

## MINUTES

7:30 PM

**PRESENT:** J. Golden  
D. Haywood  
R. Patel  
R. Phillips  
S. Stryker  
E. Niemann, Alt #1

### CALL TO ORDER

The meeting was called to order by S. Stryker at 7:30 PM.

### 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 Courier News, 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

Septic System Alteration – Block 28, Lot 14.06 – Kingwood Station Barbertown Road

D. Tiedeman, engineer, was present for the application. He is a licensed engineer in New Jersey. The system he is proposing is a peat bio-filter system. The property has a failing conventional septic system. The current system has lived its life. There are two dwellings on the property. One is a newer dwelling the applicants live in and one is the original dwelling, which has had its plumbing to the kitchen removed. The rear of the property has a proper soil profile and permeability. The system will be utilizing the existing septic tank and installing a new pump tank. There is sufficient clearance to the property lines. Since the system is located at the rear of the property, a board member inquired about the maintenance of the system. He responded the maintenance is on the pump tank which is located in the front of the property. There is a single 2” force main which is all gravity flow in the area. There is no requirement for machinery to access the rear of the property for maintenance. When the peat is tested, the tester can walk up to the area with a couple of jars. Equipment will have to access the rear area but only during construction. There will be an annual contract required. He stated, as far as he knows, there is no life span on the peat. The life span is based on the usage but some of the systems in Pennsylvania and Connecticut are in for 15 to 20 years. The peat is a unique peat that is imported from Ireland. The sampling taken annually will inform how well the peat is working. If it is not working, the peat will be replaced. A peat system is similar to a conventional system but doesn’t require the amount of select fill. The top of the peat boxes are placed 6” out of the ground and perforated so air can circulate. He stated water percolates through the ground and brings air to the topsoil. There will be an effluent filter. The maintenance contracts are provided to the County Health Department.

The Township will need to act of the following waivers:

1. The use of the Puraflo Peat Biofilter units will need to be approved by the Board.
2. This division recommends if the Board approves this technology that a deed restriction be placed on the property indicating annual maintenance of the property and type of technologies being used.
3. Proof of fully executed service contract and reporting information as per 7:9A(e)2, shall be provided to the Board and County.
4. Service contract shall be signed by the owner and kept with the house.
5. The plans state that this is an alteration to correct a malfunctioning system and the granting of the waivers or approval of the Peat Puraflo biofilter unit holds Kingwood Township and this Division not responsible for the system and shall be held harmless.
6. The design engineer shall inspect the system and provide certificate of compliance certification to the Board and County.
7. Provide copy of design to the DEP for their files, notice shall be provided to the DEP one week prior to construction.
8. The authorized installer shall be physically present at all times during installation of the advanced wastewater treatment.
9. Provide copy of service installer and provider certification to this office.
10. Provide certification that telemetry control panel for the Peat system was installed for continuous remote monitoring.
11. A water tightness test shall be conducted on the HOOT unit and pump tank and provide certification to this office.
12. A new requirement for Advanced Treatment Systems requires the excavator to be certified by NEHA. Excavator shall provide this office with documentation from NEHA prior to installation of the system.
13. The use of Advanced Treatment Units allows the zone of treatment to be reduced to 18 inches at the discretion of the Administrative Authority, therefore, this will need to be acted on and approved by Board.
14. The proposed design shows an existing 3 bedroom main dwelling and a 1 bedroom unit with no kitchen. The unit might be considered an apartment under the septic code which would require a minimum of 350 gallons per day used in the design, however, engineer and owner will be presenting information which shows the kitchen was taken out as a requirement of the Township Zoning and Construction officials so that it would not be considered an apartment. The Board would need to confirm that the members are in agreement this is not an apartment.

In addition, there are wetlands on the property which will require GP25 permit being obtained from the DEP for installing a septic system with a wetlands or transition area. The Board could condition their approval on the applicant obtaining this permit.

It was moved by E. Niemann, seconded by D. Haywood and carried to grant the above waivers and add a requirement of a three year pump out to the approval. All members present voted **AYE** on **ROLL CALL VOTE**.

**Septic System Alteration – Block 18, Lot 2.04 – Locktown Road**

P. Harenberg, engineer for the applicant was present. The applicants are selling their home and the septic failed upon inspection. The water table is within the first 18” and there is not a 48” separation between the zone of disposal and the rock. There was machine refusal during the testing. He stated the system is original to the house and is aged at approximately 40 years. Machine refusal for Soil Log 1 was at 66” and Soil Log II at 52”. In regard to waiver #2, a system has to have 48” in the rock layer to be code compliant. The soil only had 30” of rock. The rock layer does not necessarily start at 0”. The other logs showed rock higher but not lower. The controlling factor is the 30” on that test. The definition of horizon is the top and bottom of a similar zone of soil or rock. The waiver requested is for the zone of disposal. A mound situation comes in with a higher water table. The testing had a passing pit bail test. All the design information is provided on the top right of page 4 of the plans as well as the summary of the pit bail results. The permeability result was passing at 2” per hour. If the permeability is at 2” per hour, the zone of disposal can be reduced to 24”.

The Township will need to act on the following waivers:

1. The regional water table has been determined to be 18 inches in Soil logs 1 and 2 which are greater than the maximum level allowed by code of 24 inches from existing grade. There will still be a minimum of 48 inches of separation from the regional water table and proposed level of infiltration.
2. The horizon that the pit-bail test was conducted in was only 30 inches in thickness and not the required 48 inches by code. The engineer shall explain to the Board why a 48 inch tested horizon could not be obtained.

It was moved by E. Niemann, seconded by D. Haywood and carried to grant the above waivers and add a requirement three year pump out to the approval. All members present voted **AYE** on **ROLL CALL VOTE**.

**Septic System Alteration – Block 22, Lot 17.01 – Heath Road**

D. Fine, engineer for the applicants, was present this evening. The proposed system is for a three year old residence. The house has been vacant for about 18 months. The septic inspection revealed that the disposal field is completely saturated. No one is sure what caused the failure. He does not know if the system was designed high enough for the water table. A lot of the property is in a conservation easement. The property lends itself to a high water table before a soil log was dug. Because the lot is pressed for space, the new system is in the vicinity of the existing system. His soil logs show mottling 18” below the surface, which requires a waiver. The system is designed for an 18” water table. The County noted that his pit bail test was in a horizon that does not show 48” to fractured rock. It is the fractured shale that exhibits most of the permeability in the zone of disposal. The permeability is greater than 2” per hour which allows him to reduce his zone of disposal. He encountered only 19” of fractured rock. The existing tank is in fantastic condition. The proposed system will tap out to the current system in the field and make a new connection. He will install a new pump and construct a new field. The property is the subject of a real estate transaction. He would like to construct the system as quickly as possible and get to a closing date. He explained that mottling is a change in color in the soil created by the presence of water. The ground water fluctuates regionally which leaves a stain in the soil.

The color change usually is based on oxygen content, minerals and water (changes from being under water not saturation), which results in a high water mark in the soil. Those observations are evaluated. It can mean a regional water table or a perched water table. Water cannot permeate through the horizon of the soil. The best system in Kingwood would be one that is elevated above the water table. There is an alarm panel in the house which is activated by floats. There is no maintenance contract on this system. The system will have a sizable mound. The testing has shown that there is permeability.

The Township will have to act on the following waivers:

1. The regional water table has been determined to be 18 inches in Soil log 4 which is greater than the maximum level allowed by code of 24 inches from existing grade. There will still be a minimum of 48 inches of separation from the regional water table and proposed level of infiltration.
2. The horizon that the pit-bail test was conducted in was only 19 inches in thickness and not the required 48 inches by code. The engineer shall explain to the Board why a 48 inch tested horizon could not be obtained.

It was moved by E. Niemann, seconded by D. Haywood and carried to grant the above waivers and add a requirement of a three year pump out to the approval. All members present voted **AYE** on **ROLL CALL VOTE**.

Well Ordinance Amendment 2013 – 02 – **AN ORDINANCE AMENDING CHAPTER 153, ARTICLE 2, “NONPUBLIC SYSTEMS AND WELLS” OF THE TOWNSHIP OF KINGWOOD TO DELETE PROVISIONS RELATING TO GROUNDWATER QUALITY MONITORING** – Public Hearing and Adoption on Final Reading;

It was moved by E. Niemann, seconded by D. Haywood and carried to open the public hearing. All members present voted **AYE** on **ROLL CALL VOTE**.

J. MacConnell stated he was part of the original well subcommittee and was once the chairperson. If the Township is going to delete a portion of an ordinance, it needs to have an alternate requirement. Eliminating the sections will not allow any resident redress if someone drills a well and takes their water. The area of the Township which is subject to issues is south of Route 12. North of Route 12 has gray beds and good water. In the southern portion of the Township, there are wells that are 1,000’ deep and producing 1 gpm. The elimination of the proposed sections is a discredit to every resident of Kingwood Township. No one can say how much water is available underground.

E. Niemann responded the proposed ordinance is amending the requirements for quality not quantity. It is removing the requirement for the applicant to test for contaminants when a new development is constructed. She stated there are currently State and County regulations that refer to quality. Those tests are done when a property changes hands. It is up to the residents to maintain their wells by testing their water. The reason the Board thought it was wise to remove the quality requirement is because they looked at it through in the realm of a developer. If the developer builds “x” number of houses it will trigger a requirement that the water quality be monitored after the construction is completed. The Board realized that the logistics of doing that were not feasible because you would have to dig a monitoring well, which would then be the test well. The question of who owns that well comes up and is responsible for that well. The Township does not want to be responsible for the test well. Would that then create the necessity of a homeowner’s association for that test well and the testing? Since a homeowner can check their quality, it made sense to remove the requirement.

J. MacConnell stated the plume from MEL might have caused illnesses in the Locktown area. He has been contacted by residents in that area who have become ill.

E. Niemann inquired to what extent is the Township involved in those responsibilities. J. MacConnell responded the Township has everyone's health in their hands.

E. Niemann stated the Township has made well testing available to its residents. Well water is tested when a house changes hands. These are things that are in place to protect the residents. The MEL contamination is a nightmare and a State DEP issue. All the Township can do is to keep an eye on it. As far as requiring a developer, to upon the construction of "x" number of houses, to conduct water quality tests that are extremely expensive and difficult to orchestrate because of the difficulty in deciding to do it and now has to deal with an individual homeowner creates a difficult situation.

J. MacConnell stated the requirements were put into place because of the nitrate tests. Do the County and/or State quality requirements have the same requirements as the Township for nitrates? E. Niemann stated the Township's requirements cannot be stricter than the State and/or County. J. MacConnell responded the Township can make stricter requirements but not less. J. Golden stated the water quality standards are set by the EPA and State and making stricter ones could be setting the Township up for a lawsuit. He stated the Township needs to do what is feasible and financially practical. J. Golden stated nitrates cause "blue baby syndrome" but does not affect adults. J. MacConnell stated high nitrates will affect adults. J. Golden responded the Township would have to call in medical experts to discuss the effect of high nitrates on adults.

It was moved by E. Niemann, seconded by D. Haywood and carried to close the public hearing. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by E. Niemann, seconded by D. Haywood and carried to adopt Well Ordinance Amendment 2013 – 02 – **AN ORDINANCE AMENDING CHAPTER 153, ARTICLE 2, "NONPUBLIC SYSTEMS AND WELLS" OF THE TOWNSHIP OF KINGWOOD TO DELETE PROVISIONS RELATING TO GROUNDWATER QUALITY MONITORING**. All members present voted **AYE** on **ROLL CALL VOTE**.

### **Approval of Minutes**

It was moved by J. Golden, seconded by R. Phillips and carried to adopt the minutes of July 17, 2013 and place on file. All members voted **AYE** on **ROLL CALL VOTE**, except R. Patel, who **ABSTAINED**.

### **APPLICATION STATUS**

### **CORRESPONDENCE**

### **PRIVILEGE OF THE FLOOR**

### **ADJOURNMENT**

It was moved by R. Patel, seconded by J. Golden and carried to adjourn the meeting at 8:23 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**