

Subject: Authorization of the adoption of the summary of public participation and adoption of the Mercer County 2021 Open Space and Recreation Plan Element of the County's Master Plan

WHEREAS, the Mercer County Open Space Preservation Board was established to create an Open Space Preservation Plan to implement strategies and priorities for the use of the Open Space Preservation Trust fund; and,

WHEREAS, the Mercer County Planning Board and the Open Space Preservation Board adopted said Plan which guides the County in its use of the Open Space Preservation Trust Fund Tax, and other resources, with the task of providing the County with the preservation of its natural resource, open space dated February 2010 and Amended April 2016; and,

WHEREAS, the updated 2021 Open Space Preservation Plan has been prepared by the Open Space Board and the Mercer County Planning Department staff in accordance with the New Jersey Department of Environmental Protection Green Acres Program Standards which contains goals with criteria and strategies to achieve these goals; and,

WHEREAS, the Board conducted a public hearing on the adoption of the Amended Open Space and Recreation Plan on August 11, 2021; and

WHEREAS, the New Jersey Department of Environmental Protection Green Acres Program requires a summary of public participation from two noticed public meetings provided during the preparation and adoption of the County Open Space and Recreation Plan to remain eligible for the Green Acres Planning Incentive Program; and,

WHEREAS, a Summary of the Public Participation Process has been prepared and presented in support of the County's ongoing participation in the Green Acres Planning Incentive Program; and,

WHEREAS, the Planning Board now wishes to memorialize the Summary of Participation dated June 2023; now therefore,

BE IT RESOLVED, by the Planning Board of the County of Mercer, that, based on the testimony and documents referenced in this Resolution and presented at the applicable public hearings, it does hereby approve the Summary of Participation, which is attached hereto.

Date Adopted

Secretary

SUMMARY OF THE PUBLIC PARTICIPATION PROCESS
2021 OPEN SPACE AND RECREATION PLAN ELEMENT OF THE MERCER COUNTY MASTER PLAN
JUNE 2023

In accordance with the New Jersey Department of Environmental Protection – Green Acres Open Space and Recreation Plan Guidelines, the following summary of public participation opportunities is being provided to support Mercer County’s efforts for ongoing participation in the County Planning Incentive Grant Program for open space and recreation acquisitions and funding.

The Mercer County Open Space and Recreation Plan Element (OSRP) preparation and adoption provided ample opportunity for public review and participation over several months. The Open Space Preservation Board conducted two (2) meetings to review the OSRP and included discussions of the draft plan during their regularly scheduled meetings (see attached agendas and meeting minutes). This meeting afforded both the public and the Planning Board an opportunity to discuss the draft plan, ask questions and provide comments. During both public meetings, discussion and review of the plan resulted in positive and constructive feedback, which resulted in updates to the plan.

The Planning Board held a public meeting on August 11, 2021 during which the final OSRP was adopted. The public was duly noticed as part of the regular Mercer County Planning Board meeting schedule.

OPEN SPACE PRESERVATION BOARD MEETING

McDade Administration Building

Planning Department (4th Floor)

640 South Broad Street

Trenton, New Jersey 08650-0068

****Meeting via Zoom online platform due to Covid-19****

May 4th, 2021

PRESENT:

Leslie R. Floyd
Haig Kasabach, Chair
Alan Hershey, Vice Chair
Tricia Fagan
Jennifer Rogers
Michael Shine
Kristine Walsh

REPRESENTATION:

County Executive
Assunpink Rep.
Piedmont Rep.
Cultural Rep.
Park Commission Rep.
Planning Board Rep.
Ag. Board Rep.

ABSENT:

Wendy Mager

Millstone Rep.

NON-VOTING:

Emily Blackman
Lisa Fritzingler

Secretary
Assistant Planning Director

PUBLIC: None

Chairman Kasabach called the May 4, 2021 meeting of the Mercer County Open Space Preservation Board to order at 5:00 PM.

I. STATEMENT OF ADEQUATE NOTICE

Ms. Blackman announced that pursuant to the Sunshine Law, notice of this meeting was mailed to the Trenton Times and the Trentonian, and was posted on the County Planning Department's website, including a public zoom meeting link and instructions.

II. APPROVAL OF MINUTES

Mr. Hershey made a motion to approve the April 6, 2021 minutes. Mr. Kasabach seconded the motion. The minutes were unanimously approved.

III. PUBLIC COMMENT: None

IV. OLD BUSINESS: None

V. NEW BUSINESS

A. 2021 Mercer County Open Space Plan Update

Ms. Fritzingler and Ms. Blackman presented a draft of the 2021 Open Space Plan update for the Board's review. A copy was sent to Board members prior to the meeting and Mr. Kasabach sent comments via email. Ms. Blackman shared the plan on her screen via zoom and went through all of the pages, with Board members providing comments and discussion throughout as follows:

- Utility corridors: Mr. Kasabach commented that utility corridors are an untapped resource that could provide miles of trails throughout the County if the utility companies could be released of liability. Mr. Hershey asked whether the landowner liability law that protects private landowners from liability related to trail use could be extended to utilities. Ms. Floyd and Ms. Fritzingler will ask the County's attorney to look into existing law and what challenges there might be to develop comparable legislation for utilities. Ms. Floyd noted that County staff cannot suggest legislative actions, but that utility liability protection for the purpose of trail development is a good long-term goal. Projects in utility corridors have been accomplished in the past through seeking one-time permission to use specific parts of corridors rather than global agreements. Mr. Shine asked whether another challenge is difficulty with utilities' large bureaucracies and knowing who to channel requests through. Ms. Fritzingler confirmed that this is the case. She will add some language to the Plan addressing the importance of these corridors and the challenges related to accessing them for trails.
- Habitat stewardship: Mr. Hershey requested clarification about a statement in the Plan related to the health of forests and invasive species management. Ms. Rogers will review this section of the Plan with Ms. Fritzingler to provide her input and guidance.
- Environmental remediation: Mr. Hershey asked whether County funding is available for environmental remediation projects. Ms. Floyd clarified that the County does use its funding for remediation on its own lands.
- Accessibility: The Board discussed whether the term "accessible" is problematic in the way it is used in the Plan. In some cases, the Plan does intend the term "accessible" to indicate accessibility per ADA standards and in other cases the Plan intends the word "accessible" to indicate the general availability of open space. Mr. Hershey noted that many open space trails are footpaths that are not intended to be accessible in the ADA sense of the term. Ms. Fritzingler will review where the term is used in the Plan and make corrections where needed.
- Acquisition policies: Ms. Rogers asked whether the County acquisition policies could include regional priorities (such as CHANJ) in addition to the County prioritizing land adjacent to current Parks. Ms. Floyd and Ms. Fritzingler will consider this addition. Ms. Fagan arrived 5:25 pm.
- Grants disbursed: The Board asked that the dollar amount of grants disbursed since 2010 be included in the Plan. Ms. Fritzingler is planning to add this number.
- Acreage goals: Mr. Hershey asked to add the number of acres that would be needed to maintain the current County standard of 26 acres per 1,000 people considering the County's projected future population growth. Ms. Fritzingler will make this addition.
- Action Program Areas: Mr. Hershey asked that an overall goal for each Action Program Area be added. Ms. Fritzingler will make this addition.
- Executive Summary: The Board asked that the Executive Summary include mention of the Return on Environment Study that is in progress and that the Summary specifically mention carbon sequestration as one of the benefits of preserved open space. Ms. Fritzingler will make this addition.

The Board thanked Ms. Fritzingler for her work on the draft Plan and Ms. Fritzingler thanked the Board for their input. A Final Draft will be presented to the Board at the June 1st meeting for their consideration for adoption. Ms. Fritzingler will provide a copy by email a week or two before the meeting for Board review. Ms. Floyd plans to present the updated Open Space Plan and the updated Farmland Preservation Plan to the County Planning Board for adoption as part of the County's Master Plan in late summer.

OPEN SPACE PRESERVATION BOARD MEETING

McDade Administration Building
Planning Department (4th Floor)
640 South Broad Street
Trenton, New Jersey 08650-0068

****Meeting via Zoom online platform due to Covid-19****

June 1st, 2021

PRESENT:

Leslie R. Floyd
Haig Kasabach, Chair
Alan Hershey, Vice Chair
Tricia Fagan
Wendy Mager (left 5:30)
Jennifer Rogers
Michael Shine (arrived 5:20)
Kristine Walsh (arrived 5:10)

REPRESENTATION:

County Executive
Assunpink Rep.
Piedmont Rep.
Cultural Rep.
Millstone Rep.
Park Commission Rep.
Planning Board Rep.
Ag. Board Rep.

ABSENT:

NON-VOTING:

Emily Blackman
Lisa Fritzinger

Secretary
Assistant Planning Director

PUBLIC: None

Chairman Kasabach called the June 1, 2021 meeting of the Mercer County Open Space Preservation Board to order at 5:00 PM.

I. STATEMENT OF ADEQUATE NOTICE

Ms. Blackman announced that pursuant to the Sunshine Law, notice of this meeting was mailed to the Trenton Times and the Trentonian, and was posted on the County Planning Department's website, including a public zoom meeting link and instructions.

II. APPROVAL OF MINUTES

Mr. Hershey made a motion to approve the May 4, 2021 minutes. Ms. Fagan seconded the motion. The minutes were unanimously approved.

III. PUBLIC COMMENT: None

IV. OLD BUSINESS: None

V. NEW BUSINESS

A. 2021 Mercer County Open Space Plan Update

Ms. Fritzinger and Ms. Blackman presented a final draft of the 2021 Open Space Plan update for the Board's review. A copy was sent to Board members prior to the meeting and Mr. Kasabach sent comments via email. Ms. Blackman shared the plan on her screen via zoom and Ms. Fritzinger went through Mr. Kasabach's comments, as well as the comments of other Board members as follows:

- Ballot question, pg 14: Mr. Hershey asked for language to clarify whether a ballot referendum to reallocate the Open Space Trust Fund percentages is still in the planning stages or if it will be on the ballot in November.
- Image captions: Mr. Kasabach asked that the pictures in the plan be identified by location.
- Word choice: Ms. Fagan asked that staff consider rewording the statement that the County has “aggressively” pursued the preservation of open space. Mr. Kasabach asked to clarify the use of the word “forbs” – staff will change it to “wildflowers.”
- Maps: Mr. Kasabach asked for a number of changes to the maps in the section starting on page 35, “County Land Acquisition Activity Since 2011 Plan.” He asked that the legends be changed to clarify the meaning of the maps, that map scales be added, that the pictures be repositioned or removed and that the titles and legends of the maps be standardized. After some discussion, the Board and staff agreed on the changes to be made.

(Ms. Mager left at 5:30; Mr. Hershey acted as her proxy to vote in favor of adopting the Plan)

Ms. Fagan offered to assist with the graphic design of the Plan. Mr. Hershey made a motion to approve the Plan, subject to verification that the changes agreed to at the meeting are made. Mr. Shine seconded. The Plan was unanimously approved. Ms. Fritzingler will provide a copy of the Plan with the requested changes for the Board’s review in mid-June. Ms. Floyd plans to present the updated Open Space Plan and the updated Farmland Preservation Plan to the County Planning Board for adoption as part of the County’s Master Plan in late summer.

VI. DISCUSSION

A. Project Updates

1. **County Open Space/Farmland Acquisitions:** Ms. Blackman and Ms. Fritzingler reported that the County’s current open space and farmland preservation projects are ongoing with no major updates since the last meeting.
2. **Park Development:** Ms. Blackman reminded the Board that a draft plan for the Moores Station Quarry park development was presented via a public zoom meeting on May 18th and is available to view on the Park Commission’s website.
3. **2021 Stewardship Projects:** Ms. Rogers provided the following update on recent County stewardship projects:
 - site preparation is underway for the lawn to meadow conversion at Mercer County Park,
 - 750 herbaceous and woody native plants were installed recently at Roebing Park with funding assistance from the Xerces Society as part of the large ongoing freshwater wetland restoration project there,
 - the Stewardship Department is applying for a \$150,000 shoreline restoration grant and a community forestry grant of either \$50,000 for forest resiliency planning or \$150,000 for forest restoration plantings.
4. **Return on Environment Study:** Ms. Fritzingler reported that meetings continue for the development of the ROE study. She expects to have a final draft in August.

VII. **CORRESPONDENCE:** None

VIII. **CLOSED SESSION** (if necessary): None

IX. **ADJOURNMENT**

**MERCER COUNTY PLANNING BOARD
REGULAR MEETING MINUTES
IN-PERSON MEETING
August 11, 2021**

PRESENT: Michael Shine, Chair
William S. Agress, Vice-Chair
Taiwanda Wilson
Basit Muzaffar County Engineer
Leslie R. Floyd for Brian Hughes, County Executive

ALSO PRESENT: Robert Ridolfi, Planning Board Counsel
Matthew Zochowski, Planning Board Secretary

Vice-Chairman Agress called the meeting of the Mercer County Planning Board to order at 9:02 AM. Chairman Shine was present at 9:25 which constituted a quorum of the Mercer County Planning Board.

I. STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, notice of this meeting was sent to the Trenton Times and the Trentonian on July 22nd, 2021, was posted in the County Administration Building on July 27th, 2021 and was published in the Trenton Times on July 27th, 2021.

III. APPROVAL OF MINUTES

Chairman Shine announced that minutes have been distributed from the July 14th, 2021 meeting and asked if there were any comments. There were no comments. Mrs. Wilson made a motion to approve the July 14th, 2021 Planning Board minutes which was seconded by Vice-Chair Agress. All members voted in favor.

IV. PUBLIC COMMENT

Chairman Shine asked if there are any public comments this morning related to non-agenda items. There were no members of the public requesting to comment.

V. OLD BUSINESS

Status of appeal by OTR East Windsor Investors, LLC (the "Developer") with Mercer County Planning Board's Site Plan decision requiring, Inter alla, the Developer to provide a cross access easement for vehicular traffic from its proposed residential development to a neighboring/adjacent residential development.

Mrs. Floyd mentioned the appeal has been delayed. Both the County's attorney and OTR East Windsor attorney are having a case management conference with the judge on June 14th at 11AM. Depending on outcome of that meeting, future actions are up in the air.

VI. NEW BUSINESS

Resolution No. 2021-01: Mercer County Planning Board Electronic Documents & Tools

- Staff introduced Resolution No. 2021-01: Proposal to allow for greater use of electronic tools by the Mercer County Planning Board, specifically to require electronic document submission, electronic application and allow for online or hybrid meetings and online fee payment at such time an online form collection option is available
- Vice-Chair Agress made a motion to approve which was seconded by Mrs. Wilson. All members present voted in favor of adopting the resolution.
- A condensed transcript of this new business item can be viewed under Attachment A

Resolution No. 2021-02: New Mercer County Comprehensive Farmland Preservation Master Plan Element

- County Planning staff have prepared a new Farmland Preservation Master Plan Element. This plan will replace the 2010 Master Plan Element. Staff provided a short presentation of the new Master Plan Element. Copies of the plan can be found on the County Planning Department website under “Master Plan Updates” or at the following link: <https://www.mercercounty.org/departments/master-plan-updates>
- Vice-Chair Agress made a motion to approve which was seconded by Mrs. Wilson. All members present voted in favor of adopting the resolution.
- A condensed transcript of this new business item can be viewed under Attachment A

Resolution No. 2021-03: Mercer County Open Space Preservation Master Plan Element

- County Planning staff have prepared a new Farmland Preservation Master Plan Element. This plan will replace the 2010 Master Plan Element. Staff provided a short presentation of the new Master Plan Element. Copies of the plan can be found on the County Planning Department website under “Master Plan Updates” or at the following link: <https://www.mercercounty.org/departments/master-plan-updates>
- Mrs. Wilson made a motion to approve which was seconded by Vice-Chair Agress. All members present voted in favor of adopting the resolution.
- A condensed transcript of this new business item can be viewed under Attachment A

Mobility Master Plan Addendum

- County staff have begun working on an addendum to the 2010 Mobility Master Plan Element. This addendum proposes to eliminate DTS “1A: As Existing” and create a new DTS “1B”. Segments designated as 1A will be replaced with a new segment DTS in order to meet the recommendations set out in the 2020 Mercer County Bicycle Plan Master Plan Element and the 2012 County Complete Streets Policy. A copy of the addendum can be found on the County Planning Department website under “Master Plan Updates” or at the following link: <https://www.mercercounty.org/departments/master-plan-updates>
- There was not vote regarding this addendum at this time, as this presentation was for informational purposes only. Staff will continue outreach efforts with municipal partners to finalize the addendum prior to an official vote by the Planning Board.
- A condensed transcript of this new business item can be viewed under Attachment B

Mercer County Sewer Service Amendment Public Hearing

- Staff introduced proposed amendment to the Mercer County Water Quality Management Plan (WQMP). This amendment proposal, titled “Ohm Amrutam” submitted by Mr. Tony Dilodovico of TonyD Environmental Permitting, LLC, on behalf of Ohm Amrutam, LLC, would designate approximately 15.3 acres as a discharge to groundwater (DGW) sewer service area (SSA) within portions of Block 19, Lots 3 and 25, located in Robbinsville Township, in order to allow for the construction of 12 5-bedroom single family homes.
The entire lots cover 64.8 acres and are currently a mixture of farmland and woodland. 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, 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, 11 AUG, 2021. The Township of Robbinsville has been notified of the need to review this project for consistency with its municipal master plan and zoning but has not replied as of today.
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 “Ohm Amrutam” was published in the New Jersey Register on June 21, 2021; and both the Trenton Times and Star Ledger newspapers on June 21, 2021
- There was not vote regarding this Mercer County Sewer Service Amendment at this time. A vote will take place at the September 9th, 2021 meeting.
- A condensed transcript of this new business item can be viewed under Attachment C

VIII. CORRESPONDENCE

There was no new correspondence.

IX. ADJOURNMENT

Mr. Shine asked for the motion to adjourn the meeting and Mr. Agress made the motion. Commissioner Frisby seconded the motion. The meeting was adjourned at 9:10 a.m. with the following vote:

Y Michael Shine
Y Taiwanda Wilson
Y Leslie R. Floyd

Y William S. Agress
Y Basit Muzaffar

Respectfully Submitted,



Matthew Zochowski, Planning Board Secretary

MEETING NOTICE

MERCER COUNTY OPEN SPACE PRESERVATION BOARD

Notice is hereby given that the regularly scheduled meeting of the Mercer County Open Space Preservation Board for Tuesday, May 4, 2021 at 5:00 pm will now take place as a virtual meeting. Please visit <http://www.mercercounty.org/departments/planning/open-space/open-space-board> for the agenda and instructions on how to access the meeting.

In order to participate by phone, use one of the following phone numbers:
US: +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 844 9222 2131

Emily Blackman, Board Secretary
4/21/21 THE TIMES \$19.72

MEETING NOTICE

MERCER COUNTY OPEN SPACE PRESERVATION BOARD

Notice is hereby given that the regularly scheduled meeting of the Mercer County Open Space Preservation Board for Tuesday, June 1, 2021 at 5:00 pm will now take place as a virtual meeting. Please visit <http://www.mercercounty.org/departments/planning/open-space/open-space-board> for the agenda and instructions on how to access the meeting.

In order to participate by phone, use one of the following phone numbers:
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 869 3188 3209

Emily Blackman, Board Secretary
5/21/21 THE TIMES \$19.72

MEETING NOTICE

MERCER COUNTY PLANNING BOARD

Notice is hereby given that the regularly scheduled meeting of the Mercer County Planning Board for Wednesday, August 11, 2021 at 9:00 am will now take place as an in-person meeting. Please visit <http://www.mercercounty.org/departments/planning/planning-board> for the meeting agenda. The meeting will be held in Room 211 of the McDade Administration Building, 640 South Broad Street, Trenton, NJ 08611. Regular meeting dates for the remainder of 2021 are Thursday, September 9th, Wednesday, October 13th, Wednesday, November 10th, and Wednesday, December 8th and will be held in person at the same time and location. ****Masks are required****

7/27/21

THE TIMES

\$13.05