

MINUTES

7:30 P.M.

PRESENT: J. Burke
M. DeSapio
T. Kratzer
R. Phillips
S. Stryker
J. Golden, Alt #1
V. Uhl, Township Hydrogeologist

CALL TO ORDER

The meeting was called to order by M. DeSapio at 7:38 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

Approval of Minutes

It was moved by M. DeSapio, seconded by T. Kratzer and carried to approve the minutes of March 16, 2011. All members voted **AYE** on **ROLL CALL VOTE**, except **R. Phillips**, who **ABSTAINED**.

Discussion on Well Ordinance

#12 – Definitions – V. Uhl responded New Jersey has been using 100 gpd for as long as he remembers. He stated Penn State has been using 50 gpd per person for daily demand. V. Uhl stated a couple of animals would not affect the water usage. The Board discussed different scenarios of how much livestock would be permitted with a four bedroom home. V. Uhl stated the peak demand is two times the average demand. V. Uhl commented 400 gallons per day is your average use and 800 gallons per day is peak demand.

A. Belle stated there are 547 four bedroom houses in Kingwood which would require an aquifer test if they wanted to have animals. He felt it was overkill for something that is already counted for in the average daily use. His well produced 16 gpm and is 200' deep. He cannot build his house and barn without doing an aquifer test. For wells that have higher yields, having livestock is a non-issue. Homeowners who have good water yields should not be penalized. Kingwood is a farming community. He stated there is no monitoring for the three part pump test of any additional wells.

J. Burke suggested the aquifer test would be triggered by the well yield on the initial three part pump test. If the well produced 2 gpm or more, which would give you the extra 100 gallons for livestock, it would enable the person to have livestock. If the well yield was less than 2 gpm, the homeowner would have to provide additional water storage for livestock or a barn.

V. Uhl stated there should be no need for an observation well for a single lot aquifer test.

V. Uhl will report back to the Board on the issue of single lots with animals and the water constraints or water requirements.

#36 – Definition – Seasonality - V. Uhl stated there is a fair amount of water level fluctuations in Kingwood. The fluctuations are one of the reasons for the seasonality testing. In some of the areas there are very low storage aquifers. He stated the seasonality puts in a safeguard and is a good practice in Kingwood.

#36 – Definition – Evapotranspiration - V. Uhl stated there is no recharge from July through October. Whatever rainfall occurs is going to soil moisture. There is recharge from November to the first freeze and then from March through June. Part of the rationale is looking at the worst case scenario when the ground waters are seasonally the lowest.

153-24(1) (a) – 10 or more gallons of water per minute – V. Uhl stated the ordinance does not provide a test method. The ordinance should provide a specific test method, such as the bucket and stop watch test. The ordinance could provide a one paragraph guidance for the well driller. V. Uhl will draft the appropriate language. The spirit is to allow a building permit outside of the four month window if the yield is 10 gpm or more. A seasonal pump is a good safeguard and would guard against a false positive. A. Belle stated by the time of the next seasonality period the house has been built. The Certificate of Occupancy is held up from November to July. He stated the homeowner runs the risk of having to put in a storage tank.

J. Burke stated the ordinance is for the new residents who are buying the homes and safeguarding their neighbors. It is not an unreasonable request to have a temporary Certificate of Occupancy and require the seasonality pump test but no Certificate of Occupancy can be issued until the well has passed the necessary parameters indicated in the well ordinance.

V. Uhl stated typically in a better yielding well there is less water fluctuation than in a lower yielding well.

153-24(1)(b) – Storage plan – V. Uhl stated there is no need for the township hydrogeologist to get involved the review of the storage plan. The well drillers can calculate the storage needs.

153-25(1)(1) - Table 1 – Existing improved or unimproved residential lot with a proposed daily demand of $\leq 800^l$ gallons. V. Uhl stated he will review it with the first item discussed this evening. The basis for the aquifer test when ≥ 800 gpd is that it is a safety concern for critical conditions (January through September). The recharge rate is approximately 1” over 10 acres (conservative recharge-area size).

153-25(1)(1) – Table 1 – Change in Use² that requires additional water when the total daily demand will be greater than 800 gallons, unless the well has been previously certified for the amount of water proposed. A. Belle stated there are 567 residences that have four bedrooms. If they want to have animals or another bedroom they would have to do an aquifer test. The margin of safety is already built in with the original requirements of 800 gpd. East Amwell provides for a 20% change.

153-25(1)(1) – Table 1 – Subdivision creating two (2) or more new lots – A. Belle stated when you look at East Amwell, they differentiate between a major and a minor. Most of the people who cut off a two acre lot need the money. They don't have the funds to do the testing and the ordinance is penalizing those residents.

After some discussion, the Board felt the differentiating of an agricultural subdivision and a regular one is an issue for the Planning Board.

153-25(1)(1) – Table 1 – Non-residential or multiple residence use ≤ 800 gpd – A. Belle stated East Amwell uses 2000 and 400 gpd. They feel it is a safe margin in the mountain zone. V. Uhl responded the geology is different. He stated in Mercer County, in the mountain area, they have fifteen acre lots.

153-28(1)(a) – Property Owner Notification – V. Uhl stated there hasn't been a need for a re-notification yet. He will work with the driller and homeowner. A. Belle stated the procedure is not clearly outlined in the ordinance. V. Uhl agreed.

153-28(1)(a) – Recourse if neighboring well is affected – V. Uhl stated the Township hydrogeologist would be addressing the issue. There have been no complaints as yet. A. Belle was concerned if a neighboring well was affected and would require additional testing, the seasonality time period would not allow it to be done in the same year. V. Uhl responded that is why there are a certain amount of observation wells. J. Burke stated no re-notification would be necessary just retesting.

153-28(3)(b) – Removal of qualified hydrogeologist - A. Belle stated it has been previously addressed.

153-29(1) Table #3 – Number of Test Wells Required – A. Belle inquired if the observation wells are on or off site. V. Uhl responded for two lots, it would be the two wells for those two lots. There are no offsite wells.

153-29(6)(a) – Use of Existing Wells as Observation Wells – Property Owner Notification – A. Belle inquired what was the basis to require notification to owners of existing wells within 2500 feet of the subdivision/site plan boundary. V. Uhl stated all the municipalities in Hunterdon which have well ordinances have notification requirements. J. Burke inquired if it was practical to change the radius. A suggestion was a major would require notification for 2500 feet and a minor would be 500 or 1000 feet. The test requirements would depend on the density of the area you are building. It is possible in 500 feet you could have 20 houses.

153-29(11)(e)(ii) – Observation Wells – A. Belle inquired how the 5' drawdown was determined. V. Uhl stated it is pretty common in most of the ordinances in the County. V. Uhl stated it would be the burden of the applicant's hydrogeologist to make the argument that with a 5' drawdown that well can still be utilized. J. Burke suggested the language of "upon review by a professional hydrogeologist, the well can be approved." V. Uhl will provide the language.

153-29(11)(g)(iii) – Water Quality – Ground Quality Monitoring Program - A. Belle stated it is possible, with a three or more lot subdivision in an aggregate of 10 years, the owner would not own the lot in the downgradient position. J. Burke suggested it would still be classified as a three lot subdivision but the monitoring well will be on the lowest point of the property still owned by the developer which would require notification to the other owners. He stated it would be a very rare and extreme situation that many never happen but the issue needs to be clarified. A. Belle stated the requirements are overly punitive of a farmer who might need cash.

153-29(11)(g)(iii) – Water Quality – Monitoring – A. Belle inquired about the 12 year requirement for water samples. T. Kratzer stated the ordinance provides for six samples over 12 years, staggering the seasons. The testing requirements are not every year at the same time but rather every other year during the same season which

would provide the trends on a seasonal basis over 12 years. He suggested the testing parameters should be added to the ordinance.

153-35(6)(a) – Escrow for Rehabilitation and Monitoring - After some discussion, it was determined J. Kopen would review the language to indicate the \$3,000 would be a one-time fee.

153-35(6)(b) – Escrow for Water-Quality Monitoring - After some discussion, it was determined J. Kopen would review the language to see if it would need to be replenished. The language needs some clarification.

153-35(6)(b) – Water Quality Monitoring – A deposit of \$2,800 into escrow shall be required for each new well. A. Belle suggested the wording “monitoring” should be inserted before “well”. T. Kratzer stated the escrow is to be held for 12 years for each new well so the meaning is each new lot. It would provide enough funding to do the monitoring for the 12 year period. V. Uhl inquired if the owner is hiring a consultant to do the monitoring what is the purpose of the escrow. T. Kratzer responded it is to cover the sampling and analytical testing. J. Burke stated the intention is if the owner did not do the testing, the Township would have the funds to perform the testing. V. Uhl responded \$2,800 will not be sufficient to do 12 years of monitoring. A. Belle stated the escrow is for the review of the monitoring reports submitted to the Township and for the Township to review the data. V. Uhl stated the private well test requirements focus on drinking quality. The monitoring would be focused on the septic input. Nitrates are the big indicator that there might be a problem.

A. Belle stated his greatest concern is about the 800 gpd being a hard limit and not being able to have animals. V. Uhl responded he will review the numbers and provide a suggestion to the Township.

T. Kratzer stated references should be cited in a list rather than having them throughout the text.

CORRESPONDENCE

M. DeSapio reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by M. DeSapio, seconded by J. Burke and carried to adjourn the meeting at 9:31 PM. All members voted **AYE**.

Respectfully submitted,

Diane Laudenschach, Secretary