

MINUTES

7:30 PM

PRESENT: T. Ciacciarelli
R. Dodds
D. Haywood
S. McNicol
J. Strasser
M. Synchronick
L. Voronin, Alt #1
C. Ely, Alt #2
D. Pierce, Attorney

ABSENT: J. Mathieu
L. Riggio

CALL TO ORDER

The meeting was called to order at 7:34 PM by M. Synchronick.

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

Block 17, Lot 8 – Accurate Waste Systems (AWS) – Route 12 – Determination of Completeness

G. DeSapio, attorney and P. Hunkele, owner of AWS, were present this evening for the matter.

T. Decker provided the following review letter on the application:

On August 9, 2016 our office received via email the following documents in response to our September 4, 2015 completeness review and subsequent completeness determination by the Board at its September 10, 2015 meeting:

- 1. Plan titled “2015 Site Plan – Expansion of Storage Area Plan” prepared by Bayer-Risse Engineering, Inc dated July 17, 2015 last revised October 6, 2015.*
- 2. Plan titled “2015 Site Plan – SESC Plan & Details” prepared by Bayer-Risse Engineering, Inc dated July 17, 2015 last revised October 6, 2015.*

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. Plans were initially submitted in August 2015. On September 1, 2016 the applicant was issued a Notice and Order of Penalty as issued by the Township construction official.

The application was deemed conditionally complete by the Board at its September 10, 2015 meeting. The minutes of the meeting stipulating the conditions reads:

“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.”

Our office has reviewed the above submitted documentation and find that the conditions of the completeness determination have been addressed as follows:

- 1. Revised plan indicating the 10,000 gallon fuel tank – **Location has been provided, however no details are provided for the tank or its installation.***
- 2. Location of containers – **Provided***
- 3. Documentation of construction permit applications – **Not provided***
- 4. Proof of contact to the Hunterdon County Health Department – **Not provided***
- 5. Proof of notification to Emergency Services – **Not Provided***

Given the length of time that has passed since the original application, the Township Tax Collector should confirm that all taxes are current.

Based on the above findings, the applicant has not satisfied all conditions of the September 2015 completeness determination as stipulated by the Board. Therefore we recommend that Board continue to defer the review of the application merits until such time that the conditions are satisfied.

G. DeSapio stated #1 of the review letter still needs to be addressed as well as #s 3, 4 & 5. He stated when the applicant appeared before the Board in September the engineer noted that there was an outstanding construction code violation which had been issued just a few days before they appeared before the Board. It was issued on September 1, 2015. The violation was for the failure to obtain a permit for the tank installation. The applicant replaced a tank that was already present on the property. He did not realize that he needed a construction permit to replace the tank since it was located in the same location as the existing one. The applicant did apply for permits after he became aware of the violation. The permits were issued on October 6, 2015. G. DeSapio distributed copies to the Board this evening of the permits that were issued in 2015. He will provide copies to the Board secretary as well as to the T. Decker. The applicant did obtain a plumbing permit. G. DeSapio stated at this point there is a little confusion. The Delaware Raritan Canal Commission (DRCC) has determined they have jurisdiction for the 2015 application but had determined they did not have jurisdiction with the 2013 application. They tried to set up a meeting to see why there was a change in their determination. The applicant's engineer was not able to establish a meeting with the DRCC. The applicant asked on September 2,

2016 for G. DeSapio's office to meet with the DRCC and review the application. The applicant did not want to move the tank because he needed to have site plan approval from the Board for the location of it. The applicant felt that if he moves the tank and the Board is not in favor of its new location, he would have to move it again. The electrical and plumbing contractors have done all the outstanding work except for the moving of the tank. The Township has a new construction official and he came out to the property with the State fire inspector last week. The tank is where it was before and it hasn't been moved. The applicant was instructed to remove the diesel fuel and not refill it since the tank was too close to the building. He was instructed to file a new permit application for the installation of the tank. The applicant has resolved all of the outstanding fire inspection issues. While the construction official was at the facility, a technical violation was found. The applicant has taken care of everything on the fire official's list except the tank and the wire to the well. G. DeSapio stated, as of today, the applicant and the construction official are on the same page.

There was a lengthy discussion between the board members, the applicant and G. DeSapio regarding the existing permits, lack of permits and the construction violations that currently exist on the property.

The construction official issued the following list of violations:

Re: Block 17 Lot 8 - 856 Route 12

The above address currently has the following violations outstanding relating to the Uniform Construction Code:

1. Continued use of a 10,000 gallon diesel fueling tank installed without permits and in a hazardous manner, resulting in an imminent hazard. 5:23-2.15A(a)
2. Failure to obtain permits for electrical work pertaining to fuel tank. 5:23-2.15A (a)
3. Failure to obtain permits for concrete slab supporting fuel tank. 5:23-2.15A (a)
4. Failure to obtain required inspections for installation of eight truck warming stations. 5:23-2.18
5. Failure to obtain permits for toilet room installations. 5:23-2.15A (a)
6. Failure to display truss roof signage. (N.J.A.C. 5:23-3.5, Posting structures.)
7. Improper venting and wiring of heat systems.
8. Failure to obtain permit for installation of hot water heater. 5:23-2.15A (a)
9. "Addition" to building with two sea box containers cut into existing building. 5:23-2.15A(a)

D. Pierce stated that no review of the application was done in 2015. The board grant the application conditionally complete.

P. Hunkele stated he has obtained a permit for #1 of the violation list from the construction official. The tank that is currently on the property replaced another one. He did not realize that he needed a permit to replace a tank.

G. DeSapio stated the tank was installed before the applicant appeared before the board in September of 2015. At the September meeting T. Decker noted that there was an existing construction violation. The applicant then went to the construction official for a permit. G. DeSapio stated what he thought he was obtaining and what he obtained were two different things. The construction official is stating that the applicant did not get a permit for the installation of the tank. There is confusion as to the paper trail and whether or not there were any final inspections. The applicant did install the current tank without getting a permit. The applicant became aware of the issue and went to the building department to get a permit. The applicant had thought that he had solved the

problem. The applicant did not move the tank because he did not have site plan approval for where it was to be moved. The state fire official came out last week and informed the applicant that he would have to move the tank. The state fire official then inspected the property and found deficiencies. The applicant has fixed all of the deficiencies but informed the state fire official that he could not move the tank. The state fire official gave the applicant five days to empty the tank. G. DeSapio stated the applicant was only cited for the installation of the 10,000 gallon tank without permits or approvals. He is not sure of the other violations that the construction official is referring to in his letter. G. DeSapio stated the list of violations is surprising to the applicant and himself. Referencing #2 of the violation list, the applicant does have an electrical permit for electrical work. Possibly the construction official is not aware of this permit. G. DeSapio will review the matter with the construction official. In regard to #3 of the violation list, G. DeSapio stated the applicant did not apply for a permit. The response to #4 is the applicant had obtained an electrical permit for the installation of the warming stations. The response for the failure to obtain permits for toilet room installations is part of the plumbing permit issued in 2015. #7 was also included on that permit. The applicant met with the construction official today and it was determined that the hot water heater was included on the original plumbing permit issued in 2015, as well as the toilet room installation. There is one water closet on the permit. He stated the electrical work pertaining to the fuel tank should be on the electrical permit issued in 2015. If he is mistaken and these permits do not cover the work, the applicant will apply for the appropriate permits.

R. Dodds stated the Township received an email from the then construction official regarding the violations present on the property on September 8, 2015:

- 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?

R. Dodds stated the violations are not something that just happened recently but go back a year. The construction official at that time noted all of the issues were existing as of September 8, 2015.

M. Syrnick stated if you look at the electrical permit, which was issued in October of 2015, it is a permit for a subpanel and block heater panel which is consistent with the cost of \$4,000 for the electrical permit. The subpanel and block heater were permitted as well as the plumbing last year but there are still some outstanding issues.

G. DeSapio stated the applicant thought he had applied and been given permits for the outstanding items except for the tank. If the applicant had seen the list in the construction official's email of September 8, 2015, the applicant would have questioned why the issued permit does not cover those items. The applicant will do whatever is necessary to obtain the appropriate permits.

In response to a question by a board member, D. Pierce stated the board can grant site plan approval with whatever site plan conditions are appropriate or they can deny the application.

In response to T. Decker's inquiry if the real estate taxes are current, Secretary D. Laudenbach responded they were current.

G. DeSapio stated when the applicant received original site plan approval, they were going to utilize a port-a-john. Since the applicant is in the business of pumping holding tanks, he started using the existing holding tank. The construction official raised the question of if it was lawful for him to use a holding tank. The County Health Department has stated that the applicant cannot have a holding tank. The applicant will stop using the toilet facility that is connected to the holding tank and will use a port-a-john. The applicant will investigate getting permission for the installation of a septic system. If the applicant is unable to obtain a permit for the construction of a septic system, he will live in accordance with the previous site plan and utilize a port-a-john.

P. Hunkele stated when he purchased the property, there was a series of photographs shown to the Board showing the condition of the site. There was an existing toilet going into an existing holding tank. He prepared for the installation of a second commode but did not install it. The original commode is still existing. He stated the holding tank was present when he purchased the property.

R. Dodds stated during the previous site plan hearings, there were things that were identified that had been done to the site and the applicant agreed to fix certain outstanding items. The Township appreciates what he has done but it seems as if the applicant is falling back into the prior owner's pattern of making improvements without permits, such as utilizing the holding tank.

P. Hunkele stated when they discovered the holding tank, they plugged the inlet and vacuum tested the tank. The tank did not leak and he felt comfortable that the prior owner did not have a nefarious leach field.

G. DeSapio stated if the applicant is able to install a septic system he will stop using the holding tank. If he is unable to install a septic system, he will use port-a-johns. When the applicant met with the construction official, he was given a new stack of applications and instructed to start from scratch.

P. Hunkele stated he picked up the permit package yesterday and dropped it off today. The construction official informed him that he should not hand them in yet, since he was appearing before the Board this evening. He was under the impression that when the DRCC indicated they had jurisdiction, no approvals would be required from the Township.

G. DeSapio stated the DRCC jurisdiction is limited to review authority.

P. Hunkele stated he has obtained from the construction official a new jacket, building subcode, fire protection subcode, electrical subcode and plumbing subcode. He still needs to bring the plumbing subcode back to the construction official after R. Yard seals it. The permits require a description of the work to be performed. Since he does not know the approved location of the tank, he cannot fill in how many feet of electrical conduit

will be needed to install it. He indicated the pad for the tank has to be moved away from the building. He stated he does have the detail on the installation requirements of the fuel tank. The Board members could not find the detail in the package submitted by the applicant.

G. DeSapio stated the applicant will install the tank according to the Uniform Construction Code requirements. He stated he called T. Petto this afternoon to inquire which permits would be required to abate the violations.

P. Hunkele stated the containers attached to the building were being utilized as an office with a phone in it and the other one is a container for parts, which offer him a way to secure the parts he has on site.

G. DeSapio will be in touch with T. Decker to see how the containers relate to the site plan. He was requesting completeness review in September and a hearing in October. After the discussion this evening, he stated he will be able to come in and give the Board a clean presentation at the review in September.

D. Pierce stated the Board has not been presented with enough information to determine the application complete.

D. Pierce requested the applicant provide the Township with copies of the permit applications which have been completed and the ones which have not yet been submitted. He also inquired proof of the applicant's contact with the County Health Department and notification to emergency services.

It was moved by S. McNicol, seconded by C. Ely and carried to deem the above application incomplete. All members present voted **AYE** on **ROLL CALL VOTE**.

Proposed Ordinance – 18-06-2016 – Zoning Ordinance Amendment

D. Pierce stated the proposed ordinance permits exemptions for the State police and emergency responders from applying for a variance for the installation of antennae on cell towers. The FCC adopted new regulations last year and the year before that states making additions to cell towers is a permit by right without having to receive any site plan or additional approval, if the installation of the tower meets the Township regulations.

It was moved by R. Dodds, seconded by J. Strasser and carried to recommend adoption to the Township Committee of **Proposed Ordinance – 18-06-2016 – Zoning Ordinance Amendment**. All members present voted **AYE** on **ROLL CALL VOTE**.

Approval of Meeting Minutes

It was moved by R. Dodds, seconded by C. Ely and carried to approve the minutes of July 14, 2016 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except S. McNicol and L. Voronin, who **ABSTAINED**.

CORRESPONDENCE

New Jersey Planner – May/June 2016;

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by J. Strasser, seconded by R. Dodds and carried to adjourn the meeting at 8:29 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenbach, Secretary