

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for July 16, 2025, at 10:00 a.m.

### **Minutes**

#### **Approval of the Minutes of the May 21, 2025, Commission Meeting**

Vice-Chairman Stout inquired if any of the Commissioners wished to propose edits or corrections to the May 21, 2025, 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 Lubitz.

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

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

The motion was approved.

### **Review Zone Actions**

#### **Zone A Projects**

None.

June 18, 2025

Zone B Projects

DRCC# 24-3012G 4405 U.S. Highway Route 1/987-1001 Ridge Road -- Data Center  
(South Brunswick Township)  
DRCC # 25-6236A 170 Marshall's Corner Woodsville Road -- Barn and Riding Arena (Hopewell  
Township)  
DRCC # 25-6273 NJDOT Route 295 -- Milepost 69.38-69.98 Noise Barrier (Lawrence Township)

Vice-Chairman Stout stated that, since there was public interest regarding project DRCC# 24-3012G 4405 U.S. Highway Route 1/987-1001 Ridge Road -- Data Center, he would entertain a motion to consider the two remaining Zone B projects on the agenda. Commissioner Lubitz made a motion to approve project DRCC# 25-6236A and project DRCC# 25-6273. That motion was seconded by Commissioner Shoffner. Vice-Chairman Stout asked for comment on either of the projects from the Commission and then the public. Hearing none, he 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 motion was approved.

Vice-Chairman Stout asked, for the purpose of discussion, for a motion on project DRCC# 24-3012G. Commissioner Lubitz made a motion to approve the project, which was seconded by Commissioner Designee Madden. Vice-Chairman Stout asked for comment on the project from the Commissioners. Hearing none, he asked the same of the public.

Mr. Dickson identified himself as an attorney representing the New Jersey Chapter of the Sierra Club and stated that he had an expert who would make remarks, after which he would then make his comments. Mr. Krueger then identified himself and stated he was an employee of Princeton Hydro and that he also represented the Sierra Club.

Mr. Krueger stated the project applicant's submitted soils test pit data demonstrates that nearly all of the proposed infiltration basins for the project were located in soils that were below the minimum permitted hydraulic conductivity of one inch/hour. He stated that this meant that the soils were unsuitable for infiltration or groundwater recharge and could not support the infiltration basins. Mr. Krueger then stated that the submitted soil testing contained significant errors in the ground surface elevations of the test pits and the separation of groundwater and groundwater mounting analysis, and that they were, therefore, not reliable.

Mr. Krueger further stated that the basins were without adequate separation of groundwater and would not infiltrate properly. Additionally, several of the proposed best management practices (BMPs) were not, in his opinion, designed pursuant to the requirements in the New Jersey Stormwater BMP Manual.

June 18, 2025

He also stated that the applicant improperly calculated the basin drain times in the submitted stormwater report. Mr. Krueger also stated that the combination of these factors rendered the basins noncompliant and that the infiltration basins were expected to fail, and that basins which have experienced failure do not adequately perform their water quality, water quantity, or groundwater recharge functions, and would cause these downstream impacts to the waters under the Commission's jurisdiction.

Mr. Krueger stated that the applicant was inexplicably using underdrained basins to satisfy groundwater recharge requirements, which he said would prevent infiltration into the groundwater. The underdrained basins do not allow groundwater recharge, but Mr. Krueger contended that the applicant was accounting for this.

Additionally, Mr. Krueger stated that the existing downstream pipes, to which the proposed BMPs would discharge, had not been assessed in the submitted stormwater report, and that they have insufficient capacity to accept these proposed flows out of the stormwater management system. He further stated that the replacement of the undersized pipes with suitable pipes would require disturbance in freshwater wetlands that had not been reviewed or permitted.

Finally, Mr. Krueger noted that the project was located at a known site that contained dieldrin and chlordane pesticide contamination. He stated that the applicant had not addressed the presence or disturbance of this contamination in the submitted stormwater report. He noted that dieldrin and chlordane were banned substances that bioaccumulate and persistent in soil for decades, are soluble in water, and are toxic to humans, mammals, insects, fish, and other aquatic life. Mr. Krueger said that the substances are also linked to cancer in humans. He further stated that the project's proposed disturbance could expose these pollutants and allow them to enter surface or ground waters at an accelerated rate.

Vice-Chairman Stout noted that Mr. Krueger raised several issues within the Commission's purview, but that he also included several matters that did not fall within the jurisdiction of the Commission, specifically, the historic pesticide contamination. The Vice-Chairman then asked Commission Engineer Ruggeri to speak on the stormwater-related comments posed by Mr. Krueger.

Mr. Ruggeri stated that the Commission had reviewed the objections from Princeton Hydro, which were submitted to the Commission. He noted that the Commission staff had worked with the applicant's engineer to resolve the issues raised by those comments. He noted that the applicant had resolved the issues in its most recent submissions to the Commission, including the comments related to infiltration rates, the separation, the soil testing borings, as well as the elevations that were used. Mr. Ruggeri noted that the applicant had submitted follow-up reports from their soil testing company that resolved those issues. He also reported that the proposed use of underdrained basins for infiltration was also resolved. He further noted that updated analysis was submitted to the Commission on the capacity of the receiving stormwater outlets downstream which demonstrated that the pipes could handle the incoming flows from the project.

Mr. Krueger responded by asking when the applicant's submissions were made, since he did not have an opportunity to review the submissions. Mr. Ruggeri responded that the submissions had been submitted within the last month.

June 18, 2025

Ms. Cherry stated that she represented the New Jersey Chapter of the Sierra Club, which had concerns about the project. She noted that the project involves the construction of a large data center, which would provide computing services for artificial intelligence (AI) and for Bitcoin and the like.

She stated that according to Sierra Club calculations, the project would be a major user of the electrical grid, consuming around 33 megawatts of electricity. She noted there were implications that would arise from such a level of consumption. She further noted that the proposed data center building would be very tall despite being a so-called one-story building. She also complained that it would be surrounded by a no-climb fence, which would make it very visible.

Ms. Cherry noted that the project proposed many environmental concerns. She noted that beyond stormwater management, the Sierra Club was concerned about impacts to freshwater wetlands, soil contamination, noise impacts from the center's chillers, the air emissions from proposed backup generators, and the resultant creation of a heat island in the area.

She further stated that at the project location there was a low area abutting freshwater wetlands that contained a tributary to Heathcote Brook, which entered the Millstone River and is the major source of drinking water for central New Jersey.

Ms. Cherry further remarked that the site was heavily contaminated by dieldrin and by chlordane. She stated that one of the two belongs to the DDT family, and that both synthetic chemicals are fairly inert, unless they are moved. She also stated that when these chemicals are sitting in soil, they do not pose a huge hazard, but if they begin to enter the ecosystem or the drinking water, then it is a "new ball game." She noted that they cause major impacts to human health and aquatic health, including cancer, birth defects and nervous system degradation.

Ms. Cherry also stated that these chemicals were being studied in relation to a link with Alzheimer's Disease. She said that if the chemicals are in airborne dust, they become a major health hazard. Ms. Cherry noted that also are a health hazard if they are carried into the stormwater or inhaled by humans. She said that fish studies have shown that these chemicals are absorbed by small plants and plankton, which are in turn eaten by fish. Ms. Cherry said that people eat fish from the Millstone River, and that the fish are a register of what is going on in the ecosystem. She said the pesticides become embedded in fatty tissue of the fish. For human beings, Ms. Cherry stated, the toxins can become absorbed into the human body through the skin, and the normal process is to immediately wash the dust off of skin. However, she said, if they are inhaled, the chemicals build up over time, which she asserted would happen to anyone who lives or works near the project site.

Ms. Cherry noted that there was a deed restriction on the site, agreed to by Princeton University, which had purchased the site from its former owner, Princeton Nurseries. She stated that there are berms on the site which provide containment of the pesticide contamination, but that she was told that more berms would be created. She was concerned that the existing berms, which are covered with geotextile material according to the deed restriction, must be regularly inspected to ensure that there is no leakage of toxins. She stated that, if leakage occurs into the stormwater system, it would travel into the tributary of Heathcote Brook and then into the Millstone River. She further stated that it was her understanding this type of synthetic chemical cannot be removed through typical water treatment systems. Therefore,

June 18, 2025

she contends, contamination would be recycled back into central New Jersey's drinking water supply.

Ms. Cherry charged that the adjacent freshwater wetlands would be deprived of water by the project's proposed stormwater system.

Vice-Chairman Stout stated that the scope of the Commission's review was restricted to what is set forth in the Commission's enabling statute and its regulations. He observed that issues such as freshwater wetlands, hazardous contamination, air emissions, and noise, do not fall within the Commission's regulations. He also noted that the DEP requires permits to address the impacts of many of these areas of Ms. Cherry's concern.

The Vice-Chairman then recognized Ms. Coffey, who identified herself as the attorney representing the applicant. Ms. Coffey stated that the applicant was aware of all the other DEP permits that are required in connection with the project, that the applicant had in fact pursued and obtained those approvals. For example, she noted that the applicant had obtained a wetlands letter of interpretation (LOI) from DEP, as well as a flood hazard area (FHA) permit. With regard to the concerns about contaminants, she noted that the project was subject to a DEP remedial action work plan under the supervision of a licensed site remediation professional (LSRP), who was overseeing the site conditions that Ms. Cherry referenced, and would ensure that there would not be the kinds of problems for which she expressed concern.

Mr. Smith was then recognized by Vice-Chairman Stout. Mr. Smith stated he resided directly adjacent to the project site. He stated he agreed with the points made by the NJ Chapter of the Sierra Club. He stated that the proposed earth movement was a big problem that would cause flooding. He further stated that the proposed BMPs only addressed up to the 100-year flood event, and that flooding is now very different from what it used to be. He noted that the data center was only the first part of a much larger project in the area and that flooding would be magnified hugely, especially in low areas adjacent to him. He stated that he agreed with Princeton Hydro's observations. He stated that he had not seen the response to the objector comments from the applicant's engineer. He then stated that he agreed with all the objections he had heard and that any soil movement would be washed straight down into streams.

Ms. Bristol was then recognized. She stated that she was a municipal policy specialist from the Watershed Institute and a resident of Rocky Hill Borough. She voiced her support for the objections to the approval of this project. She stated the mission of the Watershed Institute was to keep water clean, safe, and healthy for the watersheds in central New Jersey. She noted that, on behalf of the communities of the lower Millstone River, which is located downstream from the Lake Carnegie Dam, where the Heathcote Brook ultimately flows, the Watershed Institute had been organizing regional watershed groups to support towns and the DEP so they fulfill their stormwater pollution prevention MS-4 permits. She also stated that she was in Manville Borough, which is a community that is located downstream from the project site at the mouth of the Lower Millstone where it meets the Raritan River. She reported that Manville had passed a resolution to participate in a regional watershed management plan. She also noted that the Watershed Institute convened an Upper Millstone regional working group so that this whole waterway, this very important drinking water source, and all the communities that share this watershed, can improve not only water quality, but reduce flooding.

Ms. Bristol stated that the project clearly jeopardized all of the Institute's efforts. She stated that the

June 18, 2025

impacts of the project will be negative, and that information provided by this applicant through various stages, including the planning phase, had been questionable. Ms. Bristol stated she would support the Commission to either reject this application or to postpone the decision until the Commission had been able to properly review all of the objector's comments, technical reports, and professional testimony.

Mr. Dickson then resumed his comments. He stated that the application was not complete, and that applicant did not possess a final site plan resolution from South Brunswick Township but rather had only obtained preliminary site plan resolution. He stated that the final township approval could contain "quite a bit of information" or additional details that cast further light on the impacts of the project on the canal park. He further stated that the Commission did not have all the relevant facts needed to approve the project decision.

Mr. Dickson alleged that the applicant had conducted pre-construction earth disturbance in violation of N.J.A.C. 7:45-4.1(a). He stated that he had photographs in his possession which confirmed that significant activities had taken place onsite including earth movement, digging holes, and the placement of pipes before installation. He stated that the Commission should pause consideration of the project until it had identified the scope and magnitude of the unlawful activities and made a decision on what to do about them.

Mr. Dickson reiterated the stormwater-related objections to the project raised in Mr. Krueger's remarks and noted that Princeton Hydro submitted a detailed report that identified a number of serious problems with the applicant's stormwater management report submitted to the Commission. He noted that the Commission staff report rightfully identifies the use of these basins and drainage pipes as critical components of the stormwater management. The Princeton Hydro report described to the Commission in detailed ways what was wrong with the basins. He stated they are not sized correctly, they are in the wrong location, and soil testing was done in the wrong places. Mr. Dickson stated that the ultimate conclusion from the Princeton Hydro report was that the project relies upon stormwater runoff controls that would not work. He noted the Princeton Hydro report was not included in listed documents that were received by the Commission, and that he could not discern anything in the report which indicated that the objections had been resolved.

Mr. Dickson then stated that the Commission had used the Nonstructural Point Strategies (NSPS) spreadsheet to make critical decisions about this project. He stated that he and his law partner had gotten the NSPS spreadsheet "thrown out" at least a decade ago, and that he was very surprised to hear that anybody at the Commission used it because its use was unlawful.

In conclusion, Mr. Dickson made three requests of the Commission. First, he stated that the Commission should not approve the application until an investigation of the "illegal activities" that had occurred onsite had been undertaken, and the scope of those activities had been determined. Second, he requested that the Commission defer consideration of the project until the Sierra Club had reviewed the submissions that address the objections in the Princeton Hydro report. Third, he requested that consideration of the project be adjourned until July so that the Sierra Club could speak on those submissions.

Vice-Chairman Stout asked Executive Director Hutchison to address Mr. Dickson's accusation that the



June 18, 2025

Commission had illegally used the NSPS spreadsheet in the review of the project, as well as the charge that pre-construction earth movement and other activities undertaken at the project violated the Commission's regulations.

Director Hutchison stated that the Commission used the NSPS spreadsheet to ensure that non-structural stormwater management was included in the project to the maximum extent practicable, expressly permitted by the Appellate Division of the Superior Court in a footnote in the decision which had invalidated its use by the DEP. Director Hutchison stated that it was incorrect to assert that the use of the NSPS spreadsheet is a violation of State law because the Court ruled that the Commission adopted the use of the NSPS spreadsheet in its regulations, pursuant to the "Administrative Procedure Act" (N.J.S.A. 52:14B-1 et seq.), and, therefore, its use is permitted. Mr. Dickson said he disagreed with the Director.

With respect to pre-construction earth movement, the Director observed that if any member of the public alleges a violation of N.J.A.C. 7:45-4.1(a), they were urged to contact the Commission by letter or e-mail and provide any documentation that such activities had in fact occurred on the site. Any such correspondence would be reviewed and considered for possible enforcement action.

Vice-Chairman Stout asked for further comment.

Commission Designee Madden asked Director Hutchison if the project was being reviewed and permitted by DEP. The Director responded that it was his understanding that the project was being reviewed by several DEP permit programs.

Ms. Coffey reiterated that the project had been submitted to the DEP and had already received a wetlands LOI and the FHA permit. She also noted that there was a Remedial Action Workplan in place for hazardous substance contamination issues, and that the applicant was subject to the oversight of a LSRP.

Commissioner Reiser made a motion that the Commission hold the project for any action until the July 16, 2025, meeting. There was no second to the motion. Director Hutchison noted there was a pending motion, proposed by Commissioner Lubitz and seconded by Commission Designee Madden, to approve the project. Commissioner Designee Madden stated she misunderstood the motion, believing that her second was for two other Zone B projects. Accordingly, she withdrew her motion to second Commissioner Lubitz' motion to approve project #24-3012G.

Commissioner Lubitz requested a point of order. He specifically inquired as to what would be the impact of not approving a motion to approve the project, and how that could impact trigger implementation of the 45-day automatic approval provision in the Commission's regulations (See N.J.A.C. 7:45-3.4(f)). Director Hutchison stated that if the project were to be held over to the July 16, 2025, Commission meeting, the 45-day period for automatic approval would not be reached.

Commissioner Shoffner stated she would like more information on the assertions made by the objectors that the project would cause flooding.



June 18, 2025

Vice-Chairman Stout asked if Commissioner Shoffner wished to second Commissioner Reiser's motion to hold the project until the next month's meeting. Commissioner Shoffner seconded the motion.

Ms. Coffey stated that the applicant's engineer, Mr. Holzapfel, was present, so if there were questions regarding the submission, they were happy to address them. She stated that the applicant had assumed that since the Commission's engineer had determined that the project was in compliance with the Commission's regulations, there would be no additional questions about the project. She suggested that the Commission's engineer may be able to address questions as well.

Mr. Holzapfel addressed the Commission and identified himself as being from Bohler Engineering New Jersey, and that he represented the project applicant. Ms. Coffey asked him to provide an overview of the stormwater management system proposed for the project as it related to concerns raised by the New Jersey Chapter of the Sierra Club.

Mr. Holzapfel stated that the proposed stormwater management system was designed to comply with DEP regulations, as well as the Commission regulations, and that there were a variety of proposed basins on the site. These included underdrained infiltration and bio-retention basins that would capture stormwater for all events pursuant to the applicable regulations concerning BMPs. Mr. Holzapfel stated the basins are compliant with the DEP standards and regulations as well as those of the Commission.

Ms. Coffey asked Mr. Holzapfel to elaborate on the proposed stormwater design and asked if there were five small-scale bio-retention basin systems. Mr. Holzapfel stated that was accurate. Mr. Holzapfel further stated that Basins 'A' and 'B' were bio-retention basins with infiltration; Basins 'C' and 'D' were bio-retention basins with underdrains; Basins 'E' and 'F' were infiltration basins; and Basin 'G' was a large-scale basin with an underdrain. Mr. Holzapfel stated there were several basins that would collect stormwater and, therefore, convey some water to the points of analysis noted in the reports.

Ms. Coffey asked for a further description of the proposed stormwater management plan. She stated that she understood the stormwater runoff comes from the building and the proposed impervious areas, which would then be redirected by means of a network of inlets and manholes and stormwater piping to the basins onsite. Mr. Holzapfel stated that was correct.

Ms. Coffey asked for confirmation that ultimately, the stormwater would flow away from the proposed development and toward Route 1. Mr. Holzapfel stated that this was correct and also flow would go to other points in a controlled manner to meet any regulations for stormwater quantity, quality, and recharge compliance.

Ms. Coffey then asked for confirmation that there were two points of analysis that were provided in Bohler Engineering's submission to the Commission and that these had been evaluated by Commission staff. Mr. Holzapfel stated that this was correct.

Ms. Coffey asked for confirmation that the stormwater plan was designed to address post-construction peak runoff rates for the 2-, 10- and 100-year storms. Mr. Holzapfel stated that was correct.

Ms. Coffey asked for confirmation that the project had been designed in compliance with the

June 18, 2025

Commission regulations, which had been confirmed by Commission staff, and, specifically, that the peak runoff for the 2-year storm would be no greater than 50%, for the 10-year storm would be no greater than 75%, and for the 100-year storm would be no greater than 80%. Mr. Holzapfel stated that was correct.

Ms. Coffey stated to the Commission that this was a brief overview of the stormwater management system, and that if there were questions that Commission staff or the Commissioners had about stormwater management or flooding as it relates to the project, they would address them in detail.

Vice-Chairman Stout asked for comment from the Commissioners. Commissioner Lubitz asked for a description of the existing drainage pattern on the project site. Mr. Holzapfel stated that the area of the site is open in the existing condition, with some gravel roadway and, therefore, some existing infrastructure. In general, he said that proposed condition drainage patterns would remain the same, with some runoff going toward Route 1, and some going toward the west, and with some existing infrastructure located toward the street.

Ms. Coffey asked for clarification that generally, the drainage patterns were not changing, and only the rate of runoff would be changed. Mr. Holzapfel agreed that this statement was correct, and that the stormwater plan generally kept the existing drainage patterns as much as possible, while again reducing to each point of analysis to comply with DEP regulatory standards.

Ms. Coffey asked to provide the applicant's engineer credentials for the record. Mr. Holzapfel stated he was a licensed professional engineer in the State of New Jersey, had over 10 years of experience specializing in civil site design, and was currently employed as the Director of Land Development at Bohler Engineering New Jersey in their Red Bank office.

Mr. Dickson stated that while the applicant's information was all very interesting and very helpful, he understood there had been a number of written submissions. He further stated that the Commission staff report did not reflect those submissions. He requested to adjourn the meeting to take up the matter in July so he could obtain the written submissions for analysis and not just accept "this off the cuff testimony." Mr. Dickson alleged that his expert found that the percentage calculations used by the applicant were an attempt to "game the statistics" related to percentage calculation and flow estimations. He stated that the full application materials had not been provided to his expert.

Ms. Coffey stated that the staff report made reference to receiving documents dated June 2, 2025, and May 27, 2025. She noted that it was not the fault of the applicant or of the Commission that the New Jersey Chapter of the Sierra Club had failed to make a request to receive those documents and review them in advance of the meeting. She also stated that the Sierra Club did not avail themselves of the opportunity to review the most up-to-date materials.

Ms. Coffey further noted that applicant had made submissions to the Commission for several months and waiting to be heard at a future Commission meeting would impose real prejudice to the project from the delay, noting that the applicant had obligations to a lender and to its tenant. Ms. Coffey further noted this project is an implementation of the township general development plan for the property and was the result of over 20 years of planning by the municipality to bring productive development to the

June 18, 2025

property and which the applicant was trying to implement.

Ms. Coffey asked that the applicant not be penalized because members of the public did not avail themselves of an opportunity to review the project materials that were submitted in a timely manner to the Commission in accordance with the Commission rules and requirements, and which had been reviewed by Commission staff and had been determined by Commission staff to be compliant with the applicable rules and regulations.

With respect to listing objector documents in the Commission's staff reports, Director Hutchison stated that the Commission's practice over the past 45 years has been to list the documents which were submitted by the applicant. He stated the Princeton Hydro report was not submitted by the applicant.

Director Hutchison noted that the Commission had received the Princeton Hydro report and considered it when preparing the staff report that had been placed on the Commission's website on June 12, 2025. He noted that Mr. Ruggeri had reviewed the objector's comments and also sought clarification from the applicant as needed, and this information had been incorporated into the final staff report recommendation.

Vice-Chairman Stout asked if any other member of the Commission had any questions or comments. Hearing none, he asked if members of the public had any questions for comments. Vice-Chairman Stout noted there was a motion on the floor from Commissioner Reiser who wished to hold the project over until the July 16, 2025, Commission meeting. Commissioner Shoffner seconded the motion. Vice-Chairman Stout asked Director Hutchison to call the roll on the motion:

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

Director Hutchison stated the motion to hold consideration of the project until the July 16 meeting of the Commission was approved by a vote of 3 to 2, with 1 absent.

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

Superintendent Mitchell-Strehl stated that the bamboo located along the Inlet Trail at the Bulls Island Recreation Area was trimmed.

The Superintendent stated that State Park Service staff continues to work with nonprofit organizations to improve signage and recreational trail use in the Trenton area. She noted that she had recently received price quotes for new trail signage that would be placed along the park multiuse trail.

Superintendent Mitchell-Strehl stated that, as in past years, volunteer groups have been performing water rescue training within the park.

June 18, 2025

Superintendent Mitchell-Strehl reported that the New Jersey Park Police were able to identify individuals who were illegally dumping on waste on State Park property at the Kingwood section of the Bulls Island Recreation Area.

The Superintendent also reported that due to poor weather conditions, Big Bear Tubing has postponed its Delaware River operations during the month of June.

### **Executive Director's Report**

Director Hutchison reported on the Commission workload for the period encompassing May 21, 2025, to June 17, 2025. He reported that in addition to the projects listed on the June meeting agenda, the staff completed 16 deficient staff reports and 4 jurisdictional determinations, issued 3 certificates of approval, issued 5 general permits, and sent one violation letter. In addition to those matters, staff organized and conducted 16 pre-application meetings related to proposed and pending projects. As of June 17, 2025, there were 30 projects undergoing staff review.

Director Hutchison reported that fee collections totaled \$33,550 for the month of May. He noted this was not close to the \$62,300 collected in June 2024, but it was better than the \$25,000 collected in 2023, and exceeded the May collection amounts from 2022, 2021, 2020 and 2019. The Commission, therefore, collected \$427,075 of the \$500,000 anticipated appropriation amount. The Director noted that given the current level of economic uncertainty, he was gratified that the Commission revenues only deviated from the anticipated appropriation amount by \$72,925 or 14.5%.

Director Hutchison reported that on May 30 he was informed that the Department of the Treasury Office of Management and Budget (OMB) approved the Commission's requested waiver of fringe and indirect costs for Fiscal Year 2025. This would permit the Commission to continue mission critical projects such as the file digitization, GIS-based project database creation, and Master Plan update and revision. The Director thanked the DEP Office of Management and Budget for their assistance in preparing and submitting the supporting documents needed to reinstate the fringe and indirect waiver.

Director Hutchison reported that on May 28 he and the other members of the Commission Master Plan Update and Revision RFP Selection Committee attended the technical proposal presentation meeting at Thomas Edison State University. The four firms that seek to be the consultant for the project made their presentations to the committee. The Director submitted his evaluations of the technical proposals to the Department of the Treasury Division of Property Management and Construction (DPMC) on June 2. The next step in the procurement process will be a fee discussion with the highest ranked firms, which is scheduled for June 23.

The Director reported that on June 13 he and Darlene Yuhas met with Treasury OIT to discuss the Commission website, which is now five years old. In addition to discussing updates, improved graphics, and changes that could keep the public informed about the Master Plan revision and update process, they were able to review the analytic data for the site. The Director noted that he found it very interesting to review how users interact with the website, which could in turn inform potential changes to its design to make it more user-friendly.

June 18, 2025

Director Hutchison noted that among the general permits issued this month was a General Permit No. 1 for the in-kind replacement of the bridge over the Delaware and Raritan Canal at the Five Mile Lock public access area (DRCC #25-4468C), which has been closed due to corrosion of the bridge's steel structure.

Director Hutchison commended Commission Review Zone Officer Chingwah Liang for his expedited review of the NJDOT noise barrier project (DRCC #25-6273). The Director stated that Mr. Liang did a great job on reviewing the project within a very constrained timeframe.

Commissioner Lubitz stated that he wanted to commend Director Hutchison for the "On the Level" video with former Director Jim Amon. He stated that he viewed the video on the Commission YouTube channel and highly recommended it to all. He found the video to be enormously informative about the history of the canal and also the insights into the inner workings of the Commission, including projects which were approved, as well as insight into the Commission regulatory process.

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

Mr. Sellar reported that NJWSA crews installed siphons over the backwall of the back race at the Lambertville Lock in an effort to keep water flowing through a small stagnant pool and thereby reduce the mosquito population.

Mr. Sellar reported that the invasive aquatic plant species Hydrilla has not been detected by NJWSA in the Delaware and Raritan Canal this season.

Mr. Sellar reported that NJWSA was discharging water from the Kingston wastegate, rather than the Ten Mile wastegate, in an effort to prevent the recurrence of a harmful algal bloom in the Millstone River.

Mr. Sellar reported that general maintenance activities were being conducted by NJWSA staff along the Delaware and Raritan Canal, including grass mowing and the removal of fallen trees and branches.

### **New Business**

Vice-Chairman Stout stated there would be two new business items to address and asked Director Hutchison to describe Commission Resolution No. 2025-01 regarding the Proposed Upper Raritan Water Quality Plan Amendment for Haven at Princeton, (Block 37003, Lot 7, Montgomery Township, Somerset County).

Director Hutchison provided background information on Water Quality Plan Amendments (WQPA), which are comprehensive plans that guide decisions related to wastewater treatment, service, service areas, and other aspects of water quality protection within specific areas of New Jersey. The "New Jersey Water Quality Planning Act" (N.J.S.A. 58:11A-1 et seq.) provides the statutory framework for water quality planning in New Jersey and the process for developing and implementing WQPA through regulations at N.J.A.C. 7:15. Water Quality Management plans (WQMPs) are developed and implemented by the DEP and designated planning agencies (DPAs), of which the Commission is one. WQMPs could involve expansion of sewer service, area change in wastewater treatment strategy, or some other action to address water quality concerns. The amendments are necessary when

June 18, 2025

redevelopment or other changes impact the water resources and require adjustments. The amendment process ensures that water quality plans are adequate to protect the environment and public health. WQMPs can be proposed by the DEP or they can be proposed by applicants seeking changes in the plan.

Applicants must submit detailed information including proposed changes and justifications for the changes and demonstrate compliance with relevant regulations. Notice of the amendment is published in the New Jersey Register, which allows a 60-day comment period for review. A plan amendment is also reviewed by those designated planning agencies, such as planning boards, the Commission, etc., within that 60-day period. The DEP will make a final decision on whether to approve or deny the proposed amendment.

The Director noted that the project related to the WQPA resolution was presently being reviewed by the Commission staff as project DRCC #24-5570 (The “Haven at Princeton”), which is a 73.98-acre property in Montgomery Township. The project proposes to construct 122 townhomes in 24 buildings and 32 affordable housing units in 2 apartment buildings, along with typical site improvements. The Commission, in its capacity as a DPA, is being asked by the DEP to comment on this proposed amendment to the Upper Raritan Water Quality Management plan related to this project. Because the sewer service area must be expanded by approximately 1.92 acres to accommodate this project.

Director Hutchison noted the Commission had not yet found DRCC# 24-5570 to be compliant with the Commission’s regulations, and so approving the WQPA might be considered premature. Further, the Director stated that the Commission would not want to give the impression that it endorsed the project before its review has been completed. Therefore, rather than explicitly endorsing the WQPA, the proposed resolution states that the Commission “does not object” to the WQPA, and this action would allow the WQPA project application to be considered administratively.

The Director noted that the resolution does not authorize any construction disturbance or pre-construction activity prior to the issuance of the Commission’s individual approval to the underlying application. He also noted that the language of the resolution is substantively identical to Commission Resolution No. 2024-03, adopted at the August 21, 2024, Commission meeting involving a residential development project located in Hillsborough Township (See DRCC 21-4959B and #21-4959C, respectively), which was reviewed by the Office of the Attorney General.

He noted that if the Commissioners were so inclined to approve the resolution, he would transmit it to the DEP WQMP staff in Trenton so that they could proceed with their deliberations on the underlying plan amendment.

Vice-Chairman Stout asked for a motion on the resolution for the purposes of discussion. Commissioner Shoffner moved to approve the resolution, and Commissioner Lubitz seconded the motion. Vice-Chairman Stout asked for comment from the Commissioners and then the public. Hearing none, Vice-Chairman Stout asked Director Hutchison to call the roll on the motion:

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

June 18, 2025

Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

The motion was approved.

Vice-Chairman Stout asked Director Hutchison to introduce the second item of new business, proposed Commission Resolution No. 2025-02, which would authorize the Executive Director to transmit a letter supporting the enactment of Senate Joint Resolution No. 158 designating June 25 of each year as “Delaware and Raritan Canal Day.” Director Hutchison stated that Senator Andrew Zwicker had introduced and the New Jersey State Senate had unanimously passed SJR-158, which would designate June 25 of each year as Delaware and Raritan Canal Day in New Jersey. The joint resolution was then referred to the General Assembly Environment Committee. The proposed resolution would allow the Director to send a letter on behalf of the Commission to the Chairman of the standing reference committee and to the Speaker of the General Assembly respectfully requesting swift passage of this resolution.

Commissioner Lubitz made a motion to approve the resolution. Commissioner Shoffner seconded the motion. The Vice-Chairman asked for comment from the Commissioners. Hearing none, he asked for comment from the public. Mr. Massand stated he supported the resolution and wished the matter was considered during the school year so schoolchildren could see the process.

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

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

The motion was approved.

### **Old Business**

None.

### **Public Comment**

Mr. Massand stated that he had received notice from the Somerset County Engineering office about an informational public meeting on July 1, 2025, at 6:30 p.m., to be held in the Somerset County Offices at 20 Grove Street in Somerville Borough, at which the Griggstown Causeway project would be discussed.

Mrs. Barth thanked the Commission for passing the resolution related to “Delaware and Raritan Canal Day.” She noted that the annual Canal Watch meeting would be held on June 16 at 2:00 p.m. during which the creation of a “water trail” within the canal park would be discussed.



June 18, 2025

Ms. Bristol stated that she previously attended a Commission meeting during which the Master Plan update was discussed. She noted that, as an American Institute of Certified Planners planner, she had an interest in this matter. She requested an update on the status of the plan. Director Hutchison stated that the Master Plan update project was moving forward and the process of choosing a consultant would be completed in the near future. He noted that a robust public participation would be part of the plan adoption process.

**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 11:20 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