

7:30 P.M.

MINUTES

**PRESENT:** J. Golden  
I. Kyd  
R. Phillips  
T. Ciacciarelli  
P. Mikes, Alt #1

**ABSENT:** N. Marmorato, Alt #2

**CALL TO ORDER**

The meeting was called to order by Secretary D. Laudenbach 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. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat, Courier News on January 27, 2022 and posted in the Kingwood Township Municipal Building on January 27, 2022 and has been filed with the Municipal Clerk.

Due to continuing COVID19 precautions, the Board of Health Meeting is a virtual meeting held online. The meeting is hosted on Zoom and the link can be found on the Kingwood Township website under Current Agendas.

**NEW AND PENDING MATTERS**

Nomination of Chairperson

I. Kyd was nominated as **Chairperson** for 2022 by J. Golden, seconded by R. Phillips.

It was moved by J. Golden, seconded by P. Mikes and carried to close the nomination. All members present voted **AYE** on **ROLL CALL VOTE**.

Nomination of Vice Chairperson;

P. Mikes was nominated as **Vice-Chairperson** for 2022 by I. Kyd seconded by R. Phillips.

It was moved by J. Golden, seconded by I. Kyd and carried to close the nomination. All members present voted **AYE** on **ROLL CALL VOTE**.

**Block 29, Lot 19 – Septic Waiver – 360 Kingwood Station Barbertown Road**

The Board received the following letter from the Hunterdon County Department of Health:

This department has received septic alteration plans dated November 4, 2021 with a recent revision date of November 28, 2021 prepared by Kurt Hoffman Engineering, LLC to an existing 3 bedroom dwelling to correct a malfunctioning system as stated on the application. The engineer proposes a Ecoflo Coco

Filter EC7-600-P-Pack ATU to address site constraints and for greater effluent treatment. Soil logs 1, 2 and pit bail test in soil log 2 were conducted on October 20, 2021. The pit bail test was performed at 84 inches. The proposed system is a gravity dosed, mounded soil replacement installation.

The following waiver will need to be acted on by the Board:

1. The proposed disposal bed will only be 51 feet from the existing well which does not meet the minimum 100 foot setback requirement by code. This department has nothing on file for the property. As per 7:9A-4.3 the distance can be reduced to 50 feet provided there is 50 feet of casing in the well. This department would recommend a report from a well driller to determine how much casing is in the well. If the casing does not meet the requirements then a UV filter shall be installed on the well to address this issue. This department would require a passing coliform test from a NJ certified laboratory after the ultra violet light has been installed.

The use of the Advanced Treatment Unit will require a maintenance contract for the life of the system, deed notice, and auto dialer notification.

Since this a malfunctioning system the Board can consider the waiver since the system, as per 7:9 3.3(e)2 ii, is in more conformance with the code.

The design engineer shall arrange to be at the next available Board meeting to present the design and waiver request to the Board.

It was moved by I. Kyd, seconded by P. Mikes and carried to approve the above requested waivers. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Ordinance No. 21-01BOH-2022:**

This Ordinance was introduced on first reading at a meeting of the Kingwood Township Board of Health on the 19<sup>th</sup> day of January 2022.

The Ordinance was published in the Hunterdon County Democrat on January 27, 2022, and has been posted in the Kingwood Township Municipal Building on January 27, 2022. Copies of the Ordinance have been available for inspection by the public since January 27, 2022.

**AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND, SUPPLEMENT AND REVISE CHAPTER 153, "SEWAGE DISPOSAL SYSTEMS; NONPUBLIC WATER SYSTEMS AND WELLS," ARTICLE II "NONPUBLIC WATER SYSTEMS AND WELLS," OF THE CODE OF THE TOWNSHIP OF KINGWOOD TO AMEND THE REQUIREMENTS RELATED TO WELL CONSTRUCTION AND TESTING.** Public Hearing and Final Adoption

It was moved by J. Golden, seconded by I. Kyd and carried to open the public hearing on Ordinance No. 21-01BOH-2022. All members present voted **AYE**.

D. Kratzer, Hill Road – stated that she applauds the Board of Health members and agrees with the Board of the changes to the ordinance. This brings it back to almost the same wording as the original ordinance with one change that permits an engineer to do the mapping. She thinks this is a good ordinance.

It was moved by R. Phillips, seconded by J. Golden and carried to close the public hearing on Ordinance No. 21-01BOH-2022. All members present voted **AYE**.

It was moved by P. Mikes, seconded by I. Kyd and carried to adopt Ordinance No. 21-01BOH-2022:

**AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND, SUPPLEMENT AND REVISE CHAPTER 153, "SEWAGE DISPOSAL SYSTEMS; NONPUBLIC WATER SYSTEMS AND WELLS," ARTICLE II "NONPUBLIC WATER SYSTEMS AND WELLS," OF THE CODE OF THE TOWNSHIP OF KINGWOOD TO AMEND THE REQUIREMENTS RELATED TO WELL CONSTRUCTION AND TESTING.**

**WHEREAS**, the Township of Kingwood currently has a Code section within the Board of Health Code which regulates sewage disposal systems and nonpublic water system and wells; and

**WHEREAS**, the Township Board of Health, in 2021, amended the Code to revise some of the requirements related to well construction and testing; and

**WHEREAS**, the Township Board of Health wishes to revise the Code again to revert back to the Code requires that existed before the 2021 revision.

**NOW, THEREFORE BE IT RESOLVED** that Chapter 153 "Sewage Disposal Systems; Nonpublic Water Systems and Wells, Article II "Nonpublic Water Systems and Wells," of the Code of the Township of Kingwood should be amended as follows:

Section 1:

The following subsections of §153-23 "Well construction permit" shall be amended, the rest shall remain unchanged.

§153-23

- A. Prohibition. No person shall locate, construct or alter any water supply system or well within the Township of Kingwood until a permit for the location, construction or alteration of such well has been issued by the administrative authority. However, additional water usage not associated with the operation of a dwelling up to 100 ~~200~~ gpd will be permitted without the requirement of the issuance of a well construction permit.
- C. Map. Scale to fit on 8.5-inch-by-eleven-inch paper, prepared by a licensed surveyor or engineer. All applications shall include three copies of a plot plan showing the location measured from at least two property or main structure corners, of all new well(s), all preexisting well(s), all existing subsurface disposal areas and all soil test points (e.g., percolation test pits) for potential subsurface disposal areas. All identifiable preexisting wells and existing subsurface disposal areas shall include those on adjoining properties that are located within 200 ~~400~~ feet of the boundary of the subject property, whether located on the subject property or on an adjoining property and shall be depicted on the plot plan or at the applicant's option, by depicting the same on a survey based on as-built information obtained from Hunterdon County records that show the location of any such wells and subsurface disposal area. Latitude and longitude for the new and preexisting wells shall be recorded. If the lot that is the subject of the application is a flag lot, the distance indicated

previously in this subsection shall be measured from the main body of the lot, and the "stem" of the flag shall not be included in calculating such distance.

G. Expiration. All well construction permits shall expire on the date that is two ~~five~~ years following the issuance of any such permits.

## Section 2:

The following subsections of §153-24 "Certification of well" shall be amended, the rest shall remain unchanged.

### §153-24 (A)

- (1) New water supplies, new water wells or altered water wells constructed in the Township of Kingwood shall not be placed in service, nor shall new dwellings or buildings or additions to existing buildings, which require an increased water demand, be used or occupied, until the administrative authority shall have issued a certificate indicating that said water supply has been located and constructed in compliance with the terms of the well construction permit. However, additional water usage not associated with the operation of a dwelling up to 100 ~~200~~ gpd will be permitted without the requirement of the issuance of a well construction permit. A construction permit shall be issued if a newly drilled well delivers 10 ~~5~~ or more gallons of water per minute and a well-water sample is analyzed for the parameters required by the state (See N.J.A.C. 7:10-12.6.) and the sample complies with the indicated water quality standards. (See N.J.S.A. 58:12A-26 et seq. and N.J.A.C. 7:9E-1.1 et seq.). However, a seasonal pump test must thereafter be completed during the next testing period of July 1 through October 31.
- (2) If any of the analyses are not within the required water quality limits, a treatment plan, prepared by a qualified hydrogeological consultant or certified professional engineer must be supplied to the Kingwood Township Board of Health within 30 days. If the water supply is less than 10 ~~5~~ gallons per minute, the applicant must wait for the seasonality period for testing. If the well yields one gallon a minute or less, a storage plan, as further described in § 153-26K, prepared by a qualified hydrogeological consultant, must be provided to the Kingwood Township Board of Health within 30 days. The well yield results must be witnessed by a Township-appointed witness. The New Jersey Geological Survey Ground-Water Report Series No. 1, Two-Part Pump Test for Evaluating the Water Supply Capabilities of Domestic Wells, worksheets pages 10 and 11, must be completed by the certified well driller. All measurements for gallons per minute will be done using a volumetric method (calibrated bucket and stopwatch) and three different measurements and will be conducted to average the tested well yield.

## Section 3:

The following subsections of §153-29 "Aquifer test and hydrogeologic report" shall be amended, the rest shall remain unchanged.

§153-29 E (1) Table 3 shall be replaced with the following:

Table 3: Number of Test Wells Required

Number of New Lots	Number of Test Wells*
<u>2</u> <del>6-7</del>	1 pumping well and 1 observation well

<u>3 to 5</u> <del>8-10</del>	2 on-site test wells, for pumping and observation. Minimum of 1, up to 3 off-site existing wells ***
<u>6 to 15</u> <del>11-20</del>	4 on-site test wells, for pumping and observation. Minimum of 3, up to 5 off-site existing wells ***
<u>16-49</u> <del>21 or More</del>	6 on-site test wells, for pumping and observation. Minimum of <u>5</u> <del>3</del> , up to <u>7</u> <del>5</del> off-site existing wells ***
<u>Greater than or equal to 50**</u>	<u>6 on-site test wells, for pumping and observation. Minimum of 7, up to 10 off-site existing wells ***</u>

\* Subject to §153-29F(7)

\*\* Proposed water withdrawals greater than or equal to 100,000 gpd must also be submitted to NJDEP for review and approval.

\*\*\* At the discretion of the Township Hydrogeological Consultant

#### §153-29 F

- (1) Property owner notification. Owners of existing wells on lots located within 2,500 ~~1,500~~ feet of the subdivision/site plan boundary shall be given an opportunity to have their wells monitored during the aquifer test. The applicant shall obtain a certified list of all property owners within 2,500 ~~1,500~~ feet from the Township Tax Assessor. Notification of such opportunity shall be given by the applicant in letter form, which form is available from the administrative authority, titled "Notice of Aquifer Test," via certified mail and regular mail, and shall give the time and place of the aquifer test. The applicant shall submit to the administrative authority the certified mail receipts. The notice shall indicate that such existing well may be monitored if agreed to by the well owner, provided the well is readily accessible. Such notice shall indicate that the existing well owner must respond within 14 days of the mailing, and the applicant's responsibility is to monitor up to the number specified in Table 3 for off-site observation wells.
- (2) Response. If the owner(s) of the lot within 2,500 ~~1,500~~ feet of the subdivision/site plan boundaries agrees to have their existing well monitored, they shall execute the access agreement and return it to the applicant by certified mail within 14 days of receipt of the certified notice from the applicant. If the applicant receives no response within the time provided, the response shall be deemed to be negative. If more homeowners agree to participate than the required number of observation wells, the selection of wells will be made by the Township's hydrogeological consultant. A return response for notification of the selected well owners and date and time of the well pump test(s) shall be delivered by the applicant via certified mail to those interested lot owners within 2,500 ~~1,500~~ feet of the subdivision/site plan boundaries. The return response must be received by the homeowner at least four weeks prior to the well test(s).
- (7) Selection of wells for monitoring. When property owners within 2,500 ~~1,500~~ feet of the subdivision/site plan boundaries decide to participate and have their wells monitored, it is the applicant's responsibility to monitor up to the number of wells specified in Table 3. However, if any of the property owners requesting monitoring have wells that are supported with public records to have been completed to a depth less than 100 feet, these wells must also be monitored in addition to the requirements for observation wells in Table 3. The observation wells on neighboring properties shall be selected to assess if the drawdown from the pumping well will extend beyond the subdivision/site plan boundary in any direction.

#### §153-29 G

- (1) Map: scale of one inch equals 100 feet, prepared by a licensed surveyor or engineer. The map must show the geology; surface and groundwater features (i.e., any known fractures, faults and recharge areas); location(s) of proposed test wells and observation wells; location(s) of proposed water quality monitoring wells; existing wells on lots located within 500 feet of the subdivision/site plan boundary; all septic systems and hazardous waste disposal areas active or abandoned within 500 feet of the boundary; and the location of all soil tests for potential subsurface sewage disposal areas on lots located within 500 feet of the subdivision/site plan boundary.
- (3) Nearby wells: documentation of all well-drilling results from the records of the Hunterdon County Health Department on lots located within 500 feet ~~of the proposed well.~~ of the subdivision/site plan boundary. Well failures within 0.5 mile of the subdivision/site plan boundary must be identified.

Section 4:

§153a (1) Table 1 shall be replaced with the following:

**SEWAGE DISPOSAL SYSTEMS**

*153 Attachment 1*

**Township of Kingwood**

**Table 1**

**Applicability and Timing for Types of Water Use**

Type of Water Use and Daily Demand Value	Applicability for Certification of Well		Timing of Well Certification
	§ 153-28 Three-Part Pump Test	§ 153-29 Aquifer Test and Hydrogeologic Report	
Existing improved or unimproved residential lot with a proposed daily demand of less than or equal to <u>900</u> <del>1,200</del> <sup>1</sup> gallons <sup>3</sup>	Yes	N/A	Prior to issuance, renewal or extension of building permit
Existing improved or unimproved residential lot with a proposed daily demand of greater than <u>900</u> <del>1,200</del> -20,000 gallons	N/A	Yes	
Residential lot that is part of an approved subdivision with an approved hydrogeological report	Yes	N/A	
Change in use <sup>2</sup> that requires additional water when the total daily demand will be greater than <u>900</u> <del>1,200</del> gallons, unless the well has been previously certified for the amount of water proposed	N/A	Yes	Prior to approval of change in use <sup>2</sup>

Subdivision creating <u>one 1-3</u> new lot <sup>4</sup>	Yes	N/A	Prior to issuance, renewal or extension of building permit
Subdivisions creating <u>two or more 4-7</u> new lots <sup>4</sup>	N/A	Yes	Prior to approval as to suitability of subdivision
<del>Subdivisions creating 8 or more new lots<sup>4</sup></del>	<del>N/A</del>	<del>Yes</del>	
Agricultural subdivision creating <u>one 1-3</u> new lot <sup>4</sup>	Yes	N/A	Prior to issuance, renewal or extension of building permit
Agricultural subdivision creating <u>two or more 4-7</u> new lots <sup>4</sup>	N/A	Yes	
<del>Agricultural subdivision creating 8 or more new lots<sup>4</sup></del>	<del>N/A</del>	<del>Yes</del>	
Nonresidential or multiple residence uses less than or equal to <u>900 2,000</u> gpd	Yes	N/A	Prior to preliminary site plan approval
Nonresidential or multiple residence uses greater than <u>900 2,000-10,000</u> gpd	N/A	Yes	
<del>Nonresidential or multiple residence uses between 10,000-100,000 gpd</del>	<del>N/A</del>	<del>Yes</del>	
Any use greater than or equal to 100,000 gpd	Obtain NJDEP water allocation permit		
Public water systems			

## NOTES:

1 An equivalent of four bedrooms (200 gpd/bedroom) as per New Jersey Geological Survey Ground-Water Report Series No. 1, Two-Part Pump Test for Evaluating the Water Supply Capabilities of Domestic Wells.

2 Any new or expanded water use that was not part of the original well certification (i.e., providing an off-site water supply, addition of bedroom(s), and other noncertified water uses), or in addition to the estimated water use (based on N.J.A.C. 7:10-12.6) if no certification was required at the time the well was installed. Off-site water supply shall only be conveyed to an adjacent single-family residence.

3 Exemption for the construction of an ECHO unit of a three-part pump test.

4 For purposes of determining the number of new lots involved in a proposed subdivision,

the number of proposed new lots and the number of new lots created from the subject property since August 31, 2019, shall be added together, and that total shall be the number of new lots used to determine the requirements to be satisfied under Table 1.

Section 5:

Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6:

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 7:

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

All members present voted **AYE** on **ROLL CALL VOTE**.

D. Kratzer stated they had considered having a well subcommittee. The Environmental Commission (EC) has chosen her to represent the EC. L. Voronin was chosen by the Planning Board and she believes that R. Phillips was the representative from the Board of Health. She is suggesting that the subcommittee work on a fact sheet about the well ordinance. She stated there was one draft a number of years ago that was an informational one. She thinks that it may be helpful for the public. It will contain a short summary of what the well ordinance entails. She said the ordinance is a long and difficult read to really understand what the ordinance says. She stated the well ordinance subcommittee could work on a plain English fact sheet. The subcommittee would bring any suggestions back to the Board. The members of the subcommittee will contact each other for availability.

L. Voronin stated that S. McNicol, who is a member of the EC, worked on the well ordinance years ago. She passed on a flow chart on what needs to be done.

I. Kyd thanked them.

S. McNicol stated she just wanted to thank you for all passing the well ordinance. She stated it is greatly appreciated that we are back on track here.

L. Voronin also thanked the Board and that we are back on track and protecting our groundwater systems.

I. Kyd stated they all have to collaborate.

EC Sponsored Webinar – NJ Changing Climate – March 28, 2022 @ 7:00 PM;

**Approval of Minutes**

It was moved by I. Kyd, seconded by P. Mikes and carried to approve the January 19, 2022 minutes and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Golden and P. Mikes, who **ABSTAINED**.

**CORRESPONDENCE**

I. Kyd reviewed as per the agenda.

Memo to Mayor Syrnick – Environmental Commission;  
Memo to Planning Board – Environmental Commission;

**PRIVILEGE OF THE FLOOR**

**ADJOURNMENT**

It was moved by I. Kyd, seconded by J. Golden and carried to adjourn the meeting at 7:47 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudенbach, Secretary**