

7:30 P.M.

MINUTES

PRESENT: J. Golden
D. Haywood
L. King
R. Patel
R. Phillips
E. Niemann, Alt #1

CALL TO ORDER

The meeting was called to order by E. Niemann 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, 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

Block 39, Lot 20.03 – 38 Tumble Falls Road – Septic Waiver

E. Busch was present for the application this evening. Mr. Parker could not be here this evening. She is present this evening for a septic alteration plan that needs waivers for 2 items:

1. There was no passing permeability on the property, soil permeability class rating test showed a permeability of KO. The engineer shall explain all soil testing on the Board and testify why he believes the peat system will address this issue.
2. The highest regional water table was established at 15 inches which is less than the maximum allowed by code of 24 inches from the surface. There will be a separation of 18 inches from the regional water table and proposed level of infiltration which is allowable when Advance Treatment Unit (ATU) treatment is used. The engineer proposes a peat system, therefore, the zone of treatment can be 18 inches.

In addition, all requirements and conditions for Advanced Treatment Units are listed in the general notes numbers 41-49 of page 1 of the plot plan which includes a maintenance agreement with a service provider deed notice on the property and engineer and NEHA certification of the excavator.

E. Busch stated the “KO” referenced in No. 1 above means that there is no permeability in the soil tests. She has done some soil logs in Kingwood and even though it is rated as a “KO” there should be some permeability. The application

meets all the setback items. She believes that the mottling and low permeability is due to the ground being dry. The disposal area has been increased by 25% to accommodate the slow permeability. The ATU allows a reduction in the treatment zone by 30". Since the mottling was present at 15" the Board is being requested to grant a waiver. The chance of failure of this system is dependent on the use and actual water table. If there are several days of rain or large gatherings at the dwelling, there is greater chance of failure. It is a 4 bedroom house.

It was moved by D. Haywood, seconded by J. Golden and carried to grant the above waivers. All members present voted **AYE** on **ROLL CALL VOTE**.

Uhl – Geothermal Wells

Due to the presence of residents requesting a waiver, the matter was postponed until later in the meeting.

Request for Well Ordinance Waiver

Present this evening were J. Burk and K. Burk, who will be residing at 129 Slacktown Road, Block 9, Lot 25.10. They are requesting the Board waive the requirement of providing the certified mail receipts as proof of notification of the surrounding property owners' for the three part pump test. K. Burk stated she had provided notice but unfortunately, did not keep the proof of mailing from the post office. She requested the Board approve her satisfying the proof of notification by obtaining an affidavit from each property owner that they received notification of the three part pump test. She is also requesting that she not be required to notify the utilities since she is unable to contact an actual individual at any of them. J. Burk stated the power, service electric and water company do not have any properties in close proximity to their lot.

E. Niemann stated the Board's attorney has advised the Board that a waiver of the requirement of the proof of mailing by certified mail could be satisfied by an affidavit submitted by each property owner listed on the certified property owners' list provided by the Tax Assessor.

J. Burk indicated that obtaining an affidavit from the residents within 200' of the property is not an issue but he is concerned about obtaining an affidavit from the JCP&L, Service Electric and American Water. There is not a specific person or address to whom you could send an affidavit and have it returned.

It was moved by D. Haywood, seconded by R. Patel and carried to waive the requirement of providing the certified mail receipts for the notification of the three part pump test and permit the applicant to provide an affidavit from each of the residents on the Certified Property Owner's list as proof of notification of the three part pump test. No affidavit will be required from the utilities. All members present voted **AYE** on **ROLL CALL VOTE**.

V. Uhl - Geothermal Well

After a brief discussion, it was decided that V. Uhl should amend the draft and provide a revised copy to the Board members for their review. They would like to see the changes prior to the January meeting.

Well Ordinance – Three Part Pump Test Notification

Based on the Board attorney's recommendation, it was moved by D. Haywood, seconded by J. Golden and carried to amend the Well Ordinance as follows regarding notification of property owners:

153-26.C.1 - Property Owner Notification – Owners of existing wells on lots located within 200 feet of the property boundary of the proposed hydrofracturing shall receive notification in letter form titled "Notification of Three Part Pump Test", which form is available from the Township,

of the scheduled hydrofracturing date(s) from the applicant or their representative, via certified mail, **return receipt requested, and regular mail** four weeks prior to the hydrofracturing date. **Applicant shall submit to the Administrative Authority the certified mail receipts.** Copies of all property owner notifications shall be provided to the Administrative Authority prior to the mailing. The applicant shall obtain a certified list of all property owners within 200 feet of the property boundary from the Township Tax Assessor. If the lot that is the subject of the application is a flag lot, the distance indicated previously in this paragraph shall be measured from the main body of the lot, and the “stem” of the flag shall not be included in calculating such distance.

153-28.A.1 – Property Owner Notification. Owners of existing wells on lots located within 200 feet of the property boundary of a proposed or new or altered well, as set forth in section 153-25A, Table 1, shall receive notification in letter form titled “Notification of Three-Part Pump Test”, which form is available from the Township, of the scheduled well test(s) from the applicant or their representative, via certified mail, **return receipt requested** and regular mail four weeks prior to the well test date. **Applicant shall submit to the Administrative Authority the certified mail receipts.** Copies of all property owner notifications shall be provided to the Administrative Authority prior to the mailing. The applicant shall obtain a certified list of all property owners within 200 feet of the property boundary from the Township Tax Assessor. If the lot that is the subject of the application is a flag lot, the distance indicated previously in this paragraph shall be measured from the main body of the lot, and the “stem” of the flag shall not be included in calculating such distance.

153-29.F.1 – Property Owner Notification. Owners of existing wells on lots located within 2,500 feet of the subdivision/site plan boundary shall be given an opportunity to have their wells monitored during the aquifer test. The applicant shall obtain a certified list of all property owners within 2,500 feet from the Township Tax Assessor. Notification of such opportunity shall be given by the applicant in letter form, which form is available from the Administrative Authority, titled “Notice of Aquifer Test”, via certified mail, **return receipt requested and regular mail** and shall give the time and place of the aquifer test. **Applicant shall submit to the Administrative Authority the certified mail receipts.** The notice shall indicate that such existing well may be monitored if agreed to by the well owner provided the well is readily accessible. Such notice shall indicate that the existing well owner must respond within fourteen (14) days of the mailing and the applicant's responsibility is to monitor up to the number specified in Table 3 for off-site observation wells.

All members present voted **AYE** on **ROLL CALL VOTE**.

Approval of Minutes

It was moved by D. Haywood, seconded by R. Patel and carried to approve the minutes of September 17, 2014 and place on file. All members present voted **AYE** except J. Golden and R. Phillips, who **ABSTAINED**.

Well Ordinance Comments

E. Niemann stated since the residents who had the other issue with the well ordinance is not present this evening, the Board cannot make any determination.

Some discussion was had with regard to the enforcement of the well ordinance and lack of compliance.

CORRESPONDENCE

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by D. Haywood, seconded by R. Phillips, and carried to adjourn the meeting at 8:00 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenbach, Secretary