



**March 19, 2025, Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: March 19, 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, Commission 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, NJWSA; Stephen Gates, NJWSA; Jake T. Russo; James E. Henry; Christopher H. DeGrazia; Bob Barth, D&R Canal Watch; Linda Barth, D&R Canal Watch; Rikki Massand; Robert von Zumbusch, Kingston Historical Society; Emily R. Goldman; Sandra Brock; Matthew Marziaz, Office of Resource Development; Beth O’Brien; Anthony Cooper; Vladimir Wojno-Oranski; Ethel Chan; David Pasicznyk; Richard Pulaski.

Director Hutchison 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.

Director Hutchison announced that the meeting was being taped pursuant to the exception set forth at Section C.(1) of DEP Policy & Procedure 2.85 “Prohibition of Recording in the Workplace” Policy adopted on September 18, 2019.

Since 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

March 19, 2025

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 April 16, 2025, Meeting Date

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

Minutes

Approval of the Minutes of the February 19, 2025, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose edits or corrections to the February 19, 2025, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Reiser made a motion to adopt the minutes as proposed, which was seconded by Commissioner Shoffner.

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	Absent

The motion was approved.

Review Zone Actions

Zone A Projects

#25-1858D Washington Crossing State Park -- Toll Booth Demolition (Hopewell Township)

#23-3353A 39 Wilburtha Road -- Proposed Residence (Ewing Township)

Vice-Chairman Stout asked if any member of the Commission wished to consider either of the Zone A projects separately.

Commissioner Lubitz stated he would vote to approve both projects; however, with respect to project DRCC#23-3353A, 39 Wilburtha Road -- Proposed Residence, he was concerned that the Commission

March 19, 2025

had approved a subdivision in 2009 that resulted in the creation of a lot that was ultimately nonconforming for the purposes of complying with the setback requirement for Zone A projects (See N.J.A.C. 7:45-10.4(a)). He stated that in the future the Commission should not allow a subdivision that would result in the creation of such a nonconforming lot. He observed that in the case of this project, the setback was now one-half of what it otherwise would have been had the setback requirement been observed. He further noted that the project was located in a Rural canal environment in the Master Plan. Even with the proposed tree screening, he observed that project would affect the character of the park experience. He suggested that in the future the Commission should keep in mind that the visual, historic, and natural quality impacts, and even the sound impact of a project such as a leaf blower noise, all impact the park user experience, and that for this reason the creation by subdivision of lots that do not conform with the setback requirement should be avoided as a matter of policy.

Commissioner Designee Madden stated that with regard to project DRCC #25-1858D, Washington Crossing State Park -- Toll Booth Demolition, she was not satisfied with the Executive Director's determination that the project was located within Commission Review Zone A.

Vice-Chairman Stout asked for a motion on the Zone A projects. Commissioner Designee Madden made a motion to approve the projects, which was seconded by Commissioner Reiser. Vice-Chairman Stout asked for comment on the projects from the Commissioners.

In response to Commissioner Designee Madden's concern about project DRCC #25-1858D, Director Hutchison stated that pursuant to the definition of "Review Zone" at N.J.A.C. 7:45-1.3, if any part of a project site is within Zone A, then the entire project shall be considered to be in Zone A for the purposes of Commission jurisdiction. He further explained that the Block and Lot at which the Washington Crossing State Park toll booth is located extends from the site of the booth in a westerly direction down to N.J. State Highway Route No. 29 and into Review Zone A. Therefore, Commission staff had no alternative but to review the project as a Zone A project. He sympathized with the incongruity of the regulations in this case and noted that the driveway where the toll booth is located is approximately 0.5 mile from the Delaware and Raritan Canal State Park. He noted while that the Commissioner Designee's point was well taken, the language of the Commission's regulations was unambiguous on this point.

Commissioner Palmer joined the meeting by means of online platform at 10:06 a.m.

Vice-Chairman Stout asked for further comment from the Commission and then the public on the Zone A projects. 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.

March 19, 2025

Zone B Projects

#23-4663D Route 33 and Joan Warren Way -- Proposed Bank/Restaurant (Monroe Township)
#24-5616G Princeton University -- Baseball Ballpark (West Windsor Township)
#23-5967 711 Perrineville Road -- Residential Development (Millstone Township)

Vice-Chairman Stout asked if any member of the Commission wished to consider any of the Zone B projects separately. Hearing none, he asked for a motion on the projects. Commissioner Reiser made a motion to approve the projects, which 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.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing February 19, 2025, to March 18, 2025. He stated that in addition to the five projects listed on the February meeting notice, staff issued 20 deficient staff reports, 12 jurisdictional determinations, five certificates of approval, and five general permits. He stated that one application was withdrawn, and one Estoppel letter was issued.

Vice-Chairman Stout asked Director Hutchison to clarify the term "Estoppel letter." Director Hutchison stated that an Estoppel letter is a letter that the Commission is obliged to issue to someone who is usually conducting due diligence on the purchase of a property. The letter indicates whether or not the Commission has taken any action pursuant to a conservation and maintenance agreement or conservation easement agreement.

Director Hutchison reported that fee collections totaled a healthy \$40,300 for the month. He noted that, so far in Fiscal Year 2025, the Commission has collected \$338,325 of the \$500,000 anticipated appropriation amount. He stated that, with 75% of the fiscal year complete, the Commission had collected 68% of its anticipated appropriation amount and noted that, as the weather warmed, permit activity appeared to be increasing.

Director Hutchison reported that the project file digitization continued and that during the previous month, another 14 boxes were scanned, bringing the number of scanned boxes to 221 or 42% of the total of 526 boxes.

Director Hutchison reported that on February 24 he participated in a permit coordination meeting with other DEP program elements to review the proposed NJWSA project to reconstruct 17 damaged sections

March 19, 2025

of the embankment on the Delaware and Raritan Feeder Canal between Raven Rock Lock and Prallsville Lock. He noted that there was a valid General Permit No. 1, issued in 2022, for the proposed work, and that permit would expire on July 27, 2027. Given the scope of the work, he stated he recommended that the NJWSA apply for a new five-year permit, at which time any discrepancy in the number of trees which need to be cleared, for example, could be updated.

The Director reported that on February 28 he interviewed Mr. Von Zumbusch at the Kingston Locktender's House as part of the Commission 50th anniversary oral history project. Treasury Department OIT staff indicated that they were pleased with the results of the footage.

Director Hutchison reported that he participated in two additional meetings concerning the proposed NJDOT Rockfall Mitigation project. One meeting was a DEP permit coordination meeting, while the other was a meeting of the NJDOT Working Group. He stated that although the technical details of the various proposed alternative designs were interesting, fundamental issues of property ownership, historic district and Register-listed property impacts, traffic impact, access to the Delaware and Raritan Canal State Park, and the potential mitigation of any or all of these impacts remain unremarked upon.

Director Hutchison stated that in addition to the toll house demolition project that the Commission considered, the staff has been working diligently to complete reviews of several other applications submitted by DEP Parks, Forests & Historic Sites related to the 2026 United States Semiquincentennial, the 250th anniversary of the signing of the Declaration of Independence. He noted that these projects include path improvements at the Rockingham Historic Site, repairs to the Stone Barn, the Johnson Ferry House, the Bear Tavern Office, and the Knox Grove Picnic Pavilion replacement at Washington Crossing State Park.

Commissioner Lubitz stated that a portion of rockfall mitigation below Lambertville contains a natural heritage priority site and asked if this had been discussed at the rockfall mitigation meeting. Director Hutchison responded that at the meetings he attended, that issue appeared to be consolidated into one category referred to as "cultural and historic impacts." He noted that he has repeatedly communicated to the NJDOT that the Goat Hill property, where the rockfall mitigation project is proposed to be undertaken, is owned by the New Jersey State Park Service and that it is part of two Register-listed historic districts.

Commissioner Designee Madden reported that State Parks, Forests, & Historic Sites was scheduling a meeting with NJDOT to discuss the rockfall mitigation project. Commissioner Lubitz asked Commissioner Designee Madden if that discussion would include discussion of the impacts to the rock formation along the Delaware River in Kingwood Township known as "the Devil's Tea Table." Designee Madden stated that she did not believe the State had any ownership over that section of the project and observed that if it was not a natural heritage priority site, it would not have the same protection as the State and federally listed properties. She noted that DEP State Parks, Forests, & Historic Sites would nevertheless voice their concerns.

Park Superintendent's Report

Commissioner Designee Madden delivered the report for Acting Superintendent Mitchell-Strehl.

March 19, 2025

Commissioner Designee Madden reported that the State Park Service was repairing and replacing benches along the multiuse trail throughout the Delaware and Raritan Canal State Park.

Commissioner Designee Madden reported that the State Park Service was working with the DEP Office of Resource Development to address the restoration of the historic bulkhead wall behind the Commission office and the Prallsville Mills gristmill along the Wickecheoke Creek at Stockton.

Commissioner Designee Madden reported that the State Park Service had met with the Outdoor Equity Alliance (OEA) in Trenton to discuss how the group can assist the State Park Service in the City of Trenton, and that additional discussions would be scheduled in the future. OEA is a non-profit organization in Mercer County that promotes initiatives that offer outdoor education, workforce development opportunities and conservation projects in collaboration with schools, colleges and community groups.

Commissioner Designee Madden reported that a DEP Watershed Ambassador cleanup was conducted within the Delaware and Raritan Canal State Park on March 1 and March 15 and that more than 594 gallons of trash and recycling materials were removed from the park by volunteers.

Commissioner Designee Madden reported that a new hourly trail interpreter/history assistant will be working with Delaware and Raritan Canal State Park Resource Interpretive Specialist Chirco on collection projects and programming for the upcoming season.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported progress on the fencing project at the Lambertville Lock. He stated that approximately 100 linear feet of chain link fence located in the front of the locktender house was removed and that staff was in the process of installing the “hairpin” style railing, which will match the “hairpin” rails historically used by the Pennsylvania Railroad and presently located on the westerly side of the lock. Mr. Sellar encouraged those in attendance to walk out to the lock to see the project.

Mr. Sellar reported that general maintenance activities were being conducted by NJWSA staff along the Delaware and Raritan Canal, including the clearing of vegetative debris and the collection of leaves in the canal and around bridges and locks. He noted that mowing season had arrived and that NJWSA staff would send their large agricultural tractors into the park along with the smaller push mowers and trimmers.

Mr. Sellar reported that the Island Farm Weir fish ladder would open in the next week to allow species of fish such as shad, herring, and striped bass to migrate upstream. The Island Farm Weir is a low-head dam situated downstream from the confluence of the Raritan and Millstone rivers between Bridgewater and Franklin townships in Somerset County.

Vice-Chairman Stout asked Mr. Sellar if NJWSA would conduct treatment for the invasive plant Hydrilla in the upcoming year. Mr. Sellar stated that there are no plans to treat the Delaware and Raritan Canal for the invasive species, but that monitoring of the canal would continue to take place.

March 19, 2025

New Business

Pursuant to the provisions of N.J.S.A. 13:13A-11i., the Commission shall consider approval of the draft annual report of its activities for the calendar year ending December 31, 2024.

Vice-Chairman Stout stated that the Commissioners had the opportunity to review the draft 2024 Annual Report and that he was aware that the State Park Service would offer technical corrections to the page which references projects approved at Washington Crossing State Park. He noted that those corrections had not been yet submitted by Commissioner Designee Madden.

Vice-Chairman Stout asked for a motion to approve the annual report, with amendments to be suggested by Commissioner Designee Madden. Commissioner Reiser motioned such, which was seconded by Commissioner Lubitz. The Vice-Chairman Stout asked for further comment from the Commission. 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.

Director Hutchison stated that once the technical corrections were submitted by Commissioner Designee Madden, the edits would be incorporated into the report, and the document would then be uploaded to the Commission website.

Commissioner Lubitz commended Ms. Yuhas on the quality of the annual report. Vice-Chairman Stout stated that Ms. Yuhas had done exceptional work on this project and had been setting the bar higher each year. Commissioner Palmer commended Ms. Yuhas as well.

Old Business

None.

Public Comment

Ms. Barth stated that D&R Canal Watch would host a program at the Fellowship Hall of the Griggstown Reformed Church at 2:00 p.m. on March 30. The program would be presented by the New York Canal Society and focus on the bicentennial of the Erie Canal.

Written Public Comments

None.

Adjournment

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner

March 19, 2025

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 10:30 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