

**MERCER COUNTY PLANNING BOARD
PUBLIC HEARING**

***BRICK FARM PROPERTIES, LLC
SITE-SPECIFIC WQMP AMENDMENT
VOTE PROCEEDING***

11/9/2022

Condensed Transcript

Prepared by:

Edwin Silver, CCR
SILVER REPORTING SERVICES, INC.

Thursday, December 15, 2022

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1 **MERCER COUNTY PLANNING BOARD**
 2
 3 **McDade Administration Building**
 4 **640 South Broad Street, Room 211**
 5 **Trenton, NJ 08611**
 6 **Wednesday, November 9, 2022**
 7 **9:25 a.m.**
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 11 **AUDIO TRANSCRIPTION OF PUBLIC HEARING IN RE:**
 12 **Brick Farm Properties LLC Site-Specific WQMP**
 13 **Amendment Vote Proceeding**
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 21 **SILVER REPORTING SERVICES, INC.**
 22 **634 ARENA DRIVE, SUITE 206**
 23 **TRENTON, NJ 08610**
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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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 10 **PRESENT:**
 11 **JON McCONAUGHY, APPLICANT LANDOWNER,**
 12 **BRICK FARM PROPERTIES, LLC**
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1 **BOARD MEMBERS PRESENT:**
 2 **MICHAEL E. SHINE, CHAIRMAN**
 3 **WILLIAM S. AGRESS, VICE CHAIRMAN**
 4 **KRISTIN McLAUGHLIN, COMMISSIONER**
 5 **BASIT A. MUZAFFAR, MERCER COUNTY ENGINEER**
 6 **TAIWANDA WILSON**
 7 **DALLAS BARR**
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 11 **ALSO PRESENT:**
 12 **MATTHEW ZOCHOWSKI, Planning Board Secretary and**
 13 **Senior Planner**
 14 **LESLIE R. FLOYD, Planning Director**
 15 **ANDREW LLOYD, Senior Planner**
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1 **I N D E X**
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 3 **PRESENTERS** **PAGE**
 4 **ANDREW LLOYD** **10**
 5 **JON McCONAUGHY** **23**
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1 CHAIRMAN SHINE: Welcome to the
 2 November 9th, 2022, Mercer County Planning Board
 3 meeting.
 4 Mr. Secretary, are we adequately
 5 noticed?
 6 MR. ZOCHOWSKI: Yes, we are, Mr.
 7 Chairman.
 8 Pursuant to the Sunshine Law,
 9 notice of this meeting was sent to the Trenton
 10 Times on October 19th, 2022, it was posted in
 11 the County Administration Building on October
 12 22nd, 2022, and was published in The Trenton
 13 Times on October 22, 2022.
 14 CHAIRMAN SHINE: Thank you.
 15 May we have a roll call, please?
 16 MR. ZOCHOWSKI: Sure.
 17 Chairman Shine.
 18 CHAIRMAN SHINE: Here.
 19 MR. ZOCHOWSKI: Vice Chair Agress.
 20 VICE CHAIRMAN AGRESS: Here.
 21 MR. ZOCHOWSKI: Commissioner
 22 McLaughlin.
 23 COMMISSIONER McLAUGHLIN: Here.
 24 MR. ZOCHOWSKI: Samuel Rubino.
 25 (No response.)

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1 MS. FLOYD: I have not seen Sam
 2 yet.
 3 MR. RIDOLFI: No.
 4 CHAIRMAN SHINE: Sam.
 5 MR. ZOCHOWSKI: Tai Wilson.
 6 MS. WILSON: Here.
 7 MR. ZOCHOWSKI: Dallas Barr.
 8 MR. BARR: Here.
 9 MR. ZOCHOWSKI: Leslie Floyd.
 10 MS. FLOYD: Here.
 11 MR. ZOCHOWSKI: And Basit
 12 Muzaffar.
 13 MR. MUZAFFAR: Here.
 14 MR. ZOCHOWSKI: Thank you.
 15 CHAIRMAN SHINE: Great. Thank
 16 you.
 17 Minutes from our October 12th,
 18 2022, meeting were previously distributed.
 19 Are there any comments, questions?
 20 (No response.)
 21 CHAIRMAN SHINE: If not, may I have
 22 a motion to approve.
 23 VICE CHAIRMAN AGRESS: Motion to
 24 approve.
 25 MS. WILSON: I second.

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1 CHAIRMAN SHINE: Thank you, Tai.
 2 All in favor.
 3 (The Board members vote unanimously
 4 in favor of the motion.)
 5 CHAIRMAN SHINE: At this time we'll
 6 take public comment for any existing Planning
 7 Board matter.
 8 MS. FLOYD: I do not see any hands
 9 up, Mr. Chair.
 10 We have a few people who might be
 11 with applications. We have some Staff. We have
 12 a few people on the sewer service amendment.
 13 CHAIRMAN SHINE: Okay. Thank you.
 14 If you're here for a land
 15 development matter, if you could please indicate
 16 so in the chat, and we'll get to you very
 17 shortly.
 18 May we have an update on the--we're
 19 moving to Old Business. May we have an update
 20 on OTR East Windsor, please.
 21 MS. FLOYD: Go ahead, Bob.
 22 MR. RIDOLFI: I was going to say,
 23 Matthew, did you just send an email out on this
 24 with an update?
 25 I don't mean to--

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1 MR. ZOCHOWSKI: I did. I sent an
 2 email earlier this week to Tom Carroll and his
 3 engineering Staff. I haven't received anything
 4 back yet. I'm going to give him a call later
 5 today before I leave.
 6 MS. FLOYD: More importantly,
 7 though, the appeal was done.
 8 MR. ZOCHOWSKI: Yes.
 9 MS. FLOYD: They wanted to extend
 10 it, and the court said no. So, I think we can
 11 drop it from our agenda. There is no more
 12 appeal.
 13 MR. ZOCHOWSKI: Okay.
 14 MR. MUZAFFAR: Last month there was
 15 some discussion about what's being done on that
 16 particular site.
 17 I went out after the meeting.
 18 There is no work being done on that particular
 19 parcel. The rest of the project is ongoing.
 20 MS. FLOYD: Thank you, Sonny.
 21 CHAIRMAN SHINE: I have no problem
 22 if that is removed from the agenda for the
 23 December meeting. But, you know, once it's
 24 resolved and we hear back from Mr. Carroll, I
 25 think it's just all advice this one last time

1 when the whole matter has gone away.
 2 MR. RIDOLFI: Sure.
 3 CHAIRMAN SHINE: Thank you.
 4 MR. RIDOLFI: Well, they still have
 5 several outstanding conditions of our previous
 6 approval that they haven't--with which they have
 7 not yet complied. That's something we should
 8 follow up on.
 9 I think, Matt, you're probably
 10 going to be the top gun on this one.
 11 MS. FLOYD: And he has.
 12 MR. ZOCHOWSKI: Yes.
 13 MS. FLOYD: Matt has been staying
 14 on top of it.
 15 MR. RIDOLFI: Good. Okay.
 16 MR. ZOCHOWSKI: And I'll let
 17 everyone know once we get the--
 18 MR. RIDOLFI: And they still
 19 haven't brought that cross access easement all
 20 the way to the property line, have they?
 21 MR. ZOCHOWSKI: Not yet, not at
 22 this time.
 23 MR. RIDOLFI: It's frustrating.
 24 MR. ZOCHOWSKI: They may be working
 25 with an adjacent property owner, Heritage, just

1 treatment facility, their sewer service area by
 2 .3 acres to serve the existing 135 seat
 3 restaurant, with 1,500 square feet of office
 4 space and a brewery, with three employees,
 5 located in block 14, lot 15.01 in Hopewell
 6 Township.
 7 The project will generate a
 8 projected flow of just over 4,500 gallons per
 9 day, based on the DEP calculations. The public
 10 hearing was held in July. Hopewell Borough has
 11 requested more information before deciding
 12 whether or not to issue a resolution.
 13 The Planning Board convened a
 14 meeting of all entities in September, which was
 15 very productive. After that, the Borough did
 16 adopt a resolution on November 3rd, which we
 17 forwarded to the Planning Board, and we have
 18 slides that we can look at after this, and if it
 19 opens any questions that the Planning Board has
 20 on the voting on this matter.
 21 MS. FLOYD: Drew provided a--Drew
 22 and I provided a Staff memo to you. I hope you
 23 had the opportunity to look at it. It
 24 summarized some of the concerns.
 25 This is an unusual sewer service

1 to get a single contractor and a single, you
 2 know, bid package out for somebody to take the
 3 working--
 4 MR. RIDOLFI: That shouldn't affect
 5 the drafting of the plan showing the easement in
 6 the correct location.
 7 MR. ZOCHOWSKI: Uh-huh.
 8 MR. RIDOLFI: Anyway, all right.
 9 At least the appeal is over.
 10 CHAIRMAN SHINE: Very good. Thank
 11 you. All right.
 12 With respect to the Brick Farm
 13 Properties, LLC sewer service amendment, Drew,
 14 do you have any comments?
 15 I know that the applicant is here.
 16 MR. LLOYD: Yes, sir. And I
 17 believe Stony Brook may be on the line as well,
 18 the regional Sewer Authority.
 19 MS. FLOYD: They are.
 20 MR. LLOYD: So, this is the first
 21 amendment to the Mercer County Water Quality
 22 Management Plan, Brick Farm Properties, LLC.
 23 We had this hearing in July at the
 24 Planning Board hearing. The amendment would
 25 expand the Stony Brook Sewage Authority Hopewell

1 hearing for us, or sewer service vote for us,
 2 because I can't think of a single instance where
 3 we had two towns taking completely contrary
 4 points of view on a sewer service amendment.
 5 Hopewell Borough, as you saw in
 6 their resolution, opposes, in part, because they
 7 want to preserve that capacity for redevelopment
 8 areas and other development in the Borough.
 9 Hopewell Township supports. And
 10 the Sewage Authority also opposes, in part, and
 11 Drew can elaborate, but, in part, because
 12 Hopewell Borough is the member agency, not
 13 Hopewell Township.
 14 Drew, did I get that--is that
 15 completely accurate?
 16 MR. LLOYD: Yes, I believe so. The
 17 Sewer Authority did also mention in their
 18 nonconsent resolution concern with the quality
 19 of the discharge, since it's a restaurant, with
 20 fat, oils, and grease.
 21 We did talk about that at our
 22 meeting, if the Planning Board wants to hear
 23 more about that, but that was an item that they
 24 mentioned in that wish list.
 25 MS. FLOYD: Thank you for that.

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1 I will remind the Planning Board
 2 that we are the--the Planning Board is the
 3 designated agency for wastewater planning in
 4 Mercer County, that approval of this amendment
 5 does not guarantee a connection. It just
 6 changes the sewer service area to allow the
 7 property owner at a later date to request a
 8 connection, at which point all of those capacity
 9 issues would need to be addressed.
 10 Drew also did some analysis about
 11 the concern that this would open up many more
 12 properties to enter the sewer service area that
 13 are outside the Borough, and I believe, Drew,
 14 you identified that only as many as four other
 15 properties that might be in a similar
 16 situation.
 17 MR. LLOYD: Right. The criteria
 18 being pretty narrow, being along the gravity
 19 lines such as this property in question as well
 20 as another one just to the west of here, which
 21 is coming before the Planning Board in a future
 22 hearing, which is a smaller amendment,
 23 residential, 300 gallons per day. But that
 24 would be one of the other roughly four, at the
 25 most, properties that would be in a similar

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1 situation, potential, in the future and would
 2 have to go through this process.
 3 MS. FLOYD: So, I don't have a
 4 staff recommendation for you. I wanted the
 5 Planning Board to have a conversation based on
 6 Drew's summary of the facts and my brief summary
 7 that I just provided.
 8 MR. MUZAFFAR: Mr. Chairman, can I,
 9 if you would allow me.
 10 CHAIRMAN SHINE: Sure.
 11 MR. MUZAFFAR: So, I happen to wear
 12 a couple of hats, and one of them is I am the
 13 Ewing representative for ELSA, and being on that
 14 Board gives me a very unique perspective as to
 15 the capacity issues, and I feel for them,
 16 because they cannot just simply keep adding
 17 more, more beyond their capacity.
 18 And, you know, so if the--if the
 19 Sewer Authority is opposed to it and they feel
 20 that they don't have the capacity, it is going
 21 to pose an undue burden on them to put millions
 22 of dollars into making more capacity because of
 23 these other businesses. They can--
 24 MS. FLOYD: Sonny--
 25 MR. MUZAFFAR: Yes, ma'am.

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1 MS. FLOYD: --that's not--and,
 2 Drew, again, correct me if I'm wrong, and the
 3 Sewage Authority is on the line, that's not what
 4 the Sewage Authority said. In fact, in our
 5 meeting of the group, what they said is about a
 6 third of their capacity is being taken out over
 7 influent infiltration, and if those issues were
 8 addressed, they would have sufficient capacity.
 9 So, I don't believe--and, Drew,
 10 again, please correct me--I don't believe the
 11 capacity was the sewage Authority's concern, or
 12 prime concern.
 13 MR. LLOYD: That is my statement as
 14 well, that the Sewer Authority mentioned some
 15 minor upgrades that they were in the process of
 16 undertaking at the moment, as well as other ones
 17 that they had potentially in the works in the
 18 future to handle high flows, and that these
 19 would not represent the kind of upgrade that we
 20 saw in the Pennington plant, where it was a
 21 mirror image, but more along the lines of minor
 22 upgrades, along with any I & I reductions,
 23 which, you know, if this amendment--if this
 24 property ever did request a connection in the
 25 future, it's the hopes being that the I & I

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1 reduction and any smaller upgrades that they are
 2 currently doing or could do in the future could
 3 account for the roughly, by the DEP, it's 4,500
 4 gallons, but as came out during our meeting,
 5 it's probably more like 2,500, based on the
 6 water--the actual water usage that's coming
 7 through the restaurant, 2,500 gallons per day.
 8 MR. MUZAFFAR: That's a pretty big
 9 discrepancy. That's almost 50 percent less or
 10 more, however you want to--
 11 MS. FLOYD: Right.
 12 MR. LLOYD: Yes.
 13 MS. FLOYD: Yes.
 14 MR. LLOYD: The DEP calculations
 15 are very conservative, and they also are used
 16 for their restaurant--their kind of template
 17 restaurant they use is not quite the same as
 18 Brick Farm. There's a lot more turnover at a
 19 regular kind of more urban restaurant, and they
 20 serve more meals than the tavern does.
 21 So, those were the reasons that
 22 came out in the meeting. That's why the number
 23 is to be so much higher based on the--as you
 24 know, also, as an engineer, bridges can hold 10
 25 tons, but they can really hold 15. So there's

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1 always that conservative nature in it.
2 MR. MUZAFFAR: Leslie, when you
3 introduced the project, you said that the
4 Borough and the Sewer Authority are opposed to
5 it?
6 MS. FLOYD: That is true. And we
7 provided you with all of the resolutions and
8 materials that were provided by the commenting
9 agencies.
10 Bill.
11 I'm sorry, Mr. Chair. I jumped
12 ahead.
13 CHAIRMAN SHINE: No, no. Feel
14 free. I'm actually jumping back and--
15 VICE CHAIRMAN AGRESS: Through the
16 Chair, of course.
17 I read all this and found it a
18 little confusing, I admit.
19 And my question is, does Hopewell
20 explain what they need the future capacity for,
21 Hopewell Borough?
22 MS. FLOYD: I don't think it's up
23 to us to try and defend their position, but in
24 our group meeting they talked about the fact
25 that they've got redevelopment areas and COAH

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1 obligations that they are reserving the capacity
2 for.
3 Drew, is that fair?
4 MR. LLOYD: Yup.
5 VICE CHAIRMAN AGRESS: Well, then,
6 my question is kind of to Bob.
7 Does the need for meeting your COAH
8 responsibility outweigh the need to add a
9 restaurant?
10 MS. FLOYD: Again, this does not
11 guarantee connection, just to be clear.
12 Go ahead, Bob.
13 MR. RIDOLFI: That's really not for
14 us to decide at this point. And if there are no
15 other applications in front of us, I think we
16 need to focus just on this particular
17 application as it stands.
18 There may not be any additional
19 applications for, say, affordable housing or
20 otherwise, but we can't be concerned with that
21 now because it's not before us.
22 MR. LLOYD: I would add just one
23 more item that might be helpful, is that this
24 property may not ever need to request an actual
25 physical connection.

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1 There is--the existing septic
2 system is still in effect, which will continue
3 to be pumped out and maintained as a working
4 septic. If future climate reasons and water
5 table issues made it such that there was no
6 other alternative but to connect, that's what
7 this would allow them to entertain in the
8 future.
9 But there may not ever be any need
10 for this property to apply for a treatment works
11 approval. This is really, as we've seen, it has
12 taken us about two years to get to this point.
13 So, this would be basically a way to allow that
14 conversation to have been, you know, more
15 readily than waiting another two years, if there
16 were to be another public health or water
17 quality issue on site.
18 MS. FLOYD: This was described to
19 us as more of a risk management strategy. This
20 means that should they need to connect in the
21 future, they won't have to go through a two-year
22 process to initiate, or to request the ability
23 to connect should they have, as Drew said, a
24 public health emergency again in the future.
25 (Pause.)

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1 CHAIRMAN SHINE: I'm sorry for the
2 silence.
3 MS. FLOYD: Okay.
4 CHAIRMAN SHINE: I'm just--I pulled
5 up the memo, and I'm just rereading it.
6 MR. RIDOLFI: Do we want to hear
7 from the applicants or--
8 CHAIRMAN SHINE: Drew, can you
9 describe for me the--you say that this
10 distillery is not connected to the sanitary
11 flow, now or in the future, or both?
12 MR. LLOYD: Well, I can only speak
13 to now, and any--there are no plans to connect
14 to the sewer.
15 If you--I would defer to Mr.
16 McConaughy if you are willing to hear from him.
17 But my recollection is that the sewer has its
18 own capture of process water that either gets
19 taken off site through a mobile application of
20 basically a truck that takes it away or it
21 might--somebody might be using irrigation. I
22 don't think the irrigation--I don't think that
23 part is true. But it is not connected, nor is
24 it planned to be connected, to the flow into the
25 current septic or any future... But it's

<p style="text-align: right;">Page 21</p> <p>1 something that definitely would need to be part 2 of a treatment works approval, if that ever came 3 to that application. 4 CHAIRMAN SHINE: All right. So, 5 then, would you say the concern--I mean, you 6 brought up the discrepancy in the flow of, as 7 Sonny said, you know, close to a 50 percent 8 discrepancy. 9 So would you say, then, that the 10 concern really revolves around c, quality of 11 discharge? 12 MR. LLOYD: I mean, that is an item 13 that was raised by the Sewer Authority. I don't 14 know of any other restaurant that has this sort 15 of pretreatment in place where this one is being 16 pumped out, you know, as a working septic, and 17 the quality of the discharge, during our meeting 18 we did raise the opportunity for, you know, for 19 that to be tested by the Sewer Authority if they 20 really wanted to know the quality of the 21 discharge. 22 But it's really, I would say, 23 without being an engineer, that this discharge 24 with the pretreatment in place would contain 25 less oils and grease than any restaurant that</p>	<p style="text-align: right;">Page 23</p> <p>1 development on the property because they're 2 currently maxed out. 3 So, I'm struggling here. 4 I'd like to hear from Mr. 5 McConaughy, if he has anything to add, and then 6 if the Sewer Authority wants to add something, 7 also. 8 MR. LLOYD: Just real quick before 9 that side, just to characterize my statement, 10 I'm not saying that I've done any water quality 11 testing of the discharge. 12 CHAIRMAN SHINE: I know you're 13 not. I wasn't trying to-- 14 MS. FLOYD: Okay. Well, we have 15 Robin McConaughy, I don't know if it's Robin or 16 Jon, but you should be able to unmute. 17 MR. McCONAUGHY: Okay. Can you 18 hear me? 19 CHAIRMAN SHINE: Yes. 20 MS. FLOYD: Yes, sir. 21 MR. RIDOLFI: Yes. 22 MR. McCONAUGHY: Yeah, it is Jon 23 I'm using my wife's computer. 24 CHAIRMAN SHINE: We won't tell 25 her.</p>
<p style="text-align: right;">Page 22</p> <p>1 has just a direct connection. It's known as the 2 normal grease trap removal every quarter that 3 every restaurant has to comply. 4 CHAIRMAN SHINE: So, just from less 5 of an engineer's perspective than you've 6 presented, you have raised four concerns, all 7 right, site specific considerations. A, the 8 distillery. Well, it's not connected, so it 9 doesn't account for the outflow. But it is 10 counted in the gallons per day. 11 MR. LLOYD: No, sir. That's not 12 counted as-- 13 CHAIRMAN SHINE: Oh, it's not? 14 MR. LLOYD: That's not part of the 15 DEP calculation. 16 CHAIRMAN SHINE: Okay. All right. 17 So, I'm not concerned about A. 18 The discrepancy with B. 19 C is the quality of the discharge, 20 which we feel is being accurately remediated and 21 presenting a product, you know, a front to the 22 existing septic treatment plant before it goes 23 into the system that is of an acceptable 24 nature. 25 And D, there can't be any future</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. McCONAUGHY: I think Mr. Lloyd 2 summed it up, and Leslie summed it up pretty 3 well, that this initially was kicked off because 4 we had a clog in the top of the leach field and 5 it started to break out, and so we started down 6 the path of remediating and fixing the leach 7 field and the connection at this point. 8 A part of that had to do with the 9 service company that was servicing the septic 10 was not doing what they said they were doing. 11 And so there are all sorts of checks and 12 balances in place to make sure that that doesn't 13 happen again. But this process has been very 14 long and arduous, so it may be that we never 15 hook up. 16 And the thing that makes this a 17 little bit unique is the Borough does not own 18 the sewer treatment plant, but they are a 19 member, and Hopewell Township is not a member of 20 the sewer treatment plant. So, this is also 21 unique in the aspect that two municipalities are 22 weighing in, and one of which who's against it 23 is not the municipality in which the restaurant 24 resides. 25 CHAIRMAN SHINE: Duly noted.</p>

1 Anyone else?
 2 MR. McCONAUGHY: Yeah. And in
 3 terms of, just to add to Mr. Lloyd's comments,
 4 that the treatment of the grease coming out of
 5 the restaurant is to the extent that it needs to
 6 go into a leach field, and so that, you know,
 7 it's coming out of--it's discharging at the
 8 leach field to the extent that it needs to work
 9 properly and can't clog the leach field.
 10 So, in terms of the grease, oils,
 11 and fats, I would say that it is probably very
 12 clean compared to some of the restaurants that
 13 don't have that, you know, need a requirement in
 14 terms of how clean the water is.
 15 And, also, to his point about the
 16 distillery. The distillery will never be hooked
 17 up, that they capture their wash-down water and
 18 that is pumped off site, but that number of
 19 2,500 gallons of water that's used on a daily
 20 basis includes the distillery.
 21 So, even though they're washing
 22 washing down with that water and that water is
 23 going into a product that they're making, that's
 24 included in that 2,500 gallons a day. So, the
 25 reality is that number is even smaller in terms

1 Drew, I don't understand. This is
 2 a huge discrepancy.
 3 MR. LLOYD: Yeah. I mean, as far
 4 as I can tell, I mean, these estimates are not
 5 scrutinized to this degree. We never really go
 6 back and look to see after an amendment is
 7 approved, you know, what the actual flow is.
 8 But I'll just repeat my point I
 9 made earlier, that the sort of typical
 10 restaurant that DEP is using is more like a
 11 fast-food type restaurant, where there's a much
 12 higher turnover, serving food at all hours of
 13 the day. This is a rural tavern-type restaurant
 14 with less turnover and less hours that they're
 15 open.
 16 CHAIRMAN SHINE: Okay. All right.
 17 Is there anybody else from the
 18 public that would like to make a comment on this
 19 application before I call for a vote?
 20 (No response.)
 21 MS. FLOYD: I do not see any hands,
 22 Mr. Chair.
 23 CHAIRMAN SHINE: I don't either.
 24 So, I will make a motion that the
 25 sewer service amendment as discussed be

1 of water usage than 2,500 gallons a day that
 2 makes its way into the septic.
 3 MR. LLOYD: Am I accurate to say,
 4 Mr. McConaughy, that also some of that is
 5 accounted for water being used in irrigation?
 6 MR. McCONAUGHY: Correct. That's
 7 also the irrigation system for the site, which
 8 is off of that water as well.
 9 So, we don't have a flow meter on
 10 the output of the system. But when we were
 11 repairing the system, we had to pump all the
 12 tanks down, and so just sort of a, you know,
 13 using that as an example. So, we had--all of
 14 our storage tanks were completely empty, and
 15 over the weekend, our busiest days, it seemed to
 16 be about 1,200 or 1,500 gallons a day that were
 17 making their way into the tanks. But that is
 18 very ad hoc. We don't have a meter on the
 19 outflow. But that's also kind of reflected in
 20 the months that the irrigation is not going,
 21 that we tend to be around a thousand to 1,500
 22 gallons a day.
 23 CHAIRMAN SHINE: Why are we--well,
 24 the DEP standards are such that it requires
 25 roughly a 600-gallon per day requirement.

1 approved.
 2 COMMISSIONER McLAUGHLIN: I'll
 3 second that.
 4 CHAIRMAN SHINE: Thank you,
 5 Commissioner.
 6 All in favor.
 7 COMMISSIONER McLAUGHLIN: Aye.
 8 MR. BARR: Aye.
 9 MS. WILSON: Aye.
 10 CHAIRMAN SHINE: Thank you,
 11 everybody.
 12 All right. Moving on.
 13 MS. FLOYD: We really appreciate
 14 your time on this one. This was more complex
 15 than almost any one that I can remember.
 16 MR. RIDOLFI: Excuse me, Mr.
 17 Chairman. Do you want to ask if anyone is
 18 opposed. I couldn't see everybody who voted.
 19 CHAIRMAN SHINE: Sure.
 20 Is anyone opposed to the motion?
 21 VICE CHAIRMAN AGRESS: Yes, I'm
 22 opposed. The Sewer Authority, the sewer
 23 treatment plant said no. Hopewell says no. I
 24 say no.
 25 MR. RIDOLFI: I just wanted the

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1 record to be clear.
 2 MR. MUZAFFAR: Mr. Chair--
 3 CHAIRMAN SHINE: Mr. Muzaffar.
 4 MR. MUZAFFAR: --I am with Bill on
 5 this one.
 6 CHAIRMAN SHINE: Okay. Thank you.
 7 MS. WILSON: Can you hear me?
 8 I oppose as well. I follow Bill's
 9 sentiment.
 10 MS. FLOYD: So, Mr. Chair, we may
 11 have a tie vote.
 12 CHAIRMAN SHINE: I believe we do.
 13 MS. FLOYD: I think we have to
 14 go--I think we have to do a...
 15 CHAIRMAN SHINE: Well, let's poll--
 16 MS. FLOYD: That's the word I
 17 couldn't come up with.
 18 CHAIRMAN SHINE: My vote is yes.
 19 MS. FLOYD: Matt, please call the
 20 roll.
 21 MR. ZOCHOWSKI: Okay.
 22 Chairman Shine.
 23 CHAIRMAN SHINE: Yes.
 24 MR. ZOCHOWSKI: Vice Chair Agress.
 25 VICE CHAIRMAN AGRESS: No.

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1 MR. ZOCHOWSKI: Commissioner
 2 McLaughlin.
 3 COMMISSIONER McLAUGHLIN: Yes.
 4 MR. ZOCHOWSKI: Samuel Rubino is
 5 not here.
 6 Taiwanda Wilson.
 7 MS. WILSON: I don't think I
 8 understand.
 9 Are we saying a yes vote is to move
 10 it forward?
 11 MS. FLOYD: Yes.
 12 MS. WILSON: And a no vote is
 13 agreeing that Hopewell doesn't think that it's a
 14 good idea and to pause it.
 15 MS. FLOYD: Well, remember that
 16 there's two different Hopewells. But a no vote
 17 would be agreeing with Hopewell Borough.
 18 MR. LLOYD: There's no real
 19 pausing. This is a vote. It's not a--
 20 MS. WILSON: I'm sorry. Say that
 21 again, guys. I'm so--
 22 MR. LLOYD: If I may, this is a
 23 vote of aye or nay. So, it's not really about
 24 moving it forward to another--any other future
 25 point. It's really a yes or no vote.

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1 Is that correct?
 2 MS. FLOYD: Yeah. But, Mr. Chair,
 3 if I can just elaborate. I know we're in the
 4 middle of a roll call.
 5 This Board makes a recommendation
 6 to the county executive, who has to make a
 7 recommendation to the DEP commissioner.
 8 So, this Board has to say, Yes, we
 9 approve this amendment, or, No, we do not, and
 10 that goes to the county executive, who then
 11 sends our recommendation to the DEP
 12 commissioner. We're advisory to the county
 13 executive on this.
 14 MR. RIDOLFI: Correct.
 15 Does that help, Tai?
 16 MS. WILSON: It does help.
 17 And, I'm sorry, I don't ever
 18 flip-flop, but I'm going to change my no to a
 19 yes with that per the explanation. Thank you
 20 for it, and thank you for indulging me, Board.
 21 MS. FLOYD: No worries.
 22 MR. RIDOLFI: Well done.
 23 MR. ZOCHOWSKI: Proceed with a roll
 24 call?
 25 CHAIRMAN SHINE: Yes, please.

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1 MR. ZOCHOWSKI: Dallas Barr.
 2 MR. BARR: Yes.
 3 MR. ZOCHOWSKI: Basit Muzaffar.
 4 MR. MUZAFFAR: No.
 5 MR. ZOCHOWSKI: And Leslie Floyd.
 6 MS. FLOYD: Yes.
 7 CHAIRMAN SHINE: The motion carries
 8 four to two.
 9 MS. FLOYD: So, again I will thank
 10 you, because this is more complex than any sewer
 11 service amendment I can remember, and we will
 12 bring it to the county executive and explain the
 13 complexity of it and draft a letter with the
 14 Planning Board's recommendation.
 15 CHAIRMAN SHINE: Thank you.
 16 (The public hearing concluded at
 17 9:46 a.m.)
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CERTIFICATE

I, EDWIN SILVER (Certificate No. XI00379),
Certified Court Reporter and Notary Public of
the State of New Jersey, do hereby certify the
foregoing to be a true and accurate
computer-aided stenographic transcript taken via
audio in the above-entitled matter on the date
and time hereinbefore set forth.

EDWIN SILVER, CCR

Dated: December 8, 2022

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