

7:30 PM

MINUTES

PRESENT:	R. Dodds	ABSENT:	T. Ciacciarelli
	D. Haywood		S. McNicol
	J. Mathieu		
	L. Riggio		
	J. Strasser		
	M. Syrnick		
	L. Voronin, Alt #1		
	C. Ely, Alt #2		

CALL TO ORDER

The meeting was called to order by M. Syrnick 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 on January 21, 2016, 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 – Route 12 – Site Plan Completeness Review

G. DeSapio, attorney in Frenchtown, was present representing Accurate Waste. He stated the application has been pending for quite some time, bouncing back and forth. He stated the reason for the delay is that he did not realize he was under the jurisdiction of the Delaware Raritan Canal Commission (DRCC). After he had met with the professionals for the DRCC, it was determined that the project was subject to their review. P. Hunkele, owner of Accurate Waste, didn't think the portion of the project which made it subject to the DRCC review warranted the professionals' expenses to obtain their approval so that part of the application has been withdrawn, which was the enlargement of the parking and storage area on the lot. The applicant has to obtain approval from the Planning Board for the location of the fuel oil storage tank and for the placement of the sealand containers, since they were immediately adjacent to the building. In order to access the containers, the applicant had installed a door in the side of the building. They require Planning Board approval since they are considered as additions to the building. He stated he was here last August and the board requested some information, such as the details on the fuel oil tank and how the applicant was going to resolve the sanitary

facilities on the site. In the applicant's previous site plan, he had received approval to have port-a-johns. When the applicant obtained possession of the property he found that there was a bathroom which was hooked up to a holding tank. The Board questioned if the holding tank was legal and approved. He then went to the County Department of Health, who indicated they would not approve holding. The applicant will do testing for the installation of a septic system in the spring. If the test passes and a system can be designed, he will install a septic system. If not, he will use port-a-johns. The applicant, construction and fire code officials have been going back and forth about the technical violations. The Board has previously requested the details of the violations. Most of the violations were related to the bathroom and fuel oil tank. All of the violations that could have been remedied were remedied within a few days of the issuance of the violation notices with the construction and fire officials. The eight remaining violations on the list relate to the fuel oil tank. He can't obtain a permit for the installation of the tank until they have site plan approval. The applicant is requesting a determination of completeness this evening subject to the Township getting new drawings that remove the enlargement of the parking area. He inquired what date the plans had to be submitted to the Board to be listed on the January agenda for a hearing and be able to notice the surrounding property owners.

D. Pierce responded 21 days.

M. Syrnick inquired about the fuel oil tank and if it was self-contained.

P. Hunkele stated the tank is the state of the art. It contains two tanks, one inside the other, with a detection zone between them. The tank is self-sufficient with a high level alarm on it. It meets all of the fire codes and is designed according to the best available technology.

T. Decker stated the plans, which were revised in 2013, show the electrical and fuel tank but don't show the detail of the tank. He was requesting the detail of the tank be placed on the plan. The applicant should also provide the details of the concrete slab it will sit on and any bollards.

M. Syrnick stated there was some correspondence regarding the potable water on the property.

R. Dodds displayed the email from D. Vaccarella of the Hunterdon County Health Department.

M. Syrnick stated the original well was drilled for an irrigation well and not for potable water use. The recommendation from the County was that the applicant would have to apply for a new well permit and well record reclassifying the well and provide passing water sample results under the New Jersey Private Well Testing Act.

P. Hunkele stated the water was tested before the bank would mortgage the property. He stated he will do whatever is necessary.

D. Pierce stated D. Vaccarella gave the County's opinion that the well was drilled for irrigation purposes. It did not pass the requirements for potable water. The applicant will have to deal with the County Department of Health and satisfy their requirements and have it re-permitted. Alternatively the applicant could seal the well and use bottled water.

P. Hunkele stated he would rather have the well.

R. Dodds stated it is not an insurmountable task just something that needs to be done.

P. Hunkele stated it was his understanding that S. Risse from Bayer Risse Engineering was scheduling soil logs with the County Department of Health to see what it would take to install a septic system.

G. DeSapio stated the County Department of Health did not have that information on the installation of a septic system.

M. Synchronick stated the County indicated that the owner must make application to the local Board of Health for approval of a temporary holding tank.

D. Pierce stated the application to the Board of Health was while they were doing their testing for the installation of a septic system.

T. Decker stated should they not put in a septic system the applicant would have to apply to the DEP for a holding tank.

M. Synchronick inquired if they could put in a temporary tank.

T. Decker stated it was under the supervision of the County Department of Health.

P. Hunkele stated the County informed him that he could not have a holding tank.

T. Decker stated, in the interim, the applicant would have to talk to the County Department of Health about having permission to utilize a temporary holding tank while they are doing their septic testing. The applicant would need to make an application for a perc and soil test. If it is determined that there is no place on the site to locate a septic system, the applicant would have to apply to the DEP for a permit for a permanent holding tank. The County would only defer to the DEP approval for a holding tank if the applicant could not site a system on the property.

D. Pierce stated the Board would have to make a motion to deem the application conditionally complete with the submission of revised plans to include the detail of the fuel storage tank to include the tank, the concrete pad and bollards. The revised plans would have to be submitted by December 22, 2016. If the applicant provides the revised plans by that date, they would be scheduled for a hearing on January 12, 2017.

R. Dodds inquired how the septic and/or lack of a septic play into the Board's approval.

D. Pierce stated the septic is not a Planning Board determination. It is a County Department of Health determination. The location on the property is a building department jurisdiction.

T. Decker stated with regard to the septic, the setbacks are 10' from the property line and 100' from a well, which is set by the State. If a septic system cannot be installed it will trigger a request for a variance from the local Board of Health as well as the DEP. The local Board of Health has jurisdiction over variances.

D. Pierce stated the approval would be conditioned upon all other ordinances and approvals.

T. Decker stated changing the well from an agricultural irrigation well to a potable well should be less of a demand.

T. Decker recommended, since the applicant had already gone through the process with the DRCC, they should request a non-jurisdictional determination so that it cleans up the item of the impervious coverage.

It was moved by R. Dodds, seconded by J. Strasser and carried to deem the application conditionally complete with the submission of revised plans to include the detail of the fuel storage tank to include the tank, the concrete pad and bollards. All members present voted **AYE** on **ROLL CALL VOTE**.

Sustainable Aquaculture Systems Inc. - Request for waiver of aquifer letter

D. Pierce stated Sustainable Aquaculture Systems, Inc. (SASI) submitted a written request to the Franklin Township Planning Board requesting a waiver of their aquifer test requirements. The request was relying on a pump test that Maser Consulting did on some shallow wells. At Franklin's last Board meeting they made a motion to hire their own hydrogeologist to review the application. Franklin's Board attorney was not sure if the Board had retained one at this time. D. Pierce reviewed his letter to Franklin's Planning Board. SASI had proposed, instead of an aquifer test, that they would want to establish an escrow to protect existing wells and future users. A couple of the Board members, who were not thrilled with SASI's proposal questioned them about the water use. D. Pierce stated SASI is going to consume eight million gallons of water per year. If they were going to locate somewhere else, they would have to pay for the water. The reason they are requesting the waiver for the test is that they will not pass the aquifer test. Their pump test would pump out over 100,000 gallons during the 24 hour pump test. The production wells are 480' deep and the completed pump test generated a drawn down of 3.43 feet in one well, which is about 200' away and it generated a little over 3 feet in the other well. The observation wells were only 30' and 40' deep. The applicant did use one deep well but it is only partially connected to the shallow water fracture. The production well will be located on the southeast property line and if there is a drawn down of 5' or more at or near the property line, the aquifer test fails.

The Board commended D. Pierce on his letter to the Franklin Planning Board.

D. Pierce stated there are a lot of questions about the letter and the conclusions that were drawn. He hopes that when Franklin gets the letter they make a determination that they can't waive the aquifer test because essentially it is a concession by SASI that they haven't done the test. There will be no cross-examination of Mr. Dwyer. He expects, if things go as he hopes, the results will be an aquifer test and the requirement of new testimony and report. If that happens the prior testimony is out the window. In response to a question from a Board member about what happens if Franklin's Board grants the waiver what is Kingwood's recourse, he stated the Township can file an appeal stating it was arbitrary and capricious.

Professionals were requested to leave at 8:09 PM.

Resignation Letter from T. Ciacciarelli, effective January 1, 2017 – The Board accepted with regret. The Board requested the letter be forwarded to the Township Committee.

Schedule of Lot and Building Requirements for the AR-2 Districts

After a review of the Schedule of Lot and Building Requirements for the AR-2 District it was found that the setbacks were the same, since the chart was developed in 1988.

Schedule 2017 Re-Org Meeting

The meeting was scheduled for January 12, 2017 @ 7:30 PM.

Approval of Minutes

It was moved by R. Dodds, seconded by L. Riggio and carried to approve the minutes November 10, 2016 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser and L. Voronin, who **ABSTAINED**.

APPLICATION STATUS

CORRESPONDENCE

FERC – PennEast Pipeline – Notice of Revised Schedule for Environmental Review

M. Synchron reviewed the status of the PennEast Pipeline. She stated they changed the review period of the draft EIS from December to February 17, 2017 due to the fact that they received so much input. The final decision should be issued on May 18, 2017. PennEast submitted 1,500 pages of route and additional changes. The process is really flawed.

R. Dodds stated some of the new information is that some of the roads the Township thinks as narrow are categorized as heavy haul roads. They don't define what a heavy haul road meant. He inquired of PennEast for the definition and the response was that it can be vehicles up to 100,000 lbs. and 90' long with steerable rear axles. The Township then tried to figure out if there are any roads in Kingwood that could handle such a vehicle. They couldn't come across the Horseshoe Bend Road bridge, which has restrictions of no vehicle longer than 30' or heavier than 15 tons. No trailers are permitted. The maximum weight on New Jersey roads without a permit is 80,000 lbs. He stated the narrows in Milford is one of their heavy haul roads.

R. Dodds inquired if D. Haywood would accept an appointment to the Planning Board for 2017. She responded she would be interested in accepting an appointment to the Board for 2017.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by C. Ely, seconded by R. Dodds and carried to adjourn the meeting at 8:26 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary