

**MERCER COUNTY PLANNING BOARD
REGULAR MEETING MINUTES
MAY 13, 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
Richard Smith, Planning Board Secretary
Lisa Fritzinger, Assistant Planning Director
Emily Blackman, Staff
Regine Delcy, Staff
Andrew Lloyd, Staff
Matthew Zochowski, Staff

Mr. Shine called the meeting of the Mercer County Planning Board to order at 9:05 a.m.

I. STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, notice of this meeting was sent to the Trenton Times and posted on the Mercer County Planning Web Page on April 29, 2020 and posted in the County Administration Building on May 5, 2020.

II. APPROVAL OF MINUTES

Ms. Wilson confirmed that she has read the verbatim transcript and minutes of the March 11, 2020 Planning Board Regular Meeting.

Mr. Agress made a motion to approve the minutes of the March 11, 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

III. PUBLIC COMMENT

There was no public comment.

IV. OLD BUSINESS

- a. **Appeal by OTR East Windsor Investors, LLC.** – The continuation of the Board’s action on this appeal is postponed due to the delay in the Board’s Attorney receipt of supportive court cases from the Applicant’s Attorney requested at the March 11, 2020 Planning Board meeting.

Ms. Floyd stated that because in the delay in receiving the legal background material from the Appellant, the Appellant was advised that the appeal is being carried to our June 10th meeting. **A copy of the verbatim minutes of this statement are attached and made a part of these minutes.**

- b. **Mercer County Planning Board Resolution No. 2020-02**
Proposed Amendment to the Mercer County Water Quality Management Plan, “Daniel Popkin Residential,” and associated expansion of the Stony Brook Regional Sewerage Authority’s Pennington Treatment Facility sewer service area.

Mr. Agress made a motion to adopt Resolution No. 2020-02 and Ms. Wilson seconded the motion.

The motion was 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

- c. **Mercer County Planning Board Resolution No. 2020-03**
Proposed Amendment to the Mercer County Water Quality Management Plan, “Dynamic-Hilco Warehouse [Duck Island],” and associated expansion of the Trenton Sewer Utility’s sewer service area.

Ms. Wilson made a motion to adopt Resolution No. 2020-03 and Mr. Agress seconded the motion.

The motion was 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

V. NEW BUSINESS

- a. **Mercer County Planning Resolution No. 2020-04**
Resolution to enter Executive Session on May 20, 2020 for the purpose of discussing anticipated litigation regarding OTR East Windsor Investors, LLC.

Mr. Agress made a motion to adopt Resolution No. 2020-04 and Mr. Rubino seconded the motion.

The motion was 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

VI. Correspondence

There was no correspondence.

VII. ADJOURNMENT

Mr. Rubino made the motion to adjourn the meeting and Ms. Wilson seconded the motion. The meeting was adjourned at 9:15 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

MERCER COUNTY PLANNING BOARD

***PUBLIC HEARING - OTR EAST
WINDSOR INVESTORS, LLC***

5/13/2020

Condensed Transcript

Prepared by:

Edwin Silver, CCR
SILVER REPORTING SERVICES, INC.

Friday, May 15, 2020

1 MERCER COUNTY PLANNING BOARD

2
3 REPORTED VIA ZOOM
4 Wednesday, May 13, 2020
5 9:08 a.m.
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8 PUBLIC HEARING IN RE:
9 Appeal by OTR East Windsor Investors, LLC with
10 Mercer County Planning Board's Site Plan decision
11 requiring, inter alia, the Developer to provide a
12 cross access easement for vehicular traffic from
13 its proposed residential development to a
14 neighboring/adjacent residential development.
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21 SILVER REPORTING SERVICES, INC.
22 634 ARENA DRIVE, SUITE 206
23 TRENTON, NJ 08610
24 (609) 888-0111
25 Email: SRS@silverreporting.com

1 BOARD MEMBERS PRESENT:
2 MICHAEL E. SHINE, CHAIRMAN
3 WILLIAM S. AGRESS, VICE CHAIRMAN
4 SAMUEL M. RUBINO
5 SAMUEL FRISBY (Via Phone)
6 PAUL A. PENNA
7 TAIWANDA WILSON
8
9 ALSO PRESENT:
10 RICHARD J. SMITH, Planning Board Secretary,
11 (Via Phone)
12 LESLIE R. FLOYD, Planning Director
13 ANDREW LLOYD, Assistant Planner
14 GEORGE FALLAT, County Engineer
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1 A P P E A R A N C E S:

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4 ROBERT N. RIDOLFI, ESQ.,
5 640 South Broad Street
6 Trenton, NJ 08650
7 For the Mercer County Planning Board.
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Mercer County Planning Board Meeting
1 MS. FLOYD: So, Mr. Chair, whenever
2 you're ready.
3 CHAIRMAN SHINE: All right. Thanks
4 for attending the May 13th Planning Board meeting,
5 2020.
6 Are we adequately noticed?
7 MR. SMITH: Pursuant to the Sunshine
8 Law, notice of this meeting was sent to the
9 Trenton Times, posted on the Mercer County
10 Planning web page on April 29th, 2020, and posted
11 in the County Administration Building on May 5th,
12 2020.
13 CHAIRMAN SHINE: Thank you.
14 (Off the record.)
15 CHAIRMAN SHINE: I will move to Old
16 Business, East Windsor Investors, LLC.
17 MS. FLOYD: So we did receive the
18 legal background material from the Appellant in
19 late April. Because of the delay in receiving
20 that material, we advised the Appellant that the
21 appeal is being carried to our June 10th meeting.
22 So, as you can see on our agenda, the continuation
23 of this action is postponed due to a delay in
24 receipt of reported court cases requested at the
25 May 11th meeting, and the Appellant is aware that

Mercer County Planning Board Meeting

1 it's being carried to June 10th.
 2 Bob, do you have anything to add?
 3 MR. RIDOLFI: No. You correctly
 4 recited the facts behind that.
 5 MS. FLOYD: Is that everything on the
 6 appeal?
 7 I don't see anyone in the public
 8 who's asking to--who has a hand raised or who is
 9 asking to comment, so I think that covers that.
 10 CHAIRMAN SHINE: Okay. Thank you.
 11 MS. LLOYD: And that would be the end
 12 of what we needed to have the court reporter do.
 13 (The hearing concluded at 9:11 a.m.)

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CERTIFICATE

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 3 I, EDWIN SILVER (Certificate No. XI00379),
 4 Certified Court Reporter and Notary Public of the
 5 State of New Jersey, do hereby certify the
 6 foregoing to be a true and accurate computer-aided
 7 stenographic transcript taken via ZOOM in the
 8 above-entitled matter at the time hereinbefore set
 9 forth.

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 EDWIN SILVER, CCR

16 Dated: May 14, 2020