

MINUTES

7:30 PM

PRESENT: T. Ciacciarelli
R. Dodds
P. Lubitz
E. Niemann
M. Syrnick
D. Pierce, Attorney

ABSENT: J. Mathieu
S. McNicol
L. Riggio
J. Strasser

CALL TO ORDER

The meeting was called to order by E. Niemann at 7:31 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 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

Mammaro – Block 17, Lot 8 – Route 12 – Conditional Use Application – Hearing

G. DeSapio, attorney for the applicant, was present this evening as well as the applicant, C. Hunkele from Accurate Waste Systems.

G. DeSapio stated he is seeking a determination that the applicant's proposed use is a permitted conditional use. He has reviewed the ordinance. The applicant applied to the zoning officer, who determined it was a permitted conditional use, for zoning approval. The zoning officer, based on the application, felt that the applicant should appear before the Planning Board for site plan approval. Since his applicant does not make any changes to the property, he feels the applicant does not need site plan approval. G. DeSapio stated D. Pierce agreed with him but stated the applicant needs zoning approval from the Planning Board. The applicant has submitted a history of the site and what the applicant proposes to do on the property. The applicant is willing to provide testimony of his proposed use of the site.

D. Pierce swore in Charles P. Hunkele. He is a principal of Accurate Waste Systems and Applied Waste Water.

C. Hunkele testified his business is septic pumping. He does not do any construction. He cleans and pumps septic tanks. He provides services to water and wastewater treatment plants. He is on contract with Frenchtown. Most of his services are performed in central and northern New Jersey. His company is called out

if there is a sewer main break. His services are offered 24/7 365 days a year. He does a lot of work with United Water and American Water companies. He hauls non-hazardous waste. He is licensed by the State of New Jersey and the DEP. Only residential septic can be co-mingled. The other waste from public utilities must be logged and separate. It is given has a source code which is unique to each facility. His company only provides transportation of the sludge and is not permitted to take the sludge back to the site. The only occasion when effluent might possibly be brought to the site is in an emergency pumping situation during the night which would be disposed of the next day. Staffing at the site will not be 24/7. His company provides pro-bono work for their community. It will be a satellite facility. The drivers, supervisor and one mechanic will report in the morning for work. This location would eliminate the need to dispatch someone from Morris County to come to this area for service. There will be two employees at the site on a daily basis. The work is emailed to the drivers. The drivers come and get their truck and go off the site to commence their activities for the day. There is a foreman at the shop with one mechanic. They only perform light maintenance. The heavier maintenance is done by Foley or Penske. There is an existing building on the site which exceeds his needs. It is 50' x 100'. It has heat, lights and water, which is everything he would need. The land has been utilized as by a landscape contractor since it was purchased. The building supported his construction activities. If he obtains approval to locate to the site, the landscape business will be removed in the spring of 2014. It is his intention to rent and then move towards an immediate closing. The map provided to the Board was provided by him and is a part of his application. The plat was prepared by C. Saladin, a professional and surveyor on May 10, 2013. The traffic would come into the site and the trucks would park on the gravel area which is between the building and the property line. There will be no changes to the building or the parking area. Immediately north of the building is a liquor store. The screen barrier varies in width with some sections up to 60' wide. He provided to the Board two photos he took which show the liquor store and screening. Heading east on Route 12 you cannot see the site at all and going west you can see the peak of the roof alongside one of the pine trees. Most immediate to the west of the pole barn is an agriculture area, one residence and one home, which has a heavy equipment repair building behind it. He provided to the Board additional pictures which were marked Exhibits A-1, A-2 and A-3 and taken earlier this week. Exhibit A-1 shows the property line closest to the back of the liquor store looking due west. The buffer area to the west contains some white pine and hemlock trees. Exhibit A-2 is further south of the westerly property line, almost to the end of Lot 7, looking due west at the continuation of the trees for screening. Exhibit A-3 is further south of the westerly property line, looking over at the end of Lot 7 and beyond that nothing can be seen from the property. The equipment shown on the pictures will be removed. Stored on the property will be 2 FARQ tanks, 1 dredge, 5 truck tractors, 7 truck trailers, 5 tank trucks (ranging in size from 3,500 to 6,000 gallons) and pumps and other equipment will be stored in the building. There will be approximately 20 vehicles on the site. The FARQ tanks are rented to utilities for temporary storage tanks for wastewater and water treatment plants. In the fall season, at wastewater and water treatment plants, there is a need to clean the lagoons, which is done by the dredge. It augers the sludge and pumps it into their trucks and trailers. There might be one extra straight and tractor truck on the site every day. He will keep some back up equipment on the site. There will be assorted pick-up trucks, which are service trucks, which will be stored inside the building. The bigger trucks will be parked outside. The bigger trucks have tri-axles. He has been in business with Accurate Waste System since the 1960's. His business has grown in the last couple of years. The average age of his fleet is probably 5 years. The life expectancy of the vehicles is 15 years. He is licensed by the NJDEP. His key employees are finger printed and have background checks performed. The NJDEP inspects his equipment. He is licensed by the DEP, which is renewed annually. All of his drivers have to follow strict DOT regulations. Safety meetings are held at all facilities. Employees are provided with appropriate training and credentials. The truck is a regular truck with an aluminum tank. The method of how the truck works is as a vacuum and air compressor. He had originally looked at a place in Raritan Township, Bass Transportation. The property did not fit the company's needs. This property seems to fit the bill being back off the road and with the liquor store in front.

E. Niemann stated the Environmental Commission's review indicated some wetlands on the property and inquired if there had been an LOI.

G. DeSapio responded his position is that it is an existing facility and he is not required to obtain an LOI. The applicant did have an environmental consultant do a review. The letter was marked at Exhibit A-4. It was a preliminary assessment. The environmental consultants review indicates there is no active wetlands where the buildings are located and if there was an application to modify the area further study would have to be conducted. Some of the existing facility is in the buffer area based on the on the environmental consultant. The applicant is permitted to continue the existing use. He is requesting the Board not require the applicant to obtain an LOI unless modifications are done to the site.

E. Niemann stated she is not sure that the site was actually granted site plan approval of the landscaping activity currently conducted on the site. D. Pierce stated he has no specific recollection.

G. DeSapio stated the owner has used the property since 1982.

P. Lubitz inquired about the washing of the truck's exterior. C. Hunkele responded the trucks are washed once a month by an outside contractor. He recovers 100% of the water that is used and removes it. Sometimes the trucks are washed more frequently in the winter.

R. Dodds showed, on the overhead, the GIS from the State, which shows the green area they consider wetlands. He is confused where you expert indicates in his letter one small area is wetlands.

C. Hunkele stated the wetlands and buffer zones are based on the quality and do not recognize property lines. He also reviewed the map R. Dodds had on the overhead and that is why he contracted with an environmental consultant for an assessment.

R. Dodds stated an LOI would make the Board feel comfortable about the delineation of the wetlands. It would be a signed and sealed document from the State.

In regard to the FARQ trucks, C. Hunkele stated he is managing residuals in western Pennsylvania with the gas exploration. He has been requested by American Water to manage the contaminants. The FARQ trucks are 35' long and 12' high. They are used on site for temporary storage. He described the dredge as a giant paddle boat with a horizontal head. It is approximately 30' long and 8' wide. In regard to expansion, he already has a tremendous market share and does not want to make too much of a market share. His business is from the New York State border to below Princeton, New Jersey. He is hopefully looking for a facility in the Atlantic City area.

R. Dodds inquired if the property is located in the scenic overlay area. D. Pierce stated the scenic overlay encompasses the entire BP zone. The overlay ordinance does not prohibit otherwise permitted uses.

R. Dodds brought up a 2013 image of the property. It seems as if some improvements have been made which may have required a site plan. He inquired if there is a requirement that a site be in order to be able to continue on and do something different. D. Pierce responded if there has not been an appropriate approval for what is currently exists then it cannot continue until and unless an approval is granted. He suggests that if the Board deems the application satisfies the conditions of a conditional use and is appropriate for the site, the applicant should come back for a formal site plan approval since there is nothing in the record that shows the apparent expansion of the site that had been previously done.

R. Dodds stated the areas of concrete did not exist in the 2007 imagery. The imagery is provided by outside and non-partial photographers.

P. Lubitz inquired when looking at an area that is covered with asphalt, how it is determined that there are no wetlands in that area. D. Pierce stated the wetlands were not regulated in 1987. R. Dodds stated the area did not exist in 2006, based on the imagery.

G. DeSapio stated the seller will be removing the bunkers by the end of June 2014. There does seem, based on the imagery, that some sort of parking area existed. He respectfully requests that the applicant should not have to go through a site plan if they were there inappropriately and will be removed.

R. Dodds stated the parking area did not exist in 2002. R. Mammaro stated he cleared the fields and put it into hay.

P. Lubitz inquired where will the trucks be parked on the site. C. Hunkele indicated they will be to the south side of the building with Route 12 being north. The trucks will be backed in so when they leave in the morning there are no back-up alarms. The trailer and bunkers will be removed as well as every piece of equipment currently on the property.

The Board expressed a concern about the credibility of the environmental consultants report. G. DeSapio stated if a determination hinges on the report, he would like to request the opportunity to bring the environmental consultant to next month's meeting to provide testimony. He stated he does not know if the Township's ordinance requires an LOI for a change of use.

P. Lubitz stated the objective data that is presented to the Board by the overlay would seem to indicate there are wetlands over a considerable part of the property. The review by the environmental consultant does not seem to satisfy the Board's concerns about the wetlands.

C. Hunkele stated there are no wetlands issues if this is an agricultural application. D. Pierce stated the development of that area with concrete structures removes it from the agricultural application.

G. DeSapio respectfully requested the Board carry the matter for a month. He will bring the environmental consultant to the meeting to provide testimony.

R. Dodds stated it is nicely hidden facility and does not impact Route 12. It is a positive site.

E. Niemann stated the use would be agreeable of what the Township would like to have at the site.

Block 24, Lots 4 & 7 – Reduced MW

D. Pierce stated the letter is notification from Con Ed on the reduction of the size of the project. They are no building on the other side of the creek. They will file an as-built when the project has been completed.

Ordinance Amendment – Draft

After a brief discussion, the Board decided to add a section to Section 132-110A numbered iv. The section would read:

- iv. all changes in use from the presently existing use.

Board reviewed briefly.

Approval of Minutes

It was moved by R. Dodds, seconded by P. Lubitz and carried to approve the minutes of September 12, 2013. All members present voted **AYE** on **ROLL CALL VOTE**, except M. Synchron, who **ABSTAINED**.

APPLICATION STATUS

CORRESPONDENCE

Together North Jersey – Notice of Award

E. Niemann stated the Township was been awarded a \$90,000 grant to fund a real estate market analysis component for the TDR.

Plan Smart NJ – Annual Dinner – 2013 – 11/14/2013;
NJ Planner – July/August 2013;

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by P. Lubitz, seconded by R. Dodds and carried to adjourn the meeting at 8:55 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschach, Secretary