

**MINUTES**

**PRESENT:** M. DeSapio  
T. Kratzer  
P. Lubitz  
R. Phillips  
S. Stryker

**CALL TO ORDER**

The meeting was called to order at 8:03 PM by M. DeSapio.

**NOTIFICATION**

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Express Times and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

Block 8, Lot 44.01 – Septic System Waivers

M. DeSapio called the matter and no response was heard.

Block 9, Lot 24 – Septic System Waivers

B. Jupinko of Bayer Risse Engineering, was present for the application this evening. The property contains two commercial and two residential units. The application requires a waiver for the high mottling, the distance of the septic tank from the building and the distance of the toe mound from the property line. There is one lavatory per building. The system has been designed for the full capacity of the buildings. The first building has a capacity of 35 people, the second building 30 and the residential units are two three bedroom dwellings. Currently, each building has a septic system. The front commercial building is 7200 sq ft and the second commercial building is 8000 sq ft. There is one well for the three buildings and it is located in the front and a separate well for the building in the back. The system is designed with a flow rate of 1975 gpd. The current water use is 600 gpd. There will be four 1,000 gallon septic tanks. The mound will be 5' above grade. Every system on the property is in failure due to a lack of maintenance or the tanks were not accessible for pumping. There are high water level conditions on the property. The systems are older than fifty years. Some of the systems are gravel pits and some are laterals with "d" boxes. The new systems are located close to the original systems. There are no other feasible locations on the property. The site conditions are not that favorable. There is no area suitable for a double system. There is no area available for a reserve site. There are zone treatments in the disposal areas. The only malfunctioning that could occur would be a lack of maintenance rather than a soil issue. There are effluent filters as back up. There is gravity flow to the tank location and then it is pumped into the field.

It was moved by M. DeSapio, seconded by P. Lubitz and carried to grant the requested waivers and to require water sampling prior to the installation of the system, every six months for the first year and

then for two years after that time with the results being provided to the Township and Hunterdon County. All members voted **AYE** on **ROLL CALL VOTE**.

Block 8, Lot 44.01 - Septic Waiver

It was moved by M. DeSapio, seconded by P. Lubitz and carried to table the matter until the June meeting and request the applicant or their representative be present to field any questions. All members voted **AYE** on **ROLL CALL VOTE**.

Well Ordinance Revisions – Discussion

J. MacConnell reported the sub-committee has been meeting on a regular basis. He provided to the Board members a pamphlet which addressed pump tests. The amendments the sub-committee is considering will take effect after the October 1 seasonality time frame ends. If someone obtains 10 gallons or more, a water sample will need to be taken but the pump test can be done during the next testing season. They are requiring a written remediation plan if any contamination is present in the water sample. The applicant will be able to obtain a building permit if their wells have a yield of 10 gallons or more but will not be able to obtain a Certificate of Occupancy. All the forms will have the relevant section of the ordinance for reference. The checklist will be part of the ordinance so any changes would necessitate an amendment to the ordinance. The sub-committee will invite all the well drillers who work in the Township for suggestions.

Gross – Block 5, Lot 4 – Request for Exception

J. and R. Gross were present this evening to ask the Board for a waiver of the requirement of an aquifer test in order for them to obtain their building permit for their house, authorization to utilize the 3-part pump test rather than the required aquifer test and an exception to drilling the well prior to the issuance of a building permit. The ordinance requires, if the use exceeds 800 gpd, an aquifer test. The property contains an old farmhouse, which has 3 bedrooms. The new proposed dwelling will contain 3 bedrooms. According to the calculations for both dwellings the use will exceed the 800 gpd. They are willing to proceed at their own risk with no accountability on the part of the Township. The closest neighbors are at a distance of approximately 700'. They appreciate the value of the ordinance and appreciate the Board's sensitivity to an exception. It is not the intent of the ordinance to hold up one additional well on a large property. It has caused them a tremendous hardship and financial burden.

It was moved by P. Lubitz, seconded by T. Kratzer to request V. Uhl to expedite the review of the well testing so if a potability issue should arise, it can be addressed at the July meeting. All members voted **AYE** on **ROLL CALL VOTE**.

Approval of Minutes of April 15, 2009

The approval of the minutes was postponed until the June meeting.

## **CORRESPONDENCE**

### **PRIVILEGE OF THE FLOOR**

E. Niemann stated there are some administrative issues that need addressing in the current well ordinance, such as escrow, etc.

A. Belle questioned about subscripts #2 and 3 of the well certification chart. A Board member responded subscript #2 comes from the state regulations and subscript #3 pertains if a use exceeds 800 gpd. The usage pertains to the entire subject property.

R. Gross stated the table in the ordinance cites NJAC 7:10-12.6. She reviewed that section of the administrative code and the code stated the average daily water demand for a single family dwelling is 100 gpd per person. A board member responded the state has recommended an assumption of two residents per bedroom, which equates to 200 gpd per bedroom. Tables 1 through 4 explain the water use rates based on bedrooms and bathrooms, flow volumes, peak demands and loads. The use rates were written in 1996 and are still be referenced by the State. R. Gross stated the Residential Site Standards, NJAC Section 5, have a table that matches water demand and generation by the type of housing. A board member responded there are many different documents and depending on which one you use as reference the ranges are 50 gpd to 200 gpd per person. 100 gpd per day is the usual rate for one person. Delaware Township and East Amwell use 100 gpd per person and 200 gpd per bedroom in their ordinance. The administrative code of NJAC, Section 5, is from the Department of Community Affairs for the construction code as opposed to the DEP, which is a different section of the code.

A. Belle inquired about the Escrow Rehabilitation and Monitoring section of the ordinance requiring the deposit to remain on account for twelve years. He inquired how and who is responsible to administer the money? How will the funds be returned to the applicant? A board member responded there has been discussion to change it to six years. A. Belle stated the aquifer test requires the same amount of work for a fifty lot subdivision as for a two lot minor subdivision. He suggested the ordinance follow the standards of the Planning Board, a minor is a minor with minor standards and should mirror the requirements. He stated he should not be required to do an aquifer test and drill the one pumping well and one observation well. He does not have any interest in his middle lot. His rear lot obtained 15.5 gpm. Any interference that might occur from the other lots would be .5 to 1 gpm.

J. Gross inquired how the sub-committee arrived at 10 gpm as the number that enabled the applicant to obtain a construction permit without a seasonality test? A board member responded it was an idea of what would be conservative and provide enough flexibility.

The members decided to hold a special meeting on June 1, 2009, beginning at 5:30 PM, for the introduction and adoption on first reading of a proposed amendment to the well ordinance.

#### **ADJOURNMENT**

It was moved by M. DeSapio, seconded by P. Lubitz and carried to adjourn the meeting at 10:11 PM. All members voted **AYE**.

**Respectfully submitted,**

*S/Diane Laudensch*

**Diane Laudensch, Secretary**