

**MINUTES**

**PRESENT:** D. Haywood  
J. Lutz  
J. Mathieu  
T. Siano  
J. Strasser  
S. Zdepski  
J. Harabedian, Alt. #1  
L. Herrighty, Alt. #2

**ABSENT:** J. Abel  
M. Augustine  
R. DeCroce

**CALL TO ORDER**

The meeting was called to order by J. Lutz at 8:02 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.

J. Lutz moment of silence for one of the board members who passed away this week, William Augustine.

**NEW AND PENDING MATTERS**

Approval of Minutes

It was moved by L. Herrighty, seconded by J. Mathieu and carried to approve the minutes of October 10, 2006. All members present voted **AYE** on **ROLL CALL VOTE**.

Resolutions

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2006-36 – Perrotti – Block 7, Lot 14.10 – Extension of Time to File**. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2006-37 - Honeymar – Block 26, Lot 4 – Extension of Time to File**. All members present voted **AYE** on **ROLL CALL VOTE**.

## Applications

Zgurzynski/Hinrichsen – Block 28, Lot 12.03 – Extension of Time to File

J. Zgurzynski and P. Hinrichsen were present for the matter this evening. P. Hinrichsen requested an extension of time to file the deeds.

It was moved by D. Haywood, seconded by J. Strasser to grant a 60 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Smith – Block 37, Lot 9 – Extension of Time to File

P. Smith stated he is requesting his second extension of time to file the deeds. His wetlands application has been sitting at the DEP for over nine months.

It was moved by L. Herrightly, seconded by D. Haywood and carried to grant a 180 day extension of time to file. All members present voted **AYE** on **ROLL CALL VOTE**.

*J. Lutz recused himself from the following matter. D. Haywood chaired the matter.*

Keegan – Block 15, Lot 2 – Minor Subdivision

L. Roth, attorney, and Mr. and Mrs. Keegan were present for the application. The application is to subdivide their existing lot into two lots to allow the two existing houses to be on two separate lots. Mr. and Mrs. Keegan live in one of the homes and their son in the other. The subdivision allows for flexibility in the future.

It was moved by J. Mathieu, seconded by T. Siano and carried to approve the above application with conditions. All members present voted **AYE** on **ROLL CALL VOTE**.

*J. Lutz resumed his seat on the board.*

Deer Run/Equestrian Village – Block 12, Lot 31 & Block 14, Lot 28.02 & 30 – Continuation of Public Hearing

J. Lutz announced this is a continuation of public hearing from October.

D. Pierce stated P. Althoff, Township hydrogeologist, was present for the matter this evening. C. Silakoski, engineer, was present in the place of Planning Board Engineer, R. Lorentz.

D. Pierce swore in both of the above professionals.

F. Wisniewski stated the applicants covered a lot of ground at last month's meeting. There is one open issue remaining. The applicants will be presenting an overview to confirm that each of the two developments will have sufficient water. Each individual house will have to have the well approved by the County Health Department. It is a reasonable probability the applicants will be able to supply water to these developments.

D. Pierce swore in J. M. Zdepski.

J.M. Zdepski is a geologist from Flemington, NJ. He provided his credentials to the Board. J. M. Zdepski testified, for the Deer Run application, he installed four test wells which will be converted to domestic supply wells. The wells were used to form a pumping test which withdrew the calculated amount of water the subdivision would demand in a day and the other wells were tested for interference. Individual wells were subjected to a three part pump test. Calculations show there is sufficient water to provide Deer Run with an adequate supply of water. The report he submitted was reviewed by the hydrogeologist, with her concurrence there was sufficient water. On the Equestrian Village project, he has submitted a pumping test proposal and has had some discussion with P. Althoff on the form the pumping test should take, as far as the location of the wells and the portion of the geologic formation that would be tested. Well permits have been issued. W. Stothoff Company has dug 8 or 9 wells with 2 more left to go. Based on the testing already done and the information provided by the well drillers, all of the wells that have been installed have been very good performing wells. The lowest yield was 20 gpm and the highest 100 gpm. The projection of the probability of water is there is sufficient to handle the Equestrian Village subdivision. The only interference testing performed for the Deer Run application was the well at the Clinton House well. The pumping test for Equestrian Village will be conducted after the wells have been completed, probably sometime in the month of December.

F. Wisniewski stated the settlement agreement, Exhibit D, sets the protocol and testing procedure for Equestrian Village well testing. The applicants sent out a notice to everyone within 2500' of the Equestrian Village and anyone within 500' is entitled to have the owners of Equestrian Village reimburse them up to \$3,000 to monitor their own wells during the interference testing. They will be provided with at least 30 days notice. The residents would have to hire their own consultants. Different letters were mailed to the people within 500' and 2500'. He has received one request for monitoring from Mr. Blecher. After the requests to participate have been received, P. Althoff will review the particular parties request and she will determine the wells that should be tested along with the other wells. All would be reimbursed up to \$3,000.

J. M. Zdepski stated there is a required number of monitoring wells that are keyed to the number of lots of the development. The applicants were able to utilize the wells on-site for the Deer Run subdivision. The selection of wells, off-site, would be conditioned on a number of things, an inadequate condition of the well, owners not wanting to have their wells tested or a wrong geological orientation to give a meaningful result. There is no need to have an off-site well tested given the size of the property.

J. Mathieu inquired if there was no need to have an off-site well tested, why were notifications mailed to the surrounding residents. F. Wisniewski responded the notices were sent as a result of the negotiations of the settlement in order to satisfy some concerns from the adjoining property owners. The applicant will reimburse anyone within 500' of the outbound of the property to have their well tested. After the hearing by the Board of Health, the Board of Health requested property owners within 2500' should be notified. The agreement provides, if someone within the 500'-2500' zone, wishes to have their well tested, P. Althoff will be the one deciding which wells will be chosen and be reimbursed by the developer. J. Mathieu inquired what was meant if the well was substandard the cost would have to be borne by the homeowner to bring it up the standard. J. Zdepski testified a substandard well, one that is in a pit, will have to be brought 18" above ground level. J. Zdepski testified the report on the well testing will be ready around the first of February. They are still waiting to install two wells. The completion is weather dependent. In response to J. Mathieu's concern about the process involved in the hiring of a professional, F. Wisniewski stated the notice informs the residents they will need to hire a hydrogeologist and a well driller. F. Wisniewski stated 175 people were notified within 2500' of the outbounds of Equestrian Village. P. Althoff stated in response to obtaining professionals for monitoring, most people would not know who to call. Most people might contact a well driller. There are two things necessary for the wells to be tested, one their well needs to be opened by a licensed well driller, brought up to standards and an instrument lowered into the well to measure the water levels. Generally, well drillers, do not

have the required instruments. The data has to be interpreted by someone and the well has to be chlorinated and closed by the well driller. The pump test will take up to 24 hours. The testing is designed to produce all the water for a peak day within a 24 hour period for all the houses in the project. The pumping phase cannot be any longer than 24 hours. F. Wisniewski stated the monitoring device has to be installed at least 24 hours before the testing and remain there for 24 hours after the test. J. Mathieu stated the notice indicates a resident could not use their well for 84 hours. J. Zdepski testified, 72 hours is necessary, 24 hours of background monitoring, 24 hours monitoring of the pumping and 24 hours of the recovery. P. Althoff stated normally, off site wells, are not monitored for background or recovery for 24 hours. It is not her requirement the wells not be used during the testing. J. Mathieu stated there is a discrepancy in the testimony. New notices will have to be sent out. The Township's professional, P. Althoff, stated the residents do not have to go without water for 4 days. F. Wisniewski stated the applicant has no control over when their professional can come back, purge and chlorinate their wells. The applicant wanted to give the residents the worst case scenario. D. Pierce stated the testimony spoke about the need for chlorination of the wells as part of the process. Can P. Althoff clarify when it is done and what is involved? P. Althoff stated the chlorination of the well is done after the well is closed and the testing is complete, after the recovery period and the monitoring device has been removed from the well, the well driller chlorinates the well, fairly lightly. The homeowner is then instructed to run the water through their faucets until they don't smell the chlorine any more. It is best to let it sit overnight. The purge should be about one to two hours.

J. Lutz stated possibly we could wait and see what the response to the notice is and then send out an explanation. D. Pierce stated the issue that is being raised is the way the notice is written, it may discourage people from responding in the first place and opting into the program. S. Zdepski expressed his concern that if the current terminology was not used and if some of the wells did take 60, 70 or 80 hours to complete, the homeowner could say they didn't want to be without water for so long. D. Pierce stated his impression, from listening to P. Althoff, was that the actual aquifer test and pumping test will be conducted for a 24 hour period. During that 24 hour period of pumping the wells on the property, the outlying wells will be monitored to see if there is any affect on the wells. As soon as the 24 hour pump test is completed, the observation wells can be taken off the test, the instrument removed from the well, the well closed and chlorinated. The well could be used within 24 hours of the test. The well could not be used during possible repairs of bringing it up to code or the chlorination. P. Althoff stated the well can be used during the chlorination for showering, washing the floors or various other things but they cannot drink it. F. Wisniewski stated P. Althoff can provide her comments to him for another letter clarifying the requirements and restrictions for the testing. The additional letter will not be sent certified. A poll was called for the Board members and all were in favor of sending an additional letter containing P. Althoff's comments. After a lengthy discussion, it was decided the applicant will send a new letter, reviewed and approved by P. Althoff, certified mail to the residents of the original mailing.

F. Wisniewski stated he has covered all the issues and is requesting the board, in accordance with the settlement agreement, to take action on the preliminary and final approvals for Deer Run and for preliminary approval on Equestrian Village.

P. Althoff stated the ordinance requires that a pumping test plan be submitted before the pumping test is performed. The pumping test plan was submitted with the original pumping being conducted on September 14, 2005. On October 13, 2005, she submitted a letter to the applicant stating the pumping test plan was not approved. On October 31, 2005 she approved a revised plan and the testing was conducted and a new report submitted by JMZ Geology. She issued a letter on July 17, 2006 requesting some additional clarification. Ultimately, the pumping test did meet the requirements. The arsenic is high in one of the wells and in several of the other wells. Water treatment might be needed on some or all of the wells, possibly for hardness and manganese removal. Since the 3 part pump test will be done on the Equestrian Village development for their

building permits, a water analysis should be done. It should be noted in the deeds and for the County Health Department.

Questions from the Public for P. Althoff and J. Zdepski:

P. O'hea questioned about the legal recourse in case the development should affect his well. F. Wisniewski stated there would be no need for litigation to receive remediation for their wells. The Township hydrogeologist is the person who will be making the final decision of any type of reimbursement. P. O'hea commented if the reimbursement will cover accommodations. F. Wisniewski stated the reimbursement is for the services of their consultants, well driller and hydrogeologist.

D. Felshow inquired if they choose not to have their well monitored and something happens to their well in the future, as a result of the development, would they still be eligible for remediation reimbursement. F. Wisniewski responded yes.

As a result of comments from several members of the audience, F. Wisniewski stated there will be no testing between December 23<sup>rd</sup> and January 1.

C. Beidelman inquired if an additional 30 days notice would be provided for the residents to arrange for professionals for the testing after the second notice is mailed. F. Wisniewski stated the range of dates would not begin sooner than 30 days from the date of mailing of the second notice. C. Beidelman expressed her concern that \$100,000 would not be sufficient to cover the remediation on several wells, if necessary. F. Wisniewski read from the Exhibit D of the settlement agreement regarding the provisions given to the residents in case their well should be affected by the development.

A. Hauck commented on the type of soils present in the area and what constitutes interference. P. Althoff stated it is not a cut and dry matter, yields and recovery would have to be reviewed.

R. Dodd inquired if the applicant's professional could provide a geology lesson about the area. J. Zdepski responded bedrock is planter elements that dip toward the Delaware River and trend north/south. There are both bed-plain fractures and one that cross the bed plains. J. Zdepski stated he has performed a nitrate model for the soils. 2.1 to 2.6 acres are adequate for nitrate dilution to achieve the non-degradation policy. Hunterdon County's average is 2.7 acres. The pump test is based on 3.5 persons per dwelling. J. Zdepski agreed to provide P. Althoff with a copy of his nitrate dilution model. R. Dodd asked J. Zdepski relationship to the Mayor. J. Zdepski responded he is a cousin of the Mayor. R. Dodd inquired what type of notification would be provided to the homeowner if they were chosen to have their wells tested. F. Wisniewski stated they would receive a notice and phone call.

S. McNichol inquired if the nitrate dilution model was done on computer or physically done in the field. J. Zdepski stated it was a spreadsheet from the DEP. The parameters were based on the soils in the area, weather and the number of occupants of the house. S. McNichol inquired if all the testing will be done in one day. J. Zdepski stated when the aquifer is stressed, all the wells have to be monitored at the same time. S. McNichol commented prior to the letter going out to the residents, it should be reviewed by D. Pierce to make sure all our interests have been addressed, including the cost to the homeowner and the deadline.

F. Wisniewski stated the date of testing will be between 1/2/2007 and 1/31/2007. As soon as the exact date is known, a call will be made two weeks in advance with the exact date. He suggested the residents start obtaining their own professionals.

E. Baumlin inquired what would happen if it seems as if the development will affect several wells. F. Wisniewski responded the matter will be discussed at the final hearing on Equestrian Village. The hearing might possibly be held in March 2007.

T. Olszyk stated he has not received any of the letters and was concerned about blasting. J. Lutz responded there was no provision of blasting on the well part. D. Pierce stated to P. Althoff, who was not at the last meeting and not aware of the discussion on blasting, that a review of the soil data indicated bedrock is close to the surface in some areas and the residents were concerned of blasting for the installation of the basements. There was considerable discussion and requests by the audience that the applicant agree that they would not do any blasting, because of the impact on the wells. F. Wisniewski stated he was not sure whose name was on the list but would go back to the office and check. P. Althoff stated, as far as blasting for roads and basements, these types of charges are for a limited extent. It is not her expertise. Wells have a 50' of casing and blasting is not allowed for wells.

J. Pandy inquired about where the test wells were drilled on the Deer Run property. J. Zdepski indicated the area on the displayed map, Lot 1, Lot 2 and Lot 18.

D. Pierce stated the applicant is requesting the Board to take action on Equestrian Village. The only testimony given on that application was given tonight. At last month's meeting, the presentation was on the proposed Deer Run development. M. Mayhew did not testify on the Equestrian Village development. Heritage Consulting Engineer's memo indicates a number of items that are similar between the applications. The memo indicates there are new drawings, which have been delivered to R. Lorentz, revised October 25 and signed November 2. Sheets 1 through 25 have been revised and have not been provided to the Board or public at this time. With those issues, it would be his recommendation that it was not appropriate to take any action on Equestrian Village. In regard to Deer Run, there were numerous sheets of the plans that were revised on October 23 and signed on November 1. They have not been presented to the Board members or the public. There has been no testimony offered on the changes. The applicant has not adequately demonstrated the Stormwater Management criteria. The Board needs to have all the information before them to make a decision.

F. Wisniewski stated he has the memo and is ready to respond to the letter. If additional testimony is required on the Equestrian Village plan, his professionals are ready to give the testimony. Equestrian Village recognized the well testing report would not be done until after the first of the year. The settlement agreement provides for approval within 90 days of submission on Deer Run. Equestrian Village requires approval within 90 days of submission, without the well reports being submitted.

M. Mayhew stated the changes to the plan are very minor. They involve feed back and site lighting to be limited to one light at Horseshoe Bend Road. The roadway layout did not change, the lots did not change and the lot lines did not change. They have consolidated two of the stormwater basins to incorporate as many BMPs as possible. The minor changes affect more than one page on the plan. On the Equestrian Village plan, the revisions are minor, the same number of lots and roadway layout. They incorporated two detention basins into one. The changes mainly impact calculations on stormwater discharge.

C. Silakoski stated the stormwater management is a more natural approach with less disturbance. The applicant reduced the area of disturbance to preserve more of the natural area. The maintenance manual was added to one of the pages. The applicant included the manual as a separate sheet in an effort to resolve some of the technical issues. Once the preliminary is voted upon and the Board agrees to the layout and concept, another set of final construction plans would be produced. It will deal with issues that are relative to the construction not

necessarily to the layout. C. Silakoski stated she felt the plans should come back for Board approval between preliminary and final. C. Silakoski requested responses to the items in the letter. The applicant has not provided testimony on certain items in the letter, particularly the outside agencies, such as consulting with the fire company on the location of the fire tanks. F. Wisniewski stated the applicant feels 2 tanks are sufficient and three would not be necessary. M. Mayhew provided a copy of the detail of the underground storage tanks to the Board. The tank would hold 20,000 gallons of water. They will be placed on a large slab with hold down straps. The tank would be placed off road "A" in Equestrian Village near Horseshoe Bend Road. F. Wisniewski stated the fire company would fill the tanks initially and keep them filled.

D. Pierce stated the settlement agreement provides, if the well testing for Equestrian Village is not completed by December 31, 2006, the Board would grant preliminary approval subject to satisfactory well testing. D. Pierce stated on Equestrian Village, there is a disturbance in an area with a 25% slope, which is prohibited by the Township ordinances. It is the middle, southern portion of R. Oakes' current lot. There may also be an area of disturbance of steep slope greater than 25% for road "C" at the southern area. M. Mayhew responded the area is on the road "C" southern portion near Lots 4 & 5. It is in relation to roadway construction. The ordinance prohibits the disturbance on the construction of a lot. The applicant should request a waiver by the Board and offer testimony. It seems the relocation of a detention basin was in an area greater than a 25% slope. D. Pierce stated, if the Board chose, they may take action tonight. The applicant should address all the points in the Heritage Consulting Engineers memo. F. Wisniewski responded Item A, 1, 2 & 3, will be provided. B 1 will comply with all the regulations. B 2 has been accomplished. B 3 & 4 will comply and provide the information. M. Mayhew testified there are six detention basins that could not go below the infiltration level. The soils were in rock and fractured. The infiltration numbers will not change if it is excavated another foot lower. They did hit some restrictive stone. There are notes and details on the drawings of their plans to cut through the restrictive zone and work with the Township engineer for final details. F. Wisniewski stated B 6 they will comply with and B 7 indicating drywells are a better way to address that item. C. Silakoski stated drywells are fine but would like more information on the porous payment. M. Mayhew testified they do not propose any porous payment on the site. They have considered it but are not planning using it on some swales on the driveway. On B 8, the existing lane will be removed, proper grading installed to meet the new DEP goals. F. Wisniewski stated C 1 A & B will be provided. M. Mayhew stated C 1 will be provided and 2 A will meet RSIS standards. On 2 B & C, they will work with the Township engineer, with a slight modification to the roadside swale to minimize disturbances. F. Wisniewski stated C 1 d will be complied with, D 1 will work with the fire company, D 2, 3 & 4 will be complied with, D 4 all applications were submitted and the DEP requested minor modifications.

M. Mayhew testified new plans have not been resubmitted to the DEP. Equestrian Village was submitted with a request for a stream encroachment permit. They have met with the DEP on the matter. They have received approval for Deer Run from the Hunterdon County Soil Conservation District and conditional approval from the Hunterdon County Planning Board. The approvals are from 2005 and the wetlands permit for Deer Run was from 2006.

F. Wisniewski stated, in regard to B 7, pavement for the drywells, the applicant's engineers will work with the Township engineer. There are two potential solutions, swales or porous pavement in the drywells. They will discuss it with the Township engineer and determine the best solution.

D. Pierce stated the Board can require the applicant to resubmit the plans and have Board review prior to acting on preliminary approval or rely on Heritage Consulting Engineer's review of the changes. The approval can be conditioned on the satisfaction of these items with final plans being submitted at their final approval hearing.

F. Wisniewski will discuss with the fire company the requirements of the water storage tanks and the applicant will be bound by the determination of the fire company. P. Althoff stated the responsibility of making sure the tanks remain filled is a problem. Her experience is the tanks should have a dedicated well, pump and system that measures the level of the water in the tank. She suggests this method for maintaining the water level.

D. Pierce stated the Board was in compliance with the settlement agreement. They have until the December meeting to act on Equestrian Village. His opinion is there has not been adequate testimony for Equestrian Village for the Board to act. The Board does not have time this evening to deal with testimony on Equestrian Village. Originally the application indicated there were going to be horse trails and a common stable area. No testimony has been offered on those matters.

F. Wisniewski stated the applicant's have responded to the questions and are ready to present Equestrian Village this evening. They could probably do it in about a half hour. Possibly, a second meeting could be held between now and the end of the year. After a brief discussion, it was decided to postpone the Equestrian Village to another meeting.

It was moved by D. Haywood, seconded by S. Zdepski and carried to grant preliminary approval for the Deer Run project with conditions. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who voted **NAY**.

### **Special Meeting**

After some discussion, it was decided to schedule a special meeting for November 28, 2006 beginning at 8:00 PM.

D. Pierce announced the continuation of the Equestrian Village and Deer Run applications will be adjourned until November 28, 2006, with no further public notice.

### **Deer Run/Equestrian Village – Road name plan**

D. Pierce stated the applicant will have to apply to the Historical Society for input.

### **Ordinance No. 13-36 -2006 – Recommendation to Township Committee**

D. Pierce stated the proposed ordinance is exempting Class II from the growth share obligation but they are still subject to the development fee. It is \$31,500 per lot for a growth share obligation. Class IIs are only exempt if they are developed only every three years. They are still subject to the development fee of 1% of the assessed value of the improvements.

It was moved by J. Strasser, seconded by D. Haywood and carried to recommend adoption of proposed Ordinance No. 13-36-2006 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

### **2007 Budget Request**

It was moved by D. Haywood, seconded by J. Strasser and carried to request \$30,000 for the Planning Board Other Expense budget for 2007. All members present voted **AYE** on **ROLL CALL VOTE**.

**Kingwood Township Fire Department – Request for Water Source Ordinance**

D. Pierce stated the letter is for informational purposes. It is addressed to the Township Committee.

**CORRESPONDENCE**

J. Lutz reviewed as per the agenda.

**PRIVILEGE OF THE FLOOR**

R. Oakes inquired about COAH fees, who would be responsible for the Growth Share, the development fee, and responsibility for the homeowners association and dues. D. Pierce stated it should be addressed at the November 28<sup>th</sup> meeting.

C. Beidelman commented on the time frame for Deer Run. D. Pierce stated the Board is not going to grant approval unless it has all the requested information. If the applicant meets all the conditions of final approval, they are eligible to sell the lots.

**ADJOURNMENT**

It was moved by D. Haywood, seconded by S. Zdepski and carried to adjourn the meeting at 10:30 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**