



**July 16, 2025, Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: July 16, 2025
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission Office. Commissioner Designee Robin Madden, Commissioner John Reiser, Commissioner Douglas Palmer, 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; Kathy Hale, NJWSA; Bob Barth, D&R Canal Watch; Linda Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Brad Bohler; Lex Kochmann; Bruce Afran, Esq.; Cymie Payne; John Connors; Natalie Tosto; John Connors; Arthur Kuyan; Daniel Tarabokija; Clay Emerson; Carle M. Clinton; Matthew Dreisback; Michael Burns; Anthony R. Todaro; Anthony Genchi; Josephine Schuster; Kip Cherry, New Jersey Chapter of the Sierra Club; Kate Coffey, Day Pitney; Peter Dickson, New Jersey Chapter of the Sierra Club; Lisa and Stephen Trainor; Michael Poland, Poland Environmental Consulting; Douglas Ulene, Ulene PLLC; James Vizzoni, New Jersey Office of the Attorney General; Chris Minks, Russo Development.

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 stated that the meeting was being taped pursuant to the exception set forth at

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Section C.(1) of DEP Policy & Procedure 2.85 “Prohibition of Recording in the Workplace” Policy adopted on 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	Present

Director Hutchison stated that a quorum was present.

Administrative Items

Confirmation of August 20, 2025, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for August 20, 2025, at 10:00 a.m.

Minutes

Approval of the Minutes of the June 18, 2025, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose edits or corrections to the June 18, 2025, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Designee Madden 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	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Review Zone Actions

Zone A Projects

#23-0389H	Rutgers Preparatory School -- Multi-Purpose Building (Franklin Township)
#25-1880E	8½ Coryell Street -- Repairs/Renovations (Lambertville City)
#24-2383H	Phillip L. Pittore Justice Center -- Hazard Flood Mitigation Project (Lambertville City)
#25-4582A	Lambertville Municipal Utilities Authority -- Swan Street Pump Station Improvements

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(Lambertville City)
#25-6232 54 Murray Street -- Proposed Residence (Trenton City)
#25-6255 Lambertville Municipal Utilities Authority -- Coryell Pump Station Replacement
(Lambertville City)
#25-6274 14 North Union Street -- Parking Lot Improvements (Lambertville City)

Vice-Chairman Stout asked if any member of the Commission wished to consider any of the Zone A projects separately. Hearing none, he asked for a motion on the Zone A projects. Commissioner Palmer made a motion to approve the Zone A projects; the motion was seconded by Commissioner Shoffner. Vice-Chairman Stout asked for comment 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	Yes

The motion was approved.

Zone B Projects

#25-1688C Cranbury South Brunswick Park -- Warehouse Development (Cranbury Township/South Brunswick Township)
#24-3012G 4405 U.S. Highway Route 1/987-1001 Ridge Road -- Data Center
(South Brunswick Township)
#24-5061A 501 Jersey Avenue -- Roadway Improvements (New Brunswick City)
#24-5138A 900 Rike Drive -- Warehouse Building Expansion (Millstone Township)
#24-5565B 230 Belmont Avenue -- Major Modification (Franklin Township)
#23-5930A Franklin Township Sewerage Authority -- High Bay Garage (Franklin Township)
#23-6034 Route 206 -- Storage Facility (Hillsborough Township)
#25-6230A Hamilton Avenue -- Municipal Sewer Rehabilitation (Municipality of Princeton)

Vice-Chairman Stout stated that, since there was sufficient 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 seven other Zone B projects on the agenda first. Commissioner Reiser made a motion to approve the seven projects, which was seconded by Commissioner Palmer. Vice-Chairman Stout asked for comment on 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

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Commissioner Shoffner	Yes
Commissioner Palmer	Yes

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 with the condition set forth in the staff report recommending the project for approval, which motion was seconded by Commissioner Palmer. Vice-Chairman Stout asked for comment on the project from the Commissioners. Hearing none, he asked the same of the public.

Mr. Dickson stated he was an attorney representing the New Jersey Chapter of the Sierra Club (Sierra Club) and that the club requested that the Commission deny the application. He noted that in his opinion, if the Commission denied the application, the applicant could return to the Commission with a future application. In the alternative to a denial, he requested that the 45-day period approval provision in the Commission's regulations be tolled until such time as certain irregularities with the project had been addressed.

Mr. Dickson noted that he had submitted a memorandum to the Commission two days prior to the Commission meeting in which he asked Commissioners to deny the application. He noted the Commission regulations did not comply with law and had not done so since March 2021. He stated the Commission regulations were based on the "old" DEP regulations for stormwater control, which relied heavily on non-structural strategies. He further noted that the DEP had adopted new stormwater regulations, the requirements of which applied to "everybody" including the Delaware and Raritan Canal Commission.

Mr. Dickson stated that the Commission staff report for the project had relied only on whether the project was compliant with the Commission regulations and argued that the Commission could not rely upon those regulations, stating that they were "unlawful," "dead" and "gone."

Mr. Dickson stated the Sierra Club had submitted stormwater management reports to the Commission in which Princeton Hydro had evaluated the project against the current DEP stormwater regulations. He stated the Commission could not approve any project until it had first "fixed" its regulations by adopting new regulations.

Mr. Dickson then stated that extensive construction had taken place on the project site without Commission approval, which was a violation. He then displayed several photographs which Director Hutchison shared with the Commission and the public on the conference room monitor and on the online meeting platform. Mr. Dickson stated that the photographs illustrated that serious construction activities had taken place on the project site, and that dirt had become airborne and that the soil onsite had not been remediated.

Mr. Dickson next referred to a photograph of pipes and stated that his stormwater expert would explain why those pipes were not properly sized. Mr. Dickson then expressed his concern about a photograph that he stated captured an image of a "dust storm" onsite.

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Mr. Dickson next stated that the project posed a challenge to the integrity of the Commission if it did not take enforcement action. He observed that applicants would not take the Commission seriously if it did not undertake proper enforcement action. He stated the Commission must impose sanctions on the unpermitted activity so that in the future, other applicants would be hesitant to conduct such activities.

Mr. Dickson concluded by requesting that the Commission impose two sanctions to the applicant.

First, he stated that the applicant had decided to build at its own risk, and that the Commission must order the applicant to restore the project site to its pre-construction condition. Mr. Dickson stated that the applicant was represented by sophisticated and competent attorneys, engineers and consultants, who understood the risks they were taking by starting construction without the requisite approval, and that they needed to “pay the price” for their behavior.

Second, Mr. Dickson stated that the Commission could not approve the project until the violations indicated in his photographs were rectified, and that the applicant had been sanctioned. He also stated that the project application had not been deemed complete until the South Brunswick Township Planning Board adopted a memorialized resolution of final site plan approval which was done just prior to the Commission meeting.

Mr. Dickson introduced Mr. Poland. Mr. Poland introduced himself and stated that he was a licensed site remediation professional (LSRP) and a licensed New Jersey professional engineer. He noted that the hazardous site remedial action work plan (RAW) currently in effect at the project site did not adequately document the soil remediation work that was proposed at the site, and that a new workplan should be submitted to the DEP prior to any construction at the site.

Mr. Poland stated it was known that project site was contaminated as a result of historic use of insecticides. He stated that people are exposed to these insecticides through inhalation or skin contact, and that the substances in question have been banned in the United States since the 1980s. The substances do not readily degrade and tend to persist in the surrounding environment.

Mr. Poland then provided an overview of the RAW for the project site proposed by Princeton University in 2008, which he stated included such activities as soil excavation, onsite consolidation, and encapsulation. The DEP approved the RAW plan in 2012. He then shared exhibits he prepared related to the soil remediation plan, which included an illustration of the Heathcote Brook tributary, the Millstone River, the soil berm deed notice area, and the deed notice for the parcel owned by Public Service Electric & Gas for their electrical substation.

Vice-Chairman Stout asked Mr. Poland whether he had sent his information to the DEP Hazardous Site Remediation Program, since the remediation of contaminated soil did not fall within the purview of the Commission. Mr. Poland stated that he understood the Vice-Chairman’s question, and that he would move on to address the ecological impact of the project. He further discussed soil contamination onsite, and his concern of the impact of this situation upon surface water runoff from the site. He discussed his concerns of the impacts of the project on environmentally sensitive areas and the negative impacts of pesticide-laden runoff into adjacent surface waters.

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Mr. Dickson then stated that it was the Commission's job to protect the Delaware and Raritan Canal State Park. Mr. Dickson introduced Mr. Emerson, who stated that he was an LSRP and professional engineer employed by Princeton Hydro. Mr. Emerson stated Princeton Hydro was asked by the Sierra Club to review the stormwater management component of the data center project, including the initial submission, as well as modifications submitted by the applicant.

Mr. Emerson presented several slides, which included the existing condition drainage area map taken from the applicant's stormwater management report. He stated that the map was an important -- but complicated -- image which illustrated different drainage areas. Mr. Emerson stated he examined one of the drainage areas illustrated in the existing drainage area map, and created his own topographic data map, which he then shared.

He observed that flooding was an important and timely topic in New Jersey. He stated that it was important that a new development such as the proposed project did not exacerbate existing flooding issues or create new flooding. He observed that an applicant would do this by addressing water quantity. He noted that in the post-development condition in which an applicant builds impervious surface coverage, a series of stormwater management basins would be constructed, the purpose of which was to make sure that peak flow rate or runoff exiting the site after it was constructed was less than it was prior to the construction. In that way, people downstream would not be adversely impacted.

Mr. Emerson stated that the applicant had grossly overestimated the existing condition peak flow that was being experienced by one tributary and the associated the wetlands. He stated the consequences of overestimating the existing condition peak flow would be that the homes located along Greenwood Avenue would not receive the benefit of the stormwater regulations, namely, peak flow control, because the size of the drainage area to the tributary had been grossly overestimated. He stated that the project could have been designed differently with larger stormwater management systems to accommodate this flow.

As a second point, Mr. Emerson stated his concern that the applicant had not properly reviewed pipe capacities and related calculations. He presented an exhibit that illustrated a pipe system and manhole locations. He stated his concern that the applicant's analysis stops at a certain pipe and manhole and questioned why the applicant would not have completed further analysis.

Ms. Hitchcock introduced herself and stated she was a resident of South Brunswick Township who lived one quarter of a mile from the Delaware and Raritan Canal, and that her neighborhood was situated directly across the street from the Delaware and Raritan Canal State Park office in Kingston and in close proximity to Heathcote Brook.

She stated that a berm separated her property from the Heathcote Brook. She noted that she observed birds, pollinators, chipmunks, frogs, turtles, cicadas, and the most remarkable fireflies especially this time of year. She stated that the overwhelming number of projects located within the corridor along Heathcote Brook corridor would negatively impact the water quality in Delaware and Raritan Canal State Park and precious ecology resources that lie within the park.

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Ms. Hitchcock stated that the proposed 40,000 square-foot data center would negatively impact stormwater capabilities of the Heathcote Brook, which she stated “bottlenecked” at a culvert underneath the canal and backed up onto multiple residential properties. She requested that both the developer and the Commission ensure that the project was aligned with the requirements in the DEP Protecting Against Climate Threats (PACT) regulations, and the proposed DEP Resilient Environments and Landscapes (REAL) regulations, which she stated were grounded in science. She further requested that the Commission focus on ensuring that freshwater wetlands and flood-prone zones were protected not just for present day impacts, but future climate change-driven conditions that would be experienced in the 21st century.

Ms. Hitchcock further stated following the purchase of her home in April 2021, she experienced two flooding events within the span of two weeks, as well as the impact of hurricane remnants in August 2021. She noted that the small creek in her backyard reversed direction from the overwhelming pressure of the Heathcote Brook and rose to fill her basement with water. She noted the floods in New Jersey which had occurred earlier in the week were familiar reminder of how helpless people were against Mother Nature, and that regulations, planning, and permitting are some of the very few ways we can proactively respond to the rising threat of climate-related disaster.

Ms. Cherry introduced herself as a representative of the Sierra Club. She noted that historic pesticide contamination was not only a DEP issue, but that it was a “pollutant” defined within the Commission regulations, and that pollutants include both hazardous and non-hazardous materials. She stated that the Commission regulations defined “sediment” as solid material that is in suspension, is being transported, or has been moved from its site by air or water or as a product of erosion. Ms. Cherry then stated that the Commission’s regulations define “stormwater management measures” as any structural or non-structural strategy method to address stormwater runoff or method intended to control or reduce stormwater runoff and associated pollutants. She stated that Commission regulations also defined “erosion” which means the detachment and movement of soil or rock fragments by wind or water.

Ms. Cherry stated that rather than being a “benign observer” of the remediation issues on the project site, the Commission instead has a major responsibility regarding the contamination as a stakeholder and as a regulator. She also noted that there were major issues with the submitted calculations and proposed stormwater management system design. She then stated her concern that historic structures in the area would be impacted by the project.

Ms. Cherry stated that the Commission regulations were “grossly out of date” and did not comply with DEP requirements. She stated there are many issues of concern with the proposed project related to stormwater wetlands and soil contamination. She noted the site is located in a low area that abuts wetlands and contains two tributaries to the Heathcote Brook, which are joined just before the brook goes underneath the Delaware and Raritan Canal and then enters the Millstone River.

Ms. Cherry reminded the Commission that the canal was a major source of drinking water for central New Jersey. She again noted that the site was heavily contaminated by two pesticides Dieldrin and Chlordane, which were “fairly inert” when combined with stabilized soil, but when on the move and have contact with the environment, cause negative impacts on human and marine health, including, but not limited to cancer, birth defects, and nervous system degradation. She further stated that studies have

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shown that these chemicals are absorbed by small plants and plankton, which are then eaten by fish in the canal and the Millstone River. The chemicals then become embedded in the fatty tissue of the fish, which in turn renders the ecosystem toxic for human beings from a fish consumption and a drinking water standpoint.

She then observed that Millstone River had a history of flooding, and that the stormwater management impacts of projects located along smaller tributaries of the river is very important. She then noted that the Millstone River was impacted by Hurricane Floyd in 1999 and that the New Jersey American Water treatment plant located on the river was flooded and had to be temporarily shuttered.

Ms. Cherry then noted that when the project applicant acquired the site, they inherited a deed restriction agreed to by Princeton University to prevent the release of contaminated stormwater. The deed restriction agreed to by the university in perpetuity required that the soil berms onsite be covered by a stabilized geotextile that would be regularly inspected for penetration or any tears and kept in original condition.

Finally, Ms. Cherry concluded by stating her opposition to the project for all the aforementioned reasons, as well as those raised by Mr. Dickson related to the construction activity on the site.

Ms. Payne introduced herself and stated she was the owner of 983 Ridge Road, which borders on the former Princeton Nurseries site. She stated that the Commission staff report indicated that that certain pollution concerns that have been raised by other members of the public are not subject to Commission jurisdiction, because the tributaries in question do not actually flow into the Delaware and Raritan Canal, and that the relevant higher pollution standards for drinking water sources that are under the Commission regulations do not apply to this project.

Based upon this, she then asked if the staff report states that there is no hydrological connection between the project site, including overland flow of stormwater runoff or from groundwater exchange, how does the staff review fully consider the effects of new kinds of storm events. These events result in heavy downpours that have been occurring and that are anticipated to be more severe in the future. This in turn would raise water levels, which she said would impact both surface waters and the overland flow of stormwater and groundwater exchange with the canal.

Ms. Payne then asked whether the Commission's review considered the risks posed from the current site contamination and possible future pollution from possible future industrial uses at the site. She noted that the proposed data center was just one part of the full buildout proposed for the site, which included similar kinds of activities. If contamination did not fall within the Commission's jurisdiction, Ms. Payne inquired as to what agency had the authority to undertake this kind of review and permitting.

Vice-Chairman Stout requested that Director Hutchison explain the Commission staff report as it related to Ms. Payne's queries. Director Hutchison stated that with respect to Ms. Payne's first question as he understood it, the enhanced water quality total suspended solids (TSS) removal requirements set forth in the Commission's regulations were not applicable in the case of the project which did not drain into the Delaware and Raritan Canal, and that the TSS removal requirement of 80% was applicable in the case of the project.

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Insofar as he understood the second question, Director Hutchison stated that the assumptions which inform the Commission's review of a project for water quantity control are the factors and assumptions set forth in the DEP Stormwater Management Rules at N.J.A.C. 7:8, which include current rainfall data, used to arrive at an analysis of the stormwater quantity impact of a proposed project.

Director Hutchison stated the third question asked what the Commission's responsibility is to enforce the hazardous site remediation laws of the State of New Jersey. He noted that the Commission did not possess the authority to regulate the remediation of hazardous materials, which is the responsibility of the DEP Site Remediation Program pursuant to Titles 13 and 58 of the Revised Statutes and the regulations adopted pursuant thereto at N.J.A.C. 7:26.

Ms. Payne responded that she found Mr. Hutchison had characterized her first question incorrectly. She stated she fully understood the Commission's jurisdiction. She said her question was whether the Commission staff had examined the hydrology of the tributary to determine whether any of the Commission's regulatory conditions could potentially be triggered. She expressed doubt about the accepted concept that the watercourse and its tributaries flow underneath the canal. However, she said she was asking if a separate analysis was done to examine whether any of the stormwater runoff in these watercourses enter the canal. She observed that canal was a very old structure, and that if a "higher water level" existed and the hydrology had not been examined, the assumption that the waters flowed beneath the canal "may not be so clear cut," and there may actually be a hydrological connection that would result in contamination of the canal.

Director Hutchison stated the Commission staff stood by its analysis of whether the watercourses in question flowed beneath the canal as stated in the staff report.

Mr. Walen stated he was a resident at 11 Greenwood Avenue, which was the neighborhood Mr. Emerson had referred to during his testimony. He stated his concerns about inadequate stormwater runoff management, and that he wanted the Commission to understand he and his family lived very close to the proposed drainage pipes. He noted the pipes had been installed over the past few months, very close to his backyard, and that, if stormwater management measures were not adequate, it would directly impact his family and that this was a grave concern.

Mr. Afran introduced himself and stated that he represented Mark and Catherine Smith, who reside near the project site. He stated he agreed with the objections to the project raised by Mr. Dickson, the Sierra Club's experts, and by Ms. Cherry. Mr. Afran noted that Mr. and Mrs. Smith had been active in litigating aspects of the data center application with South Brunswick Township and were involved in litigation on other grounds.

Mr. Afran stated that construction had begun on the project site, and that he and Mr. Smith visited the site and observed walls under construction. For this reason alone, it was appropriate for the Sierra Club to ask the Commission to deny the application. He then stated that any approval should be withheld until the applicant removed all construction activity onsite. Otherwise, the Commission would have no effective remedy to address such any issues going forward.

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Mr. Afran further stated that the only way to enforce the requirement that an applicant's agent cannot build before they are permitted is to deny the applicant's approval, pending the removal of everything that has been done onsite. Then, only when the Commission approves the project, the applicant could restart construction. Otherwise, Mr. Afran stated that there would be no incentive for developers to wait until they have their permits. Mr. Afran stated that this is why the Sierra Club asked that the application be denied, or at least held or stayed, until the Commission reviews whether its rules need to be updated to match the DEP rules. Mr. Afran said that the DEP may review these items, but that the Commission has an independent duty to analyze ecological issues presented to it.

Commissioner Reiser made a motion to move the previous question and approve the project with the staff recommendation. The motion was not seconded, and Vice-Chairman Stout requested that Commissioner Reiser withdraw his motion until all the testimony from the public had been received.

Ms. Trainor stated that dust was blowing from the project site into her backyard, and that she presumed the dust contained remnants of the historically applied pesticides from the Princeton Nurseries site. She stated her concern of not only water pollution, but for air pollution impacts arising from pesticide-laden soil.

Commissioner Lubitz asked the objectors what the effect would be of requiring the applicant to remove the unpermitted activities and return the site to its original condition. He asked whether this would result in additional disturbance and perhaps exacerbate the hazardous materials in the soil. Mr. Dickson stated that this was a fair question, but that it was his feeling that the nature of the sanction imposed by the Commission would make the applicant aware that any site restoration would need to be undertaken with the utmost care.

Ms. Coffey introduced herself as the attorney representing the project applicant. She conceded that construction work was done on the site prematurely. She stated that the applicant holds the Commission in the utmost respect but had misunderstood and thought that work could be done for those aspects of the project not regulated by the Commission.

Ms. Coffey stated that Mr. Dickson and Mr. Afran were requesting that the Commission create new penalties outside of the scope of its regulations and beyond the scope of existing law. She stated that it was her understanding that the Commission's enforcement authority was imposed by means of a "stop work" order issued by South Brunswick Township.

Ms. Coffey stated that applications are subject to review under the current standards that have been enacted by the Delaware and Raritan Canal Commission. She noted that if one were to take the position that the data center project had to be stopped while new regulations went through the administrative rule-making process and possibly through the Legislature as well, all Commission work would have to stop because all projects that would come before the Commission would be required to be held to the same standard in the same rules and regulations as the data center project. Ms. Coffey stated that, as an example, the 14 other projects approved during the current meeting would also need to be indefinitely held if one accepted the argument advanced by Messrs. Dickson and Afran.

Ms. Coffey further noted that the Township of South Brunswick did in fact require that the stormwater

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management plans for the proposed project conform not only to the Commission's regulatory requirements with respect to stormwater management, but that they also had to comply with the new DEP stormwater management rules.

Ms. Coffey disputed Mr. Dickson's characterization that the application was administratively incomplete. She noted that the Commission staff may consider an application to be complete and ready to be heard at a Commission meeting after the applicant submits a resolution of approval of the proposed project by the appropriate municipal and county approving agencies. She noted that the applicant provided the preliminary resolution of approval, which was adopted in April 2025. The objectors stated during the June Commission meeting that the preliminary approval was not acceptable, and that the final resolution was required. Ms. Coffey noted that the Commission's practice has been to accept the preliminary resolution of approval from a municipality. Nonetheless, she noted that issue was now moot, since a final resolution of approval had been adopted by the South Brunswick Township Planning Board and submitted to the Commission.

Ms. Coffey stated that with respect to the objectors' concerns about ecological issues and the hazardous contamination present onsite, and whether those issues have been properly managed, the concerns related to the implementation of the RAW were overseen by other program units in the DEP other than the Commission. Ms. Coffey then introduced Mr. Hansen, who stated he was an LSRP and was the site remediation professional for the data center project. Mr. Hansen stated that an environmental monitoring officer had been present on the project site each day that work was conducted, overseeing that work and ensuring it was in compliance with the DEP RAW documents. He noted that dust monitoring was conducted on a daily basis to ensure continued compliance for the site.

Ms. Coffey then asked Mr. Hansen to discuss the RAW adopted by Princeton University during its ownership of the site, and the applicant's obligations in terms of updating that plan. Mr. Hansen stated that the project site advanced to the RAW stage when under the ownership of Princeton University. The overall approach for employed a deed notice and capping to remediate the site. He stated the RAW was filed in 2008, remained in effect, was valid, and that proceeding onsite was done in accordance with the RAW. He further stated it was common that deviations from a RAW occur in the course of a site's remediation, and that those deviations are documented in the final remedial action report, which is filed when the case is completed.

Ms. Coffey then introduced Mr. Bohler, who stated that he was the engineering consultant for the applicant and a licensed professional engineer in New Jersey. Ms. Coffey called Mr. Bohler's attention to the comments submitted to the Commission by the Sierra Club and their expert Princeton Hydro in May 2025. Ms. Coffey stated that Bohler Engineering reviewed the application and the objectors' comments to make sure the concerns were addressed and that additional information was provided prior to the June Commission meeting.

Ms. Coffey noted that a staff report was issued prior to the June 18, 2025, Commission meeting which recommended that the Commission approve the project, and that the Commissioners tabled their vote on this application at the June meeting. She then stated a subsequent staff report that also recommended approval had been issued in advance the July meeting, and that the stormwater management plans were found to be compliant with the Commission rules and regulations.

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Mr. Bohler then provided an overview of the stormwater system for the proposed project. He noted that in addition to compliance with the Commission review standards, Bohler Engineering had designed the project to be compliant with the DEP criteria that was discussed at length earlier in the meeting. He stated that the bio-retention basins, filtration basins, and detention basins are each small-scale, with two-and one-half acres of land or less draining to each to meet reductions in peak flow required by the DEP. Mr. Bohler further stated that the groundwater recharge was integrated into the project design to comply with both DEP and Commission criteria, and that the design would also provide water quality at 80% TSS treatment to meet both DEP and Commission regulations.

Mr. Bohler noted that there was a split of drainage areas in the proposed condition, with two pipes discharging to the same river area. In the existing condition, the water to the north of the site drained along the residential areas. In the proposed condition, the stormwater is fully piped and bypasses the overland flow to the river area. Mr. Bohler stated that at the point of discharge, the two pipes were about four feet apart from each other, as compared to the existing condition where the pipes were 1,000 feet from each other, a condition which he described as a benefit.

Mr. Bohler stated that the pipe located in the northern area of the project site was not proposed in the Bohler Engineering design; but rather was designed for a previously approved application on the project site for which they had the stormwater report. He stated his firm verified that the peak flow was significantly less than what it was designed for, so that in the proposed condition under the 100-year storm, the flow going through the pipe was less than that of the design of previous pipe design. Therefore, he did not consider it necessary to verify the flow. He also stated that quantity reductions at both locations met the infiltration requirements required by the DEP and the Commission.

Mr. Minks identified himself as representing Russo Development, which is a constituent member of the applicant WRV. He stated that he and his colleagues took the matters being discussed seriously, and that they believed they were allowed to proceed with the project and had appropriate permitting if they worked outside of the Commission regulated areas. He stated they also relied on the Commission staff reports, which found the engineering to be technically compliant. He further stated that he found the sanctions proposed by the objectors to be draconian and stated the applicant would comply going forward. He also stated that measures had been taken to not adversely affect the residential population and the workers on the project site, and that the manner in which they had proceeded mitigated the creation of dust. He noted that farmers often created the same disturbance that was described by the objectors. He also stated that no soil movement was made within the berms regulated by the deed notice.

Mr. Afran then stated that the objectors were not asking that new rules be promulgated, but instead, that the project be reviewed by the Commission pursuant to the new DEP stormwater rules. Mr. Afran stated that the new rules must be used and that the Commission cannot approve an application under old rules. He stated that the project must be analyzed under the new rules and that it did not matter if the applicant's expert contended that "well, we're meeting them anyway."

Mr. Afran also asserted that whatever construction the applicant had done would need to be ripped out without question. He stated the applicant saying "we're sorry and we innocently built without realizing

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it” was not credible. He observed that the applicant was an extraordinarily experienced development company which had built data centers elsewhere, and that the applicant had at its disposal extraordinarily experienced land use lawyers and an extraordinarily capable engineering company which understood the applicable rules and regulations. He stated the applicant cannot assert that they did not think they were impacting regulated areas, since it was clear on the map that the project area was a regulated area and that they could not say “well, it would be a waste for us to have to pull out what we put in.”

Mr. Afran stated that there while there were “no teeth” to the Commission’s jurisdiction, the Commission nevertheless possessed the equitable power to enforce its jurisdiction and protect it. Therefore, the Commission should deny the application until the applicant restores the site to its pre-construction condition and then submits a new application. He noted the only way the Commission could enforce compliance was through its votes.

Vice-Chairman Stout asked Director Hutchison to offer concluding remarks.

The Director remarked that Commission staff addressed several of the commenters’ statements in the staff report, which had been distributed in advance of the Commission meeting. With respect to other comments made at the meeting, as Chief Administrative Officer of the Commission, the Director noted that the Commission’s regulations had been duly adopted pursuant to the “Administrative Procedure Act,” pursuant to the authority granted to this Commission under the “Delaware Raritan Canal State Park Law of 1974.” He further stated that this statutory and regulatory authority was separate from and distinct from the authority of the DEP to regulate stormwater management pursuant to Titles 12, 13 and 58 of the Revised Statutes and the regulations adopted pursuant thereto at N.J.A.C. 7:8, and that this was consistent with statutory scheme devised by the Legislature.

The Director observed that the commenters objecting to the scope of the Commission’s regulations were free to file a petition for rulemaking if they sought to amend, repeal or promulgate new regulations for the Commission. He also noted that with respect to review of the data center application, the Commission had acted within the scope of its regulatory authority. In those cases where the commenters contend that violations of other DEP regulations had occurred, the Commission referred those contentions to the DEP for review and, where appropriate, a response.

Director Hutchison stated again that the Commission did not have the authority to regulate the remediation of hazardous substances, which is the responsibility of the DEP pursuant to Titles 13 and 58 of the Revised Statutes and the regulations adopted pursuant thereto at N.J.A.C. 7:26.

Finally, Director Hutchison observed that it was incorrect to assert that the preliminary site approval was insufficient for a determination that the applicant had filed complete application. He noted that N.J.S.A. 13:13A-14(c) stated that “the initial application for a proposed project within the zone shall be submitted by the applicant to the appropriate municipal reviewing agency. If approved by the agency, the application shall be sent to the Commission for review.” The Commission was, therefore, permitted to review applications that had obtained preliminary site approval. He also observed that the applicants had also been granted final site approval.

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Vice-Chairman Stout asked for further comment from the Commissioners. Hearing none, he confirmed with Commissioner Lubitz that his motion included the recommended condition set forth in the staff report. Commission Lubitz confirmed that it did. The Vice-Chairman then asked Director Hutchison to call the roll:

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

The motion was approved.

During the roll call, Commissioner Designee Madden thanked the public for their participation in the meeting discussion. Commission Shoffner stated that while she was hesitant to approve the project as a resident of a town that experiences flooding, she would cast an affirmative vote. Commissioner Palmer, who lost online communication during the roll call, confirmed his affirmative vote before the conclusion of the meeting.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing June 18, 2025, to July 15, 2025. He reported that in addition to the 15 projects listed on the July meeting agenda, the staff completed 13 deficient staff reports and 9 jurisdictional determinations, issued 2 certificates of approval, issued 5 general permits. In addition to those matters, staff organized and conducted 7 pre-application meetings related to proposed and pending projects. As of July 15, 2025, there were 29 projects undergoing staff review.

Director Hutchison reported that fee collections totaled \$33,900 for the month of June, which was also the total collection amount for Fiscal Year 2026, which began on July 1. The \$500,000 anticipated appropriation amount remained unchanged for FY 2026.

Director Hutchison reported that the file digitization project continued to move forward. The contents of 8 additional boxes were scanned, bringing the 2025 year-to-date total to 105. The Director noted that 324 boxes of files had been digitized, which constituted 61.6% of the total.

Director Hutchison reported that while constrained by the provisions of the confidentiality agreement he signed as a member of the RFP Selection Committee, he could report that fee proposals for the project to update and revise the Commission Master Plan were submitted on June 24. He noted that the process to review the proposed consultant fees to ensure that they match the New Jersey Historic Trust grant amount and adhere to the project Scope of Work document continued to move in a positive direction.

Director Hutchison commended the Commission's engineering staff for their stalwart work reviewing project applications during the past month. He noted it is not often that the Commission is presented

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with 15 projects on the meeting agenda, and the staff performed its work in an admirable fashion preparing for the meeting.

Park Superintendent's Report

Superintendent Mitchell-Strehl reported that seasonal staff had begun work at Bulls Island Recreation Area, and that a new bicycle patrol would be added to the park multiuse trail from Frenchtown Borough south to the Scudders Falls area of Ewing Township.

The Superintendent remarked that visitation at Bulls Island Recreation Area was heavy during the Independence Day holiday, so much so that it was necessary to close the day use area for a few hours to accommodate the crowds.

The Superintendent noted that the replacement of the roof on the Children's Museum and the fence which encloses the garden at Rockingham Historic Site had been completed, and that the project to repoint the foundation of the stone building had begun.

Superintendent Mitchell-Strehl reported that the State Park Service was working with several nonprofit organizations in Trenton to assist with cleanup projects in the alleyways near the canal State park in the West End Avenue section of the city.

The Superintendent stated that the in-kind replacement of the exterior light fixtures and a rear door at the Port Mercer Bridgetender's House had been completed by State Park Service staff.

The Superintendent stated that the Delaware River tubing concession was scheduled to begin operations on Memorial Day weekend. Accordingly, the Cooley Tract parking area would be closed to public use while concession activities were ongoing.

Superintendent Mitchell-Strehl noted that the Jersey Off Road Bicycle Association (JORBA) had been holding trail maintenance events on Saturdays at the Six Mile Run Reservoir Site in Franklin Township, Somerset County.

The Superintendent reported that she recently met with the Frenchtown Borough Environmental Commission to discuss the future planting of trees to replace those that had been removed from the park. She noted that Swamp White Oak (*Quercus bicolor*) trees would be purchased by the State Park Service and planted by volunteers this coming November.

She further noted that park maintenance staff remained busy at locations throughout the park removing downed trees along the multiuse trail following several recent severe storms.

Finally, the Superintendent stated that in response to complaints from residents of Stockton Borough and park users, she investigated claims that the owner of the property at 25 Risler Street had encroached onto State property or had damaged the park multiuse trail. She noted that neither claim was correct based upon her observations and discussion with the property owner.

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New Jersey Water Supply Authority (NJWSA) Report

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

Mr. Sellar reported that the NJWSA had continued its practice from the prior two seasons to release excess water to the Millstone River from the Kingston Wastegate, rather than the standard location at the Ten Mile Wastegate. The use of the Kingston Wastegate increases flow in the Millstone River for a longer reach, starting closer to Carnegie Lake, which is a source for harmful algal blooms (HABs) entering the lower reaches of the Millstone. This increased flow in turn helps to combat conditions that contribute to the formation and proliferation of HABs within the waterway. He also noted there was no indication of the presence of any HABs in the Delaware and Raritan Canal.

Mr. Sellar reported that NJWSA staff were conducting general maintenance activities along the Delaware and Raritan Canal, including mowing grass and removing fallen trees and branches.

New Business

None.

Old Business

None.

Public Comment

None.

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 11:55 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