

MINUTES

7:30 PM

PRESENT: T. Ciacciarelli
R. Dodds
P. Lubitz
S. McNicol
E. Niemann
L. Riggio
M. Synchron
L. Voronin, Alt #1
C. Ely, Alt #2
T. Decker, Engineer
D. Pierce, Attorney

ABSENT: J. Mathieu
J. Strasser

CALL TO ORDER

The meeting was called to order by M. Synchron at 7:30 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

Accurate Waste Systems, Inc. Block 17, Lot 8 – Route 12 - Determination for Completeness

M. DeSapio, attorney, and P. Hunkele, applicant, were present for the matter this evening.

M. DeSapio stated a few years ago his client purchased the property. His client first appeared before the board for a change of use, from landscaping to storing tanker trucks and equipment. The applicant proposes to expand an outdoor storage area to store equipment. M. DeSapio indicated on the overhead display the subject area of the application.

T. Decker issued the following completeness review on September 4, 2015:

Completeness Review

As the Board may recall, the applicant was granted Conditional Use and Preliminary & Final Site Plan approval in December 2013. The applicant currently proposes to expand their outdoor storage area.

Our office has reviewed the submitted documentation for completeness in accordance with the Combined Preliminary and Final Site Plan Checklist for Conditional Use. We find the following items as deficient. All other items have either been provided or are not applicable.

Site Plan Checklist Item	Comment
ADMINISTRATIVE	
4	Board Secretary should confirm receipt of the plan in electronic format.
10	Board Secretary should confirm receipt of Certification from Tax Collector
12	Proof of submission to NJDEP for a Freshwater Wetlands Letter of Interpretation or Presence/Absence determination has not been provided. Applicant has requested a waiver citing that the Board relied on the testimony of their environmental consultant Edward Kuc for the 2013 application regarding the absence of wetlands on the site. The applicant has indicated that Mr. Kuc will again provide testimony. <i>A waiver is recommended for Completeness Purposes only.</i>
PLAN REQUIREMENTS	
5	Plan is to be based on a current survey prepared by a licensed New Jersey Land Surveyor. Note #15 on the Site Plan referenced a July 14, 2015 As-Built Plan prepared by David M. Newton, Pls. Copies of the survey should be provided to the Board.
15	Contours and topography covering the property and surrounding area within 10 feet, maximum contour interval of 2 feet. Contours and topography are shown within the area of concern. <i>A waiver is recommended for Completeness Purposes only.</i>
18	Documentation of feasibility of an adequate method of sewage disposal. The plans currently show an existing "Sanitary Holding Tank Manhole". During the 2013 application it was represented that the property would be utilized for the parking of vehicles and bathroom facilities would be Port-A-Johns. Applicant should provide additional information regarding on-site bathroom facilities and approvals from the Hunterdon County Health Department for the use of a holding tank in lieu of a conventional septic disposal system.

Completeness Recommendation:

Based on the above findings and absent the granting of waivers for completeness, we recommend the application be deemed incomplete at this time.

T. Decker stated some of the items listed on his completeness review have been provided. He stated under Administrative Items on the Checklist Item #4 will be provided prior to the public hearing, Item #10 has been provided, and Item #12 has been provided this evening. The applicant was granted a waiver from applying to the DEP on his first site plan and the Board can grant that waiver again for this application. He stated under Plan Requirements Item #5 has been provided this evening dated July 2015 and Item #15 could be granted a waiver for completeness. In regard to Item #18 he stated his recollection was that there were not any proposed sanitary facilities. The facility would be served by Port-A-Johns. The plan indicates a sanitary manhole. The Board should have some clarification.

M. DeSapio stated the holding tank was installed by the previous owner. His client has a septic pumping service. The applicant started to use the one toilet in the barn which is connected to the holding tank. The applicant's engineer is checking with the County Health Department to see if it can be a continued use. If the County Health Department does not approve its continued use, the applicant will provide Port-A-Johns.

P. Hunkele stated the place was in disrepair when he purchased it. It looked like a hoarder had occupied it. During the clean-up process, they found a commode mounted to the floor. There were no partitions. They found the sanitary waste tank. The tank only had an inlet. The tank was in good condition but had a wood lid. He replaced the lid. He does want to install a septic system at some point. If the Board would require him to install one, he would have one installed. He rather not pump out a Port-A-John.

The following email, which was received by T. Decker from Construction Official M. Fornaciari, was reviewed:

- I visited the site and noticed a large 10,000 gallon fuel dispensing tank at the site. Stored in the tank is #2 fuel oil. (No permits obtained);
- Electrical ran to each parking station for block heaters on the trucks. (No permits);
- 3 sea boxes that are new and not consistent with the old site plan. Please review the new site plan and see the new containers and tank;
- The resolution says there was never a septic system. The building has 2 workers each day per my knowledge and supposedly has an underground holding tank and a bathroom. We never had permits for that (probably Mammaro);
- Has the Hunterdon Health Dept given approval for this waste tank? Or the town Health Department? I have concerns over this as restroom facilities are required per code for occupancy;
- The resolution says that no alterations are planned on the building 2013-07. It appears as if he is doing everything but;
- The resolution discusses outdoor lighting. I believe code requires the fuel station to be lighted but will need to check;
- The electrical at each parking may require them to pull in front first contradictory to the resolution because of the block heater?

P. Hunkele stated the installation of the electrical plugs was not done properly. The trucks can still back in and function all winter. The cords are long. There will be no change in the way the trucks are going to park. In regard to the sanitary tank, he was not aware that it was on the property until they started to clean it up. In regard to the fuel tank, it is a brand new double walled tank. If there is an internal leak, it sets off an alarm. He did not obtain a permit for its installation. He will provide the engineer with a cut sheet for the tank. He stated the tank is not fixed to the ground but its sheer mass makes it semi-permanent. He stated the emergency services were not notified of its presence. He stated M. Fornaciari has requested him to obtain permits for the fuel tank, septic tank and electric. He is in the process of obtaining those permits.

T. Decker stated the installation of the fuel tanks falls under the Construction Department.

D. Pierce stated they still need site plan approval. Once they obtain site plan approval, they can apply for all the appropriate permits.

T. Decker stated by next month's meeting there should be direction from the Construction Department and the plan should be revised if necessary. He would like to have the tech sheets for the items to be part of the site plan.

P. Hunkele stated the FARQ tanks are a 22,000 tank that are provided to a waste water or water treatment plant which provides temporary storage when repairs are being done on those facilities. There are two parked on the property now. He has a total of twelve. He stated the "sealand" containers were actually Mr. Mammaro's and were disbursed on the site. He uses them for additional storage.

D. Pierce stated the containers were not reflected on the site plan approved in 2013. He can request approval in this site plan application if he wants to use them for storage.

P. Hunkele indicated on the overhead the "sealand" trailers which were present when he purchased the property. He stated he has painted them to match the building. As a visual barrier he was requested to plant 70 white pine trees and he planted 100. He indicated where he placed one of the "sealand" containers to provide a visual barrier between his facility and a surrounding property owner.

T. Decker stated the painting may be why M. Fornaciari noticed them and thought they were new containers.

P. Hunkele indicated on the overhead where his trucks are currently parked. He also indicated on the overhead the location of the requested additional storage.

T. Decker stated the distance between septic disposal area and well is a minimum of 100'. The well on the property is located on the southeastern corner of the building, which is much closer than the 100' to the holding tank. It would be a good idea to contact the County Health Department and see if its use is permitted.

D. Pierce stated that as part of the site plan a condition of any approval is that the applicant obtain approval from the County Health Department for its continued use or he would have to have it removed. If they were ever going to put in sanitary facilities they would have to install a septic system. The Board itself does not have jurisdiction over sanitary facilities. It is approved by the County Health Department. The Board cannot withhold approval waiting for approval from other agencies. The Board can condition its approval on other approvals. The Board can require items that are within the Board's jurisdiction and require them to be remedied. It is somewhat a bit of a horse and cart. In order for the applicant to obtain approval for the fuel tank, he would expect the Code Official would want the site plan approval for exactly where the tank should be located before he signs off on the permits. The only way to get it remedied before the Board's approval would be to have the applicant remove it from the site and reinstall it once they get their approval and permits from the code official.

P. Lubitz stated the problem is that when the applicant originally came before the Board, the applicant recounted that a number of municipalities rejected his proposal. The Township extended themselves by permitting him to have the facility in the Township. The Township believed in good faith that everything would be done by the book. In exchange for the Township's graciousness, the Township expected to have a facility of which it could be proud of. Currently, the applicant has made changes without obtaining the required permits. The Board may be less willing to go the extra mile with this application. He would like to see

additional assurances that ten years down the line when the applicant returns for another site plan, the Township does not find that there were a number of additions that were not approved.

M. DeSapio responded the applicant is working with the Construction Official on the items he brought up and he can make assurances that the applicant will check with the code official before making any future changes.

P. Hunkele stated he is responsible for all the items his employees did on the property.

P. Lubitz stated he is glad Accurate Waste is in the Township.

D. Pierce stated as a condition of completeness the applicant needs to address how the portable structures will be utilized and their location on the site.

It was moved by R. Dodds, seconded by T. Ciacciarelli and carried to deem the application complete subject to the submission of a revised plat indicating the 10,000 gallon fuel tank, location of the containers, documentation that the applicant is in the process of applying for the appropriate construction permit and has contacted the County Health Department for their requirements for the sanitary tank and notify emergency services. All members voted **AYE** on **ROLL CALL VOTE**.

Presentation by the Environmental Commission regarding Hydraulic Fracking

S. McNicol introduced D. Kratzer, chairperson of the Environmental Commission and L. Voronin, member and former chairperson for the Environmental Commission.

L. Voronin stated she is not an expert on fracking but would like the Planning Board to view the power point presentation to make an informed decision on fracking.

There was a brief period of discussion after the presentation.

P. Lubitz stated the Township has been presented with a draft Ordinance from the Environmental Commission passing an ordinance banning fracking and being one of two in the state that have passed an ordinance, if anyone was to be the subject of litigation, it would be Kingwood. Kingwood would not be able to afford the lawsuit. The proposed ordinance may put a target on the Township for the industry that is looking to overturn the ordinance.

C. Ely stated in correspondence with PennEast, all municipalities voted their opposition. It may be the right time to talk to the affected municipalities and see if they would be interested in grouping together.

After some discussion, it was decided the Board would review the draft ordinance and discuss it at next month's Planning Board meeting.

The Board thanked D. Kratzer and L. Voronin for the presentation this evening.

Proposed Ordinance No. 18-11-2015 – Amend Land Use Regulations

M. Syrnick stated the ordinance cleans up references to the Class III driveways in other sections of the Township Ordinances.

It was moved by S. McNicol, seconded by C. Ely and carried to recommend adoption of **Proposed Ordinance No. 18-11-2015 – Amend Land Use Regulations**. All members present voted **AYE** on **ROLL CALL VOTE**.

Proposed Ordinance No. 18-12-2015 - Site Plan Waiver

M. Syrnick stated the ordinance provides for an exemption for a formal site plan in certain situations, such as a site plan is already on file and approved and minimal changes are proposed.

The Board briefly discussed the issues with the enforcement of the zoning ordinances.

It was moved by T. Ciacciarelli, seconded by L. Riggio and carried to recommend adoption of **Proposed Ordinance No. 18-12-2015 - Site Plan Waiver**. All members present voted **AYE** on **ROLL CALL VOTE**.

Resolution – 2015- 03 - Block 6, Lot 18 – DelVal Feed – 1139 State Route 12 – Site Plan/Graphics Permit

It was moved by T. Ciacciarelli, seconded by L. Riggio and carried to adopt **Resolution – 2015- 03 - Block 6, Lot 18 – DelVal Feed – 1139 State Route 12 – Site Plan/Graphics Permit**. All members present voted **AYE** on **ROLL CALL VOTE**, except P. Lubitz, S. McNicol, E. Neimann and M. Syrnick, who **ABSTAINED**.

Approval of Minutes

It was moved by T. Ciacciarelli, seconded by L. Riggio and carried to approve the minutes of August 13, 2015. All members present voted **AYE** on **ROLL CALL VOTE**, except P. Lubitz, S. McNicol, E. Neimann and M. Syrnick, who **ABSTAINED**.

APPLICATION STATUS

CORRESPONDENCE

M. Syrnick reviewed as per the agenda.

Environmental Commission – Letter from DEP – Radon Testing
FERC – Project Update for PennEast Pipeline Project – August

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by P. Lubitz, seconded by S. McNicol and carried to adjourn the meeting at 9:00 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary