

**MERCER COUNTY PLANNING BOARD
REGULAR MEETING MINUTES
FEBRUARY 12, 2020**

PRESENT: Michael E. Shine, Chairman
William S. Agress, Vice-Chair
Samuel Frisby, Freeholder
Paul A. Penna
Samuel M. Rubino
Tai Wilson
George Fallat, County Engineer
Leslie R. Floyd for Brian Hughes, County Executive

ALSO PRESENT: Robert Ridolfi, Board Counsel
Lisa Fritzinger, Assistant Planning Director
Richard Smith, Planning Board Secretary
Regine Delcy, Staff
Matthew Lawson, Staff
Andrew Lloyd, Staff
Matthew Zochowski, Staff

Mr. Shine called the meeting of the Mercer County Planning Board to order at 9:07 a.m.

I. STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, notice of this meeting was sent to the Trenton Times, the Trentonian, and was posted in the County Clerk's office and the County Administration Building on January 31, 2020.

II. APPROVAL OF MINUTES

Mr. Agress made a motion to approve the minutes of the January 8, 2020 Planning Board meeting and Mr. Rubino seconded the motion.

The minutes were approved with the following vote:

Y	Michael E. Shine	Y	Samuel M. Rubino
Y	William S. Agress	Y	Tai Wilson
Y	Samuel Frisby	Y	George Fallat
Y	Paul Penna	Y	Leslie R. Floyd

IV. PUBLIC COMMENT

There was no public comment.

V. OLD BUSINESS

There was no old business

VI. NEW BUSINESS

Statement of Adequate Notice

In accordance with the Statewide Water Quality Management Planning rules (NJAC 7:15-3.5) and the Mercer County Wastewater Management Plan Amendment Procedures, public notice of this proposed amendment titled "Dynamic Hilco Warehouse" was published in the New Jersey Register on January 6, 2020; the Trentonian newspaper on January 7, 2020; and the Times of Trenton newspaper on January 11, 2020.

Public Hearing – Proposed amendment to the Mercer County Water Quality Management Plan (WQMP). This amendment proposal, titled "Dynamic Hilco Warehouse," submitted by Dynamic Engineering Consultants, PC, on behalf of Hilco Redevelopment Partners Mercer, LLC would expand the Trenton Sewer Utility Facility sewer service area (SSA) by 87.10 acres to aid in the redevelopment of the erstwhile PSEG Generating Station, located in Hamilton Township, Mercer County. The requested SSA is located in Block 2506, Lots 6 (portion of), 8 (portion of), 22, and 27 (portion of). Mercer County Planning and the NJ Department of Environmental Protection have reviewed this application, have found it to be consistent with applicable state and county WQMP regulations, municipal zoning, and the Mercer County Master Plan, and have therefore arranged for this amendment application to be publicly noticed and presented before the public and the Mercer County Planning Board today, 12 FEB, 2020.

Planning Board Staff member Andrew Lloyd presented the proposed amendment to the Board and Mr. Robert Freud, principal from Dynamic Engineering, the applicant, on behalf of the landowner HRP Mercer answered questions from the Board and staff. Ms. Floyd noted that the Public Hearing record remains open for fifteen days, February 27, and there will be a transcript for the Board Members to review before they vote on the amendment. The Public Hearing was closed. A copy of the verbatim minutes of this hearing are attached and made a part of these minutes.

VII. Correspondence

There was no correspondence.

VIII. ADJOURNMENT

Ms. Floyd noted that a quorum will be needed for the March meeting for Board action on a number of items that will be on the March Agenda.

Mr. Frisby made the motion to adjourn the meeting and Ms. Wilson seconded the motion. The meeting was adjourned at 9:23 a.m. with the following vote:

Y	Michael E. Shine	Y	Samuel M. Rubino
Y	William S. Agress	Y	Tai Wilson
Y	Samuel Frisby	Y	George Fallat
Y	Paul Penna	Y	Leslie R. Floyd

Respectfully Submitted,



Richard J. Smith, Planning Board Secretary

COPY

MERCER COUNTY PLANNING BOARD

***PUBLIC HEARING - MERCER CO.
WQMP - DYNAMIC HILCO
WAREHOUSE***

2/12/2020

Condensed Transcript

Prepared by:

Deanna Wizbicki
SILVER REPORTING SERVICES, INC.

Friday, February 28, 2020

1 MERCER COUNTY PLANNING BOARD
 2 McDade Administration Building
 3 640 South Broad Street, Room 211
 4 Trenton, NJ 08611
 5 Wednesday, February 12, 2020
 6 9:00 a.m.

7
 8
 9 PUBLIC HEARING: Proposed amendment to the Mercer
 10 County Water Management Plan (WQMP). This
 11 amendment proposal, titled "Dynamic Hilco
 12 Warehouse," submitted by Dynamic Engineering
 13 Consultants, PC, on behalf of Hilco Redevelopment
 14 Partners Mercer, LLC, would expand the Trenton
 15 Sewer Utility Facility sewer service area (SSA) by
 16 37.10 acres to aid in the redevelopment of the
 17 erstwhile PSEG Generating Station, located in
 18 Hamilton Township, Mercer County. The requested
 19 SSA is located in Block 2506, Lots 6 (portion of),
 20 8 (portion of), 22, and 27 (portion of) Mercer
 21 County Planning and the NJ Department of
 22 Environmental Protection have reviewed this
 23 application, have found it to be consistent with
 24 applicable state and county WQMP regulations,
 25 municipal zoning, and the Mercer County Master
 Plan, and have therefore arranged for this
 amendment application to be publicly noticed and
 presented before the public and the Mercer County
 Planning Board today, 12 February 2020.

21 SILVER REPORTING SERVICES, INC.
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1 BOARD MEMBERS PRESENT:
 2 MICHAEL E. SHINE, CHAIRMAN
 3 WILLIAM S. AGRESS, VICE CHAIRMAN
 4 SAMUEL M. RUBINO
 5 SAMUEL FRISBY
 6 PAUL PENNA
 7 TAI WILSON
 8
 9 ALSO PRESENT:
 10 RICHARD J. SMITH, Planning Board Secretary
 11 LESLIE R. FLOYD, Planning Director
 12 GEORGE FALLAT, County Engineer
 13 ANDREW LLOYD, Assistant Planner
 14

15
 16 APPEARANCES:
 17
 18 ROBERT N. RIDOLFI, ESQ.,
 19 640 South Broad Street
 20 Trenton, NJ 08650
 21 For the Mercer County Planning Board.
 22
 23
 24
 25

1 CHAIRMAN SHINE: We'll call the
 2 February 12, 2020, Planning Board meeting to
 3 order.
 4 Mr. Smith, are we adequately
 5 noticed?
 6 MR. SMITH: Pursuant to the Sunshine
 7 Law, notice of this meeting was sent to the
 8 Trenton Times, the Trentonian, and was posted in
 9 the County Clerk's Office and the County
 10 Administration building on January 21, 2020.
 11 CHAIRMAN SMITH: Thank you.
 12 If there are no questions or
 13 comments, can I have a motion for an approval of
 14 the January 8th minutes?
 15 MR. AGRESS: So moved.
 16 CHAIRMAN SMITH: All in favor?
 17 (The Board members vote unanimously
 18 in favor of the motion.)
 19 CHAIRMAN SHINE: Public comment?
 20 Okay. New business, Andrew.
 21 MR. SMITH: Public notice of this
 22 proposed amendment entitled Dynamic Hilco
 23 Warehouse was published in the New Jersey Register
 24 on January 6, 2020, the Trentonian Newspaper on
 25 January 7th, 2020, and the Times of Trenton

1 Newspaper on January 11, 2020.
 2 MR. LLOYD: Good morning. Andrew
 3 Lloyd, Mercer County Planning Department staff
 4 member.
 5 What you are about to hear is a
 6 proposed amendment to the Mercer County Water
 7 Quality Management Plan. The amendment proposal,
 8 entitled Dynamic-Hilco Warehouse, is submitted by
 9 Mr. Robert Freud, of Dynamic Engineering
 10 Consultants, PC, on behalf of landowner, Hilco
 11 Redevelopment Partners Mercer, LLC.
 12 The proposed additional sewer service
 13 area is located in Hamilton Township within block
 14 2506, portions of lots 6, 8, 22, and 27, at the
 15 site of the erstwhile PSEG Generating Plant.
 16 The site is located in the nook
 17 created by Routes 29 and 295 and the Delaware
 18 River, to the southeast of the Trenton City line.
 19 I should mention early on that,
 20 although the site is located in Hamilton Township,
 21 which has its own wastewater treatment facility,
 22 the applicant proposes to send its sanitary flow
 23 to the Trenton Sewer Utility due to its proximity
 24 and the impracticality of traversing these
 25 highways and environmentally sensitive areas to

1 reach the Hamilton sewer conveyance system.
 2 The Planning Board will hear
 3 information gathered by our county planning staff
 4 and DEP during review of the amendment,
 5 information from the applicant, and any members of
 6 the public that may be in attendance that wish to
 7 add commentary.
 8 The Board will vote on the amendment
 9 at next month's Planning Board meeting on March
 10 11th.
 11 As part of the process, the applicant
 12 has sent letters to Hamilton Township municipal
 13 officials and the Trenton Sewer Utility requesting
 14 consent. These parties have not responded as of
 15 today, but any comments they have will need to be
 16 received prior to the vote next month in the form
 17 of resolutions. We have not received any public
 18 commentary as of today, the period for such public
 19 commentary extends 15 days from the date of this
 20 hearing, which is February 27.
 21 This proposed development would
 22 expand the Trenton Sewer Utility sewer service
 23 area by 102.66 acres to accommodate two large
 24 warehouses with roughly 25,000 square feet of
 25 office space, for a total of 1.2 million square

1 feet.
 2 The pink color on this map delineates
 3 the proposed additional sewer service area. After
 4 taking into account environmentally sensitive
 5 areas such as wetlands and threatened endangered
 6 species habitat, the buildings are, as you can see
 7 here in gray, and here.
 8 As always, an approval of this
 9 amendment does not guarantee approval of other
 10 permits the applicant needs to pursue from other
 11 agencies such as DEP, Department of Land Use
 12 Regulations, and Hamilton Township.
 13 The estimated sanitary flow for this
 14 proposal is 33,000 gallons per day. This would be
 15 conveyed to the Trenton Sewer Utility, where there
 16 is capacity to accept this additional flow.
 17 Does the Planning Board have any
 18 questions for me at this point?
 19 CHAIRMAN SHINE: Is there a need to,
 20 because the project is in Hamilton, is there a
 21 need to come up with a separate agreement by the
 22 owner to deposit the waste in the Trenton
 23 facility?
 24 MR. LLOYD: It's my understanding
 25 that because the Hamilton Wastewater Pollution

1 control facility is run by Hamilton Township, the
 2 resolution that Hamilton Township will have to
 3 provide will include that language in it.
 4 CHAIRMAN SHINE: And is there a
 5 subsequent resolution necessary from Trenton to
 6 accept?
 7 MR. LLOYD: Yes, for Trenton Sewer
 8 Utility.
 9 CHAIRMAN SHINE: Okay. That's not
 10 part of our approval?
 11 MR. LLOYD: It is. That's part of
 12 when the applicant sends consent request letters,
 13 the response is in the form of a resolution. So,
 14 both from Hamilton Township and Trenton Sewer
 15 Utility.
 16 MR. AGRESS: Is there precedent for
 17 this where you have a Hamilton or maybe Ewing or
 18 whatever using another?
 19 MR. LLOYD: Yes. In a case like
 20 this, where the alternative would be basically not
 21 feasible and both parties agree that so fairly
 22 simple agreement by resolution.
 23 MR. RIDOLFI: Robert, are you going
 24 to make a presentation, or are we just going to go
 25 with this?

1 MR. LLOYD: Any more questions for me
 2 at this point?
 3 We have with us here today Mr. Robert
 4 Freud, principal from Dynamic Engineering, the
 5 applicant, on behalf of landowner HRP Mercer.
 6 I would like to introduce Mr. Freud
 7 to the floor to share anything he wishes and to be
 8 available to answer any questions that the
 9 planning board may have.
 10 After Mr. Freud's presentation,
 11 anyone in attendance that wishes to make a public
 12 comment will please come forward, state your the
 13 name and any organization you may be representing
 14 today, and we would hear your comments.
 15 Mr. Freud.
 16 MR. FREUD: Thank you for your time
 17 this morning. Thank you to the staff for helping
 18 pull this together.
 19 I don't really have a formal
 20 presentation. I just want to say on behalf of
 21 Hilco, very exciting project. We're taking a real
 22 obsolete coal-fired power plant out of utilities.
 23 It's already been decommissioned, but we're now
 24 removing it, we're pulling a lot of the
 25 infrastructure and stuff away from the river, and

1 environmentally, this is really a great project
 2 for the Delaware River and for the area, and one
 3 of the key points of that obviously is to be able
 4 to provide the interconnection sewer to Trenton.
 5 So, we appreciate the support. And
 6 if there's any questions, I'll be happy to answer
 7 them.
 8 MR. RIDOLFI: I've got two
 9 questions.
 10 Does your client have a user for
 11 these buildings yet?
 12 MR. FREUD: They do not at this
 13 point, no.
 14 MR. RIDOLFI: And, secondly, I'm
 15 curious about the utility of lot 22. Our plans
 16 are kind of de minimis, so it looks like an
 17 additional appendage to a parking area; is that
 18 correct?
 19 MR. FREUD: It is so. In
 20 coordination with not only county planning staff
 21 but with the state and the town, part of our
 22 public access includes on the south end of the
 23 property, the public, which exists today, there's
 24 actually a public access path along the south end
 25 of the property. Out towards the river, there's a

1 little fishing pier there, so we're going to
 2 provide a little public parking lot that is part
 3 of the Hilco properties. So we'll provide a
 4 public parking lot there for the public access
 5 purpose.
 6 MR. RIDOLFI: And how do you access
 7 the spaces through the larger parking lot directly
 8 to the north of lot 22, or is there another road?
 9 MR. FREUD: No. Completely
 10 separate. So, Lamberton Road comes all the way
 11 around the subject property and actually ends up
 12 serving the tank farm here and some of the other
 13 users to the south, so you will continue on
 14 Lamberton Road around.
 15 MR. RIDOLFI: Okay. It's just an odd
 16 piece.
 17 MR. FREUD: It is an odd piece.
 18 MS. FLOYD: And there will be signage
 19 that will point people to the parking for the
 20 boat, for the fishing pier?
 21 MR. FREUD: We could put some
 22 directional signs, yeah.
 23 MS. FLOYD: Otherwise, you wouldn't
 24 know that you would have to keep going and around
 25 the bend.

1 CHAIRMAN SHINE: Does the tank farm
 2 exist currently?
 3 MR. FREUD: That's all there, yeah.
 4 CHAIRMAN SHINE: What's your plan for
 5 it?
 6 MS. FLOYD: They don't own it.
 7 MR. FREUD: That's off our property,
 8 so we have no plans for that.
 9 CHAIRMAN SMITH: Gotcha.
 10 MR. FRISBY: Is that a private --
 11 MR. FREUD: This side is just a
 12 little fishing pier. There are some, this lot
 13 here which is not part, where the hand is, is not
 14 part of our project. That's a small marina boat
 15 lodge, and then there's another one a little
 16 further north on Lamberton Road, but those are
 17 outside of our project area.
 18 MR. FRISBY: But the one to the
 19 north, that's a city?
 20 MR. FREUD: Actually, it might be
 21 more west, I say north, just up the river.
 22 MR. FALLAT: So, Rob, for the record,
 23 can you tell us what the advantage of going to
 24 Trenton verses Hamilton Is, just very briefly?
 25 MR. FREUD: Perfect, thank you.

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1 This really tells the picture. So,
2 again, as Andrew mentioned, we're kind of in the
3 corner of 295 and 195. So the rest of Hamilton is
4 to the east, so we would have to come through the
5 Abbott Marsh under 295. If everybody remembers
6 how long it took 295 to get built, that's a
7 challenge. So, to get through there would be just
8 very difficult environmentally engineering-wise.
9 So, otherwise, we have a Trenton treatment plant
10 right here. It's a shot right up Lambertson Road,
11 so it's a pretty easy engineering task, and I
12 believe they have all the capacity to service us.
13 MR. AGRESS: How many miles are you
14 to each one?
15 MR. FREUD: Trenton is about a mile
16 up Lambertson Road.
17 MR. AGRESS: And Hamilton?
18 MR. FREUD: Honestly, because of the
19 environmental, I haven't even looked at the
20 distance to the nearest connection point. Just
21 environmentally it was such a challenge that we
22 didn't even get too far down that road.
23 MR. AGRESS: But Trenton is
24 definitely close?
25 MR. FREUD: It's closer and

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1 logistically it's a better option
2 environmentally.
3 MR. SMITH: Lot 27 and lot 6, those
4 lots are vacant, are they also potentially
5 developable?
6 MR. FREUD: So, potentially right now
7 they're not included because there are some other
8 environmental considerations, environmental
9 meaning LSRP type involvement, environmental that
10 are being dealt with there. They're not part of
11 the current plans. But when Hilco bought the
12 property from PSE&G, they got all the fragment,
13 lot 22 and all the little fragment pieces that
14 come with it. But the project itself is on lot
15 8.
16 MR. SMITH: But it is part of the
17 sewer service area? Those lots are in the
18 proposed sewer service area?
19 MR. FREUD: Andrew, correct me,
20 everything that is shaded here is part of the
21 sewer service area?
22 MS. FLOYD: So, most of 27 and a
23 little piece of 6.
24 MR. LLOYD: The pink color in 27
25 and--

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1 MR. SMITH: Which looks gray, light
2 gray on our--
3 MR. AGRESS: And there's no motion
4 required today?
5 MR. RIDOLFI: No. Just the hearing.
6 MS. FLOYD: The Public Hearing record
7 remains open for fifteen days, as Andrew said,
8 February 27, and we will vote on this.
9 Freeholder, if you want to hear the rest of the
10 introductory remarks, we will have the transcript
11 so that you can vote at our March meeting.
12 MR. LLOYD: And any resolutions that
13 we receive, or public commentary will be forwarded
14 to the Planning Board immediately.
15 MS. FLOYD: And then following our
16 normal practice, we will prepare a letter
17 following your action in March for the county
18 executive to send to the commissioner of DEP.
19 That's the normal course of events after.
20 CHAIRMAN SHINE: The date of the
21 March meeting is?
22 MS. FLOYD: March 11th.
23 MR. RIDOLFI: You need to note for
24 the record that I don't think there are any
25 members of the public here.

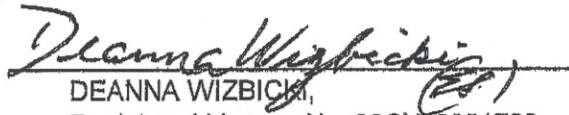
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1 MS. FLOYD: This is all staff.
2 CHAIRMAN SHINE: Thank you.
3 MR. LLOYD: Thank you.
4 (The Public Hearing was adjourned at
5 9:21 a.m.)
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CERTIFICATION

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I, DEANNA WIZBICKI, Registered Court Reporter and Notary Public within and for the State of New Jersey, do hereby certify that the foregoing is a true and correct computer-aided transcript of the proceedings taken in the above-entitled matter.


DEANNA WIZBICKI,
Registered License No. 30CY00001700
Notary ID No. 2330518

DATED: February 28, 2020