

MINUTES

PRESENT: M. DeSapio
R. Phillips
S. Stryker

ABSENT: T. Kratzer
P. Lubitz

CALL TO ORDER

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

Block 8, lot 44.01 – Berezny- Septic Waiver

J. Mantz was present for the application this evening. The repair is to an existing cesspool for a two bedroom dwelling. The property has access to Route 12 through a common driveway shared by four other residences. The property contains an existing well and seepage pit. The owner is being proactive with fixing this system. When the area adjacent to the seepage pit was excavated, the soil was blackened as if the effluent was sitting near the top soil. They performed the two required soil logs and pit bail test. The property contains .29 acres. There is a very narrow strip of land behind the house where the system can be located. The plans have been reviewed by the Hunterdon County Health Department. The County has determined the application requires the following waivers or variances from the Board of Health. He reviewed the waivers:

- Requirement of obtaining a GP25 permit;
- Ground water level is less than 24" (16" below ground surface);
- The toe of the mound is only one foot from the property line;
- Neighboring lot 46's well is approximately 91' from the proposed disposal field. A 100' minimal distance is required as per NJAC 7:9A;
- The existing well is approximately 12' to the proposed septic tank and 19 feet to the proposed pump tank. A minimal distance from a well to a septic tank is 50' as per NJAC 7:9A;
- The minimal distance from a disposal field to a neighboring disposal field is 50'. The proposed disposal field is approximately 43' to neighboring Lot 49's existing disposal field;
- The application does not provide a 3:1 slope;

J. Mantz was not aware of the age of the current system. The existing tank is a 1,000 gallon tank.

It was moved by R. Phillips, seconded by S. Stryker to grant the requested waivers and require the testing of the water every six months for the first year and then annually for the next two years for nitrates, fecal coliform, 5-day BODs and TSS. All members voted **AYE** on **ROLL CALL VOTE**.

Block 5, Lot 4 – Gross – Well Water Potability Waiver

J. and R. Gross were present this evening to request a waiver for Section 153-24(a) of the Well Ordinance. The testing results were high in bacteria. The report indicated they were too numerous to count. M. DeSapio stated the hydrogeologist stated the contaminants can be readily treated.

It was moved by M. DeSapio, seconded by S. Stryker and carried to grant the requested waiver from Section 153-24(a), water potability for the issuance of a building permit. All members present voted **AYE** on **ROLL CALL VOTE**.

Block 18, Lot 7 – Harris – Septic Waiver

C Tiedeman was present for the application this evening. He is a licensed professional engineer in the State of New Jersey. He is present at this meeting representing Mr. and Mrs. Harris. The property is a 3.5 acre lot known as Block 18, Lot 7, at 439 Barbertown Point Breeze Road. Most of the property is in wetlands. The current system consists of a septic tank and a single lateral into the wetlands. He performed four soil logs in the front lawn and encountered mottled soils at a shallow depth and massive rock approximately four to five feet below grade. He was able to excavate in the rear of the lot to a depth of 7' before hitting rock. They observed seasonal high water by mottling at 4" below top soil. He observed ground water in January. He proposes a mounded soil replacement system. The mound will elevate above the shallow depth of the seasonal water. It will be located within the wetland transition area. He will need to obtain a GP25 permit from the State. A new well has been installed and been in service. It meets the drinking water standards and is at a depth of 380'. The new system is designed for three bedrooms.

It was moved by R. Phillips, seconded by S. Stryker and carried to grant the requested waivers:

Regional water table is greater than the maximum level of 24" from existing grade;
Requirement of a GP25 permit;

plus add a condition of water sampling every six months for the first year and then annually for the next two years for nitrates, fecal coliform, 5-day BODs and TSS. All members present voted **AYE** on **ROLL CALL VOTE**.

Reserve Septic Testing

D. Laudenbach stated the Planning Board is requesting the Board of Health to review the necessity of having reserve septic testing. The Board took the suggestion under advisement.

June 17, 2009 Minutes

It was moved by S. Stryker, seconded by R. Phillips to adopt the June 17, 2009 minutes and place on file with the following corrections:

Page 1 – last sentence should read “he has not had”;
Page 2 - correct “retail food license issue by Kingwood Township”.

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

CORRESPONDENCE

PRIVILEGE OF THE FLOOR

A. Belle was present this evening to have some issues discussed with the Board of Health. He has obtained a well drilling permit for Lot 17.05 using subscript 3. The Planning Board met last night and stated they would not be going against the Board of Health. He is requesting the Board of Health issue official correspondence to the Planning Board to indicate he does not have to complete the aquifer test prior to the issuance of a building permit as indicated in the approving resolution adopted by the Planning Board. He has a permit to drill a well but the Planning Board has disregarded his certificate. The Planning Board does not have the right to supersede the Board of Health's authority. D. Pierce is indicating the gallonage indicated in subscript 3 is calculated on all three of the lots. The Planning Board has refused to move on this issue. At the Planning Board meeting, J. Mathieu indicated he had a copy of last month's Board of Health minutes and they indicate J. Kopen is reviewing your concerns. When he reviewed the minutes, they indicate J. Kopen is

reviewing the entire ordinance for consistencies and inconsistencies. He was informed draft minutes are not available until approved. He did not see any comments regarding J. Kopen in the May minutes. He feels J. Mathieu's comments were what convinced the Planning Board from taking any action on the well issues. He indicated J. Mathieu stated the attorney is on record in the minutes that she is reviewing all of your concerns so the Planning Board remediated the issue to the Board of Health. He has been subject to a huge undue hardship because of all of this nonsense between the two boards. It is for the Boards and their attorneys to figure out. He stated this is serious. He stated if reviewing Applicability Table #1 within 153-25, which deals with the subdivision of two or more lots, subscript 3, excludes the remaining lands. It is very clear that he can apply for the three part pump test because the limitation is not a restriction by the Planning Board. 200 gpd per bedroom is the requirement. He inquired why the Planning Board attorney is trying to make interpretations. He stated D. Pierce's interpretations are not consistent. They invalidate each other. He understands if the Board does not want to take any action this evening because there is no legal representation present. He is requesting the Board of Health attorney come back with her findings as it is written today. He is losing a sale with all this nonsense. Both of the Boards are fighting over something that is clear cut. He is losing substantial monies at this time. He is requesting the Board of Health attorney review his concerns and ask the Board of Health to convene before the August Planning Board meeting. He stated the Board of Health meeting is after the Planning Board meeting. His buyer wants to start as soon as possible. He is requesting the attorney to come back with a recommendation immediately and the Board of Health convene a special meeting before the August Planning Board meeting. He stated the recommendation should be the Planning Board interpreted the ordinance wrong and the resolution needs to be amended. He is officially requesting the Board of Health attorney make her findings so he can bring them to the Planning Board. He needs to send out public notices to the surrounding owners to advise them of his appearance before the Planning Board.

M. DeSapio requested A. Belle provide his concerns in writing for the Board of Health attorney to review.

The Board was in favor of scheduling a special meeting if the attorney's response warranted one.

J. MacConnell requested permission from the Board of Health to purchase five booklets at a cost of \$10.30 each of the Two Part Pump test pamphlet. All members were in favor of the expenditure.

ADJOURNMENT

It was moved by S. Stryker, seconded by R. Phillips and carried to adjourn the meeting at 9:31 PM. All members present voted **AYE**.

Respectfully submitted,

s/Diane Laudenbach

Diane Laudenbach, Secretary