



**September 17, 2025, Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: September 17, 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 Mark Texel, 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, Commission Engineer Joseph Ruggeri and Colleen Maloney attended the meeting in the Commission office. Executive Assistant Erica Vavrence and Communications Director Darlene Yuhas participated via online platform.

GUESTS: Michael Sellar, New Jersey Water Supply Authority (NJWSA); Bob Barth, D&R Canal Watch; Linda Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Damian Friebel; Adam Slutsky; Lane Miller; Ravi Amin; Jose Silva; Erin Dovel; Kevin Jamieson; Jackie Giordano; Gregory Oman; Abeer Al-Shammari; Adam Bloom; Teddy Gadeh; Danny Goncalves; and Dino Spadaccini.

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 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:

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Vice-Chairman Stout	Present
Commissioner Designee Texel	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 October 15, 2025, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for October 15, 2025, at 10:00 a.m.

Minutes

Approval of the Minutes of the August 20, 2025, Executive Session

Vice-Chairman Stout inquired if any of the Commissioners wished to propose edits or corrections to the minutes of the August 20, 2025, Executive Session. 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.

Director Hutchison noted that Commissioner Palmer joined the meeting by means of online platform at 10:02 a.m.

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

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

Approval of the Minutes of the August 20, 2025, Commission Meeting

Vice-Chairman Stout asked if any of the Commissioners wished to propose edits or corrections to the minutes of the August 20, 2025, Commission meeting. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Reiser made a motion to adopt the minutes of the Commission meeting as proposed. The motion was seconded by Commissioner Lubitz.

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

Vice-Chairman Stout	Abstain
Commissioner Designee Texel	Yes
Commissioner Reiser	Yes

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Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Review Zone Actions

Zone A Projects

#23-3604B 91 Cottontail Lane -- Proposed Warehouse (Franklin Township)
#25-4595B Manville Causeway -- Crosswalk Improvements (Franklin Township)

Vice-Chairman Stout asked if any member of the Commission wished to consider either of the Zone A projects individually. Commissioner Lubitz requested that project #23-3604B 91 Cottontail Lane -- Proposed Warehouse, Franklin Township, be considered separately.

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

Vice-Chairman Stout noted for the record that at 9:30 a.m. the Commission pursuant to the provisions of the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq., a public hearing was conducted to receive testimony regarding the request from Somerset Properties, LP, to be released from the easement that the Commission holds on this property, and that no testimony was received.

Commissioner Lubitz said that he had two questions about the project. His first question dealt with the height of the proposed warehouse building, and whether it would be adequately screened from the Delaware and Raritan Canal State Park in the winter season. Commissioner Lubitz said the applicant's narrative indicated that the project would be partially screened by vegetation on the canal. However, he observed from a photograph provided by the applicant that the deciduous trees present on the canal embankment would not provide adequate winter screening. Further, he said, the existing and proposed condition landscaping plans noted that there are two varieties of conifers proposed on the Cottontail Lane side of the proposed warehouse, but there were no conifers proposed on the canal side. Therefore, Commissioner Lubitz questioned whether the applicant would reconsider the proposed screening of the project from view from the canal multiuse trail.

Lane Miller introduced himself as the applicant's attorney and said that he was unaware there had been a public hearing at 9:30 but was attending in response to a notice for a 10 a.m. Commission meeting. He asked Jackie Giordano, the engineer of record, to address Commissioner Lubitz's concern about conifers along the canal.

Ms. Giordano described the visual impact of the project upon the State park and detailed the site constraints, which made it not possible to completely screen the project from the view of a person in the park.

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Commissioner Lubitz responded that among the existing trees he counted, there were 41 ash trees and two elm trees on the property, and that these trees would not provide adequate winter screening for a proposed building that exceeded the permitted height in the Commission's regulations by 9 feet.

Mr. Miller said that the applicant would be more than happy to have various professionals to work together to devise a solution that provides adequate screening to satisfy any concerns.

Commissioner Lubitz said his second question was regarding the proposed stream corridor compensation area, and he expressed concern that the conservation easement mitigation area is located in Millstone Township, Monmouth County, approximately 30 miles from the project site. He questioned whether the proposed compensation demonstrated a greater ecological benefit than what exists in the current condition.

Ms. Giordano said that the applicant had spent considerable time to ensure that the property proposed as compensation was located within Review Zone B.

Vice-Chairman Stout asked if any other members of the Commission had questions or wished to make a comment.

Commissioner Designee Texel said he supported Commissioner Lubitz's concern about lack of adequate winter screening and asked for clarification regarding the Commission's regulatory authority with respect to the selection of landscape screening.

Director Hutchison noted that any landscaping within Review Zone A must use tree and shrub species taken from the Commission's list of native trees and shrubs, available on the Commission's website. He also noted that devising an alternative landscape screen would require the applicant to work collaboratively with the Commission, the State Park Service and the NJWSA, which has consistently maintained that the planting woody vegetation near the canal embankment creates the possibility for heaving of the embankment and fallen trees obstructing the water flow in the canal.

Vice-Chairman Stout indicated that the Commission could take one of two courses of action. The Commission could approve the project, conditioned upon the applicant revising the landscape plan in such a way as to better screen the project from the canal State park, or the Commission could deny the application without prejudice and require the applicant to return to the Commission at a later date with a revised landscape plan.

The Vice-Chairman asked Commissioner Palmer and Commissioner Shoffner if they would be amenable to amending their motion to take either action. Both agreed. He then asked Commissioner Lubitz if he had a preference on how best to proceed. Commissioner Lubitz indicated it was his preference to deny the application without prejudice so that the full Commission could review any revised landscape plan to ensure that the project would be adequately screened from the from the canal State park.

Commissioner Designee Texel indicated that he was concerned about approving any project that exceeded the 40-foot height requirement in the Commission's regulations. He also expressed concern

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regarding the length of time it would take for a screen of trees to grow to a height sufficient to block the view of the warehouse building.

Mr. Miller indicated that the applicant would submit a line-of-sight exhibit in the future to better depict the relationship of the proposed project to the canal State park.

Vice-Chairman Stout asked if any member of the public wished to comment on the amended motion.

Mr. von Zumbusch stated his concern that the ash and elm trees on the site are unlikely to survive due to disease issues, and that the plan should include the planting of evergreen trees.

Vice-Chairman Stout reiterated that the amended motion was to deny the project without prejudice and then asked Director Hutchison to call the roll:

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

The motion was approved.

Vice-Chairman Stout inquired if any member of the Commission had any questions or comments regarding the remaining Zone A application, project DRCC #25-4595B Manville Causeway -- Crosswalk Improvements, Franklin Township.

Commissioner Designee Texel said the State Park Service strongly supported the project, which would achieve the long-desired goal for pedestrian and visitor safety and access to the canal.

Director Hutchison noted for the record that approval of the project is conditioned upon the Somerset County Engineering Department coordinating with the NJWSA on placement of the proposed pedestrian-activated crossing beacons to ensure that NJWSA vehicles could enter and exit the multiuse trail at the Manville Causeway.

The Vice-Chairman asked for a motion on the project and to include the condition in that motion. Commissioner Shoffner made a motion to approve the project with the condition, and Commissioner Lubitz seconded the motion.

Vice -Chairman Stout asked if any other members of the Commission or the public had any questions or comments about the application.

Mr. Barth expressed support for the long-awaited signal crossings and said he hoped for additional such crossings along the entire length of the canal, citing safety concerns. He inquired as to whether a particular area identified in the project area had been designated for signage.

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Executive Director Hutchison informed Mr. Barth that the specific area had been marked for Somerset County's removal of five trees to establish sight lines necessary for motorists to see the crossing beacons.

The Vice-Chairman asked if any other members of the public wished to comment. Hearing none, he asked the Director to call the roll:

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

Zone B Projects

#21-3006H	The Peddie School -- Driveway Widening (Hightstown Borough)
#23-6090	208 Sullivan Way -- Residential Townhome Development (Ewing Township)
#24-6192	First Energy East Windsor Substation -- Expansion (East Windsor Township)
#25-6263A	Adda Court -- Residential Development (South Brunswick 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 Zone B projects. Commissioner Designee Texel made a motion to approve the projects, which was seconded by Commissioner Reiser. Vice-Chairman Stout asked for comment from the Commission and then from the public. Hearing none, he asked Director Hutchison to call the roll:

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

The motion was approved.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing August 19, 2025, to September 16, 2025. He said that in addition to the 6 projects listed on the September meeting agenda, the staff issued 16 deficient staff reports, 5 jurisdictional determinations, 6 certificates of approval, and 8 general permits. He also noted that two staff reports had been prepared for projects that would be calendared at the October 15 Commission meeting.

The Director noted that in addition to these matters, staff organized and conducted 9 pre-application

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meetings related to proposed and pending projects. As of September 16, 2025, there were 22 projects undergoing staff review.

Director Hutchison reported that fee collections totaled \$29,000 for September, which like July and August, was lower than expected. So far in Fiscal Year 2026, the Commission had collected \$93,862.50 of its \$500,000 anticipated appropriation amount.

Director Hutchison reported that the Commission's file digitization project continued to make good progress. Last month, the contents of 9 boxes were scanned, bringing the 2025 year-to-date total to 125. A total of 344 boxes of files have been digitized, which constitutes 64.5% of the total number of boxes. Although a significant amount of work remained, Director Hutchison said that Megan Black had been doing outstanding work in keeping the project on track.

The third installment of the Commission's "On the Level" series of videotaped oral histories with key canal leaders has been edited and would soon be uploaded to the Commission YouTube channel, Director Hutchison reported. He said the third interview, videotaped at the Kingston Locktender's House, features a lively conversation with long-time canal park stakeholder and architect Robert von Zumbusch. Director Hutchison noted that Mr. Von Zumbusch had been intimately involved in the creation of the original Commission Master Plan.

Director Hutchison reported that he participated in the Commission's Fiscal Year 2026 first quarter budget meeting on September 16. During that meeting, it was agreed that in light of reduced fee collections, the DEP would advise the Department of the Treasury Office of Management and Budget (OMB) that the \$500,000 anticipated appropriation amount be reduced for Fiscal Year 2027 to be more in line with recent fee revenue collection amounts (i.e., \$385,650 in FY 2025). Director Hutchison said it was also agreed that the Commission and the Department would propose the continuation of the fringe and indirect cost exemptions.

Finally, Director Hutchison said he was pleased to report that on September 4 the Commission and DEP staff met with Clark Caton Hintz and the subcontractors for the Master Plan update and revision. The "kick-off" allowed the Commission and DEP staff members assigned to the project team to meet with the consultants and discuss expectations and initial steps in moving the planning process forward. Further, he reported that Darlene Yuhas had already been working with Cristen Sheppard of the firm mcfa to identify key stakeholders and outreach methods that will help ensure that a robust public participation plan is implemented as part of the plan adoption process.

Park Superintendent's Report

Commissioner Designee Texel delivered the report for Superintendent Maggie Mitchell-Strehl.

He reported that there was an opportunity for public comment on the proposed sale of Saxtonville Tavern, Delaware Township. Information had been posted on the website of the NJ DEP's Office of Transactions and Public Lands Administration. Commissioner Designee Texel said that written comment on the proposed sale would be accepted until October 3.

Commissioner Designee Texel said that the seasonal naturalist staff had attended a Frenchtown community event in August and had educated visitors on the park's native animals, insects and flora.

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Also, Commissioner Designee Texel said that at the end of August, Princeton University had reported that Lake Carnegie was being treated for a harmful algal bloom (HAB).

Lastly, Commissioner Designee Texel announced that the annual Delaware River cleanup would be held on September 20.

New Jersey Water Supply Authority Report

Mr. Sellar reported that the NJWSA was developing plans and specifications to replace the rear sluice gate at the back race at the Lambertville Lock. He said that over the past couple years, the NJWSA had not operated the sluice gate, and that the back race had become stagnant and mosquito-ridden in the summer. Mr. Sellar said the NJWSA had received complaints and was working to return the sluice gate to proper functioning condition.

Mr. Sellar reported that NJWSA had issued a proposal for a consultant to address the potential removal of the deteriorated former railroad trestle that crosses the canal in the vicinity of the Mercer County Wildlife Center. He noted that one of the upstream stringers on the bridge, the left side of which is composed of steel I-beams and the right side is wood, had snapped, causing the structure to descend farther into the canal. Mr. Sellar said the NJWSA was monitoring the situation, and if the bridge continued to fall, it would have to be removed before a consultant had an opportunity to devise a plan for the structure.

Mr. Sellar said there was no indication of any HAB in the canal, but as Commissioner Designee Texel reported, there was a HAB in Carnegie Lake.

He said NJWSA crews continued to tackle weather-related maintenance duties, including clearing fallen trees and branches, and that mowing work was ongoing.

Mr. Sellar reported that the NJWSA continued to release excess water into the Millstone River from the Kingston Wastegate to manage the size of a HAB but had reduced the release somewhat since weather conditions had been dry. He said that currently about 22 million gallons per day were being discharged in the effort to combat conditions that contribute to the formation and proliferation of HABs in the waterway.

Mr. Sellar also noted that regarding Somerset County and the Manville Causeway, he was scheduled to meet with the county's consultant and anticipated a positive outcome from the discussion.

New Business

None.

Old Business

None.

Public Comment

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Mrs. Barth reported that D&R Canal Watch had enjoyed a wonderfully successful “Canal House Challenge” on September 14. Five of the historic buildings had been open to the public, and event participants had been given passports to be stamped at each location to earn a small prize for visiting all five. Mrs. Barth also noted that several of the buildings would be open on October 11 and 12 for Somerset County’s “Journey Through the Past” event.

Further, Mrs. Barth asked that Somerset County be encouraged to install crosswalks and pedestrian-activated beacons at locations where roads cross the park multiuse trail.

Mr. von Zumbusch expressed his appreciation to Somerset County for the signal crossing at the causeway. He also reported that the advocacy group, Keep It Green, which is seeking increased funding for New Jersey’s parks, would be holding an event on October 1 at Prallsville Mills. He said he hoped for good public participation, although fire regulations at the mill would limit the number of in-person attendees.

Vice-Chairman Stout announced that the Commission had adopted a resolution congratulating Colleen Maloney on her upcoming retirement after 14 years of service to the State of New Jersey and the Commission. He read a portion of the resolution, which stated that the Commission extended its sincere gratitude for her exemplary record of service, expressed its heartfelt admiration for her many accomplishments and offered its best wishes. Vice-Chairman Stout presented the resolution, and Mrs. Maloney thanked him.

Written Public Comments

None.

Adjournment

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner Lubitz made a motion to adjourn, which was seconded by Commissioner Designee Texel. 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 10:47 a.m.

Respectfully submitted,

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

John Hutchison, Secretary