

MINUTES

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

CALL TO ORDER

The meeting was called to order at 8: 00 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, Courier News 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 32, Lot 8 – Barbertown Idell Road – Septic Waiver

J. Symonds of Biggs Engineering was present for the application this evening. The property contains an existing dwelling with a failing septic system. The system is currently located behind the dwelling. The dwelling and apartment are unoccupied. The existing septic has some evidence of effluent on the surface. The system is failing. They performed the soil logs to the south. Another test pit done close to the road was performed but encountered rock at 12". The entire testing area hit a high water table of 16", which is technically, under the definition, an artesian condition on the site. The testing was done in December. The house is at least 50 years old but there seems to have been some work done on the system. He has worked in the township for about 20 years and has had no problems with prior systems. He has constructed them with no permeability. They have to be built large enough. There are three bedrooms on the property. There is no way the two units will have the flow required by the state. It gets to a point of where you cannot afford to install the system. The system could have been designed on K-4 design but was designed on a K-2 design. A K-4 design requires 1.61 sq ft per gallon per day and a K-2 system is 2.5 sq ft per gallon per day. There is one septic tank by the garage. The design is twice as big as a 4 bedroom disposal field. There is an alarm installed in the house as well as a septic circuit. The alarm and septic system are on two different circuits. In response to a question from a board member regarding an operations manual, J. Symonds responded the Hunterdon County Health Department hands out a pamphlet to advise the average homeowner about septic systems. In regard to the pump tank, people usually know if they have one. Pump tanks are the last resort and have no filters. The County Health Department will inspect the existing tank to make sure it is not leaking. K. Fields is installing the system. A filter can be installed in the outlet at the PVC baffle on the septic tank. It prevents any solids from leaving the tank. It is one more maintenance issue. With a pump tank, it is possible to get some solids in the field and destroy it. If the system is properly maintained, a filter is not needed. There is a note that no garbage disposals are permitted. The proposed system is upgradient of the well. The well is located under the front porch. The wetlands on the lot are located approximately 100' beyond the old septic system. The lot is 10 acres

and the 3 acres up front are dry. Since it is an expansion it does not have to meet the letter of the code in all requirements. The site cannot be expanded. If the apartment is torn down, two bedrooms could be added to the dwelling. He stated the filters do not have to be maintained if the system is pumped on a regular basis. He stated filters with alarms are available.

It was moved by P. Lubitz, seconded by T. Kratzer and carried to grant the following waivers:

The regional water table has been determined to be 16" which is greater than the maximum level allowed by code of 24" from the existing grade. There will still be a minimum of 48" of separation from the regional water table and proposed level of infiltration, and

There is not a 48" separation from the regional water table and bottom of the hydraulically restrictive horizons, therefore, according to 7:9A 5.8(f)3, an artesian condition exists, and

The system must be pumped every three years, and

The installation of a filter with an alarm is required.

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

Approval of Minutes

It was moved by M. DeSapio, seconded by R. Phillips and carried to approve the minutes of June 16, 2010. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer, who **ABSTAINED**.

CORRESPONDENCE

M. DeSapio reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

A. Belle noted the agenda was not on the website this afternoon. His observation while reviewing the tapes was that you can barely hear some of the board members and it is mostly static. Most of the time you could not make out what the public has said. He is not sure if different microphones are needed or if the duplication has degraded the quality. He stated he would like to have his concerns from last month reviewed this evening.

P. Lubitz inquired if privilege of the floor provides for discussion with the board or for public comment. M. DeSapio responded during privilege of the floor anyone in the public or a board member can raise an issue. P. Lubitz stated privilege of the floor is for a person to make a comment. M. DeSapio stated it is the Board's discretion on how to handle privilege of the floor as a Board. M. DeSapio further stated A. Belle brought up a lot of points at last month's meeting and if T. Kratzer feels comfortable with addressing any of this points this evening, he can. T. Kratzer stated he wished A. Belle would have brought these issues up earlier. T. Kratzer stated there were three changes that were amended from the existing well ordinance.

A. Belle responded he has tried to obtain information ahead of time but the secretary was informed by the Board attorney that the ordinance could be released only after introduction. He stated this was the first public notice regarding any changes to the ordinance since last June. The ordinance did not indicate what actually changed from the prior version. He was unable to analyze the changes between the existing one and recently adopted one. He commented the public is not available to see the drafts. He stated he has been asking questions since last March. He has brought his concerns up to the Board almost monthly. One of the big things

he is requesting the Board to reanalyze, which has been added to this revision, is the agricultural use to the daily demand. There are 557 residences that contain 4 bedrooms and represent 36% of the tax base. The way the ordinance is written those 557 residences cannot add animals to their properties. The ordinance is stating, regardless of the size of the property, you cannot have a swine or horse because you have a 4 bedroom house and the use will be over the 800 gpd and you will be required to perform an aquifer test.

T. Kratzer responded animals or livestock have to be incorporated into the analysis of the water use on the property. Agricultural water uses are evaluated when households are dependent on the same well-water source.

A. Belle responded the calculation is based on what is within a lot. You will have to do an aquifer test if you construct a home with an apartment. The usage is based on the use of the lot. You can have a separate dwelling but it would be on one lot. You cannot just add different wells. There is a total yield on the property. He is not disagreeing that animals could put in extra demand. The 800 gpd is a concrete number for this purpose. The 800 gpd is predicated on the 4 bedrooms and 557 residences are locked out from having animals.

T. Kratzer responded the well can be used for agricultural purposes but if it is attached to the dwelling, total usage must be considered so there is enough water for drought conditions. There is a lot more water used for agricultural purposes in the summer. Water use is based on the State of New Jersey, Department of Environmental Protection, NJAC 7:10. On page 66 of the regulations, it indicates the different water usages and what is associated with those uses. The average daily per person consumption is indicated as 100 gpd. It does not include the peak- day demand which is 200 gpd per person. He stated the New Jersey Geological Survey does not use site specific testing. It is based on regional averages. Excluding frozen soils and evapotranspiration, the greatest recharge potential would exist during March and from October through January.

A. Belle stated an acre of corn transpires 3,000-4,000 gallons per day and a tree 40,000 gallons per year. If a farmer comes in and subdivides 2 acres of his corn field and constructs a single house, Kingwood would have a water gain since a house does not use as much water.

T. Kratzer responded you must review the impervious surface on the house and the darker colors of the roof and driveway. A lawn will evaporate more than a corn stalk. There is a lot more growing season for grass than corn. It is happening year round in a lot of cases. It is a different scenario because of the surface area.

A. Belle responded the Planning Board is dealing with stormwater with drywells so the water is not a complete loss. T. Kratzer agreed. A. Belle stated the E. Amwell ordinance allows a 2,000 gpd threshold.

P. Lubitz stated the discussion is moving past clarification and towards general disagreement. He stated an explanation of the calculation in the ordinance has been provided. He is not seeing where this is going. He requested A. Belle to move on to another issue. The Board has given him a half hour and has been more than reasonable.

A. Belle stated T. Kratzer was not here last month and he would like to finish his statement.

P. Lubitz requested the Chairman to rule on his point of order. M. DeSapio responded he does not see any problem with A. Belle speaking. If any of the Board members do not want to respond, they have that option.

T. Kratzer requested A. Belle limit his discussion to a couple more questions.

P. Lubitz suggested A. Belle and T. Kratzer speak after the meeting.

T. Kratzer responded E. Amwell had their own criteria and he has not reviewed their calculations. He suggested

A. Belle review their calculations and other information and bring it to his attention and he will go over it with A. Belle. It can then be brought up at the next meeting.

A. Belle stated their ordinance was adopted a year before the Township's and whoever adopted the current ordinance "cherry picked" some items from the E. Amwell ordinance.

A. Belle stated they are using 2,000 to 4,000 gpd but Kingwood's limit is 800 gpd. His overall concern is having a separate well for agricultural use does not alleviate the 800 gpd limit. The capacity of the lot is being considered not individual wells on the lot. It needs to be clarified. From his standpoint, a person that has lived here for all their life in a 4 bedroom home would need to install a new well because they want a new animal. This is supposed to be a rural community. If you buy a steer and have a 4 bedroom home, you will be required to spend \$25,000 on an aquifer test. If he built a 4 bedroom home, he would not be able to build a 4 horse barn unless he performs a \$25,000 aquifer test to get a building permit for the horse barn. It is unreasonable in a rural community. The ordinance affects people who have a barn and want to add an animal. The public is not aware of the ramifications of the ordinance.

Regarding agricultural water uses, T. Kratzer stated the website and references were in the notification. He has been looking for a reference that pertains to New Jersey but has not been able to find one. Pennsylvania has their own criteria and conditions for water use. In the Penn State document, he is not sure if they are referencing a farm hand or someone living on the farm when indicating the 50 gpd usage. The document would require further review.

A. Belle stated the problem exists with the 800 gpd threshold. E. Amwell provides for a 20% change in use before you hit the aquifer level of testing.

M. DeSapio stated a lot of research has been done in regard to the well ordinance. He inquired if A. Belle had any inclination to get involved in the well subcommittee. A. Belle indicated he has applied for a position on the Board of Health and Planning Board but his applications were rejected.

P. Lubitz stated most public bodies have a five minute limit on privilege of the floor. The comments made this evening have been heard over and over again. It is an adequate body of time to present their matter. He stated most Township Committee's have a five minute limit. He further stated having an unlimited time is unreasonable. It is not an appropriate way. If the subject would warrant an extension of the time limit, the Board can move to allow someone to exceed the five minute limit.

After a brief discussion, it was moved by P. Lubitz, seconded by R. Phillips and carried to permit 15 minutes for privilege of the floor.

ROLL CALL VOTE:

AYES – P. Lubitz, R. Phillips

NAYS – M. DeSapio, S. Stryker

ABSTAIN – T. Kratzer

ABSENT - None

ADJOURNMENT

It was moved by P. Lubitz, seconded by M. DeSapio and carried to adjourn the meeting at 9:29 PM. All members present voted **AYE**.

Respectfully submitted,

s/Diane Laudensch

Diane Laudensch, Secretary