

MINUTES

PRESENT: M. DeSapio
T. Kratzer
S. Trstensky
S. Zdepski
M. Nergaard, Attorney

ABSENT: R. Phillips

CALL TO ORDER

The meeting was called to order by M. DeSapio at 8:00 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 Delaware Valley News and Express Times and sent to the Hunterdon County Democrat, 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**Approval of Minutes**

It was moved by S. Trstensky, seconded by S. Zdepski and carried to approve the minutes of September 7, 2005. All members present voted **AYE**.

Applications

Reina – Block 26, Lot 6.01 – Alternative Septic System Alteration

S. Risse, of Bayer-Risse Engineering, was present for the application this evening. The property is located at 161 Kingwood Locktown Road across from the intersection of Muddy Run. Soil testing was performed in the middle of August. They weren't able to find suitable testing to do a conventional septic system. They designed for an advance treatment type of tank, similar to a trickling type filter. The water is pumped through a drip irrigation system. It is one of the newly recognized advanced technologies by the DEP. The DEP allows this system when site constraints are working against you. The DEP has reviewed the application as well as the County Health Department. The DEP has given a generic approval for local properties with existing homes. The local Board of Health basically provides a sign-off. The DEP has been involved since the beginning of the application. They do not have anything in writing from the DEP.

E. Stampoulos, County Health Department Employee, indicated his supervisor has reviewed it and has been in contact with the DEP. The DEP's role is advisory and consultation. The Hunterdon County Health Department was concerned with the sizing of the system but has spoken with the township engineer and all their concerns have been addressed. The DEP would like to be present when the installation takes place. They have been present at the installation of the new Peat systems. The County currently has seven or eight peat systems. All the homes have had deed restrictions placed on them so future owners know of the special type of system.

M. Nergaard stated the applicant would need a maintenance agreement and contract signed by all parties and a deed notice. One way to accomplish that is to record an agreement with the County Health Department and the current owner.

E. Stampoulos stated the deed restriction is a recommendation not mandated. In some townships, even if a simple thing as a pump system is installed, the township requires a deed restriction.

S. Risse stated there is a proposed agreement. There is a maintenance contract for a period of five years. A permit is issued to have the system and cannot be renewed without a renewed maintenance contract and agreement. The applicant's attorney will need to provide a copy of a draft deed and agreement for review by the township.

It was moved by S. Zdepski, seconded by M. DeSapio to approve the application with the conditions of the posting of an additional \$500.00 escrow fee, applicant to provide to the Board of Health attorney a deed indicating the deed restriction and any other legal requirements the County Health Department may deem necessary. All members present voted **AYE** on **ROLL CALL VOTE**.

Paulter – Block 12, Lot 18.02 – Septic Alteration

T. Essig, engineer, and G. Paulter, applicant, were present for the matter this evening.

T. Essig stated Mr. Paulter is in the process of selling his home and through the buyer's home inspection, a problem occurred with the mound system. It was leaking out one side. He had originally designed the system in 1989. The original owner expanded the house to a 4 bedroom home. There is a letter from 1993 explaining he felt the system might handle a mother-in-law suite. It is a mounded flush system. The original system was designed 120 sq. ft. larger than for a three-bedroom home but 73 sq. ft. short of a four-bedroom design. The former owner obtained a Certificate of Occupancy in 1993 for the mother-in-law suite. The applicant is seeking to repair the system and add the additional 73 sq. ft., bringing it up to the standards that were necessary at the time of design. Mr. Lorentz' agrees with the repair and alteration as well as D. Vaccarella of the Hunterdon County Health Department. Since the Board originally approved the system in 1989, the applicant has to apply to the local Board for this alteration.

G. Paulter stated he has been going back and forth for the last four months. He is willing to do what is necessary to repair or alter the system.

T. Essig stated S. Ombalski designed the original system. It was designed for the rear of the property. The front of the property was more likely for the installation of a mound system. There is about 24" of soil and then hard shale. The system has been functioning except for the recent blow out. The leak is in the rear of the bed. The construction used select fill to retain the wall of the bed.

In his design, he is adding 6" of soil and one lateral. The reason for the blow out in the one area might possibly indicate a cap is off. In the original design, the County required clean outs to be installed. He feels one more lateral, adding some select fill and repairing the cap will make the system function properly. It is a Pressure Dose System and the select fill is the entire mound system. He intends to cap it with other material.

It was moved by S. Zdepski, seconded by M. DeSapio and carried to approve Option #2 in the County Health Department's letter as well as the Township Engineer's letter and the posting of an additional \$200.00 escrow. All members present voted **AYE** on **ROLL CALL VOTE**.

Well Ordinance Amendment – Introduction and Adoption on First Reading

M. Nergaard stated the Board has two versions in front of them this evening. She has discussed the matter with D. Pierce, Planning Board Attorney and T. Kratzer. After reviewing the minutes of the last meeting, Version 2 contains the provisions discussed from the September 7, 2005 meeting.

T. Kratzer stated paragraph one changed the distance from 1,000' to 2,500'. He also reviewed the other changes.

M. Nergaard stated the board might be aware that the Planning Board has retained a hydrologist to review a proposed development currently before the Planning Board. It might be desirable to have the hydrologist review the entire well ordinance and make sure the ordinance reflects the Planning Board's examination in connection with the proposed development. Different sections of the township have different needs. This might be the appropriate time to make further changes in the well ordinance to meet Kingwood's needs. The Board can introduce this ordinance this evening. If the hydrologist suggests some specific recommendations, the ordinance can always be amended.

AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF KINGWOOD TO AMEND CHAPTER 153, ARTICLE 2 – "NON-PUBLIC WATER SYSTEMS AND WELLS", TO REVISE THE INTERFERENCE TEST REQUIREMENTS.

It was moved by S. Zdepski, seconded by T. Kratzer and carried to introduce and adopt on the first reading **AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF KINGWOOD TO AMEND CHAPTER 153, ARTICLE 2 – "NON-PUBLIC WATER SYSTEMS AND WELLS", TO REVISE THE INTERFERENCE TEST REQUIREMENTS.** All members present voted **AYE** on **ROLL CALL VOTE**.

CORRESPONDENCE

M. DeSapio reviewed as per the agenda:

PRIVILEGE OF THE FLOOR

T. Hauck reported on the results of the drilling on Block 12, Lot 31. He stated he is concerned with stressing the aquifer. He would like to see the Well Ordinance provide for a test to stress the aquifer.

W. Pandy commented on the wells that have been affected in the past by development in Kingwood Township. W. Pandy also commented on the destroyed buildings on Block 12, Lot 31.

J. MacConnell commented that well testing should be done on every well not just on majors. He inquired if the Board of Health receives the results from the well drillers. S. Zdepski responded the Township has requested the reports from the County.

J. Pandy commented a report should be issued for every well dug in the township as well as the analysis of the water from that well.

S. Zdepski stated the Class III minor subdivision was brought into production because all of the lots were being developed along the road. The Class III was designed to try and stop the development along the road. At tomorrow night's Township Committee meeting, there will be an amendment introduced to stop building. In a Class I minor subdivision, an applicant can come back every year and subdivide two lots. The amendment proposes to change that provision. If the amendment were successful, an applicant would be eligible for two lots every four years. He feels the amendment will encourage major development.

S. McNichol commented regulations should be in place dealing with all types of development. There was an application before the Planning Board and no one in the neighborhood was notified.

S. Zdepski stated the proper procedure for changing the zoning ordinance would be for the residents to come and talk with the Township Committee, have the Township Committee review their suggestions, introduce a proposed ordinance, then forward it on to the Planning Board for recommendation to the Township Committee and final adoption by the Township Committee.

M. Nergaard inquired if the Board of Health would like to schedule a meeting with the hydrologist. M. Nergaard and D. Pierce, Planning Board attorney, feel that any ordinance recommendations should come from the hydrologist to ascertain the Planning Board requirements and the Board of Health requirements match.

S. Zdepski stated, after transfers in November, the hydrologist could come to the meeting in December. The scheduling of the meeting with the hydrologist should be put on the November 7th agenda. Possibly a joint meeting with the Planning Board could be had and only one professional visit charge would be applicable.

ADJOURNMENT

It was moved by S. Trstensky, seconded by T. Kratzer and carried to adjourn the meeting at 9:33 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary