

The regular meeting of the Delaware Township Planning Board was held on the noted date, in the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey. Chair Rosalind Westlake opened the meeting at 7:30 p.m.

#### PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

#### STATEMENT

Chair Westlake read a statement noting that the requirements of the Open Public Meetings Act have been satisfied. Notice of this meeting was properly transmitted to the Hunterdon County Democrat, Trenton Times, and Star Ledger, posted on the Delaware Township bulletin board and filed at Town Hall; all on January 9, 2019.

#### ROLL CALL

|          |                        |   |
|----------|------------------------|---|
| Present: | Class I                | Joe Vocke   |
|          | Class II               | Chris Cane  |
|          | Class III              | <del>Jamie Waltman</del>  |
|          | Class IV               | <del>Jean Bailly</del> , Dave Bond, Larry Coffey, <del>Russell Crespolini</del> , Kathy Katz, Rosalind Westlake |
|          | Alternate              | Ron Tyranski, Richard Macomber  |
|          | Liaison from           | Chuck Cline, Caine Fowler   |
|          | ZBA                    |   |
|          | Advisor                |   |
|          | Administrative Officer | Kathleen Klink  |
|          | Attorney               | Steven Goodell, Esq.  |
|          | Engineer               | <del>C. Richard Roseberry, P.E.</del> , not needed  |

Absent: shown by strikethroughs

#### APPROVAL OF MINUTES FROM THE MEETING of September 3, 2019

Minutes were presented and discussed. Member Coffey made a motion to approve the minutes from the noted meeting. Member Bond seconded the motion, and members unanimously approved the minutes as amended.

#### Correspondence: BILL LIST

Members reviewed the Bill List, as follows.

#### **Bill List, Escrow Charges,**

Legal Bills: Parker McCay, P.A.

|                          |         |
|--------------------------|---------|
| 17/21, Dempsey, #3101277 | \$80.00 |
|--------------------------|---------|

Engineering Bills: Maser Consulting, P.A.

|                         |          |
|-------------------------|----------|
| 17/21, Dempsey, #536326 | \$417.50 |
|-------------------------|----------|

Member Coffey moved to authorize payment of the noted bill(s) from the appropriate escrow account, Member Katz seconded the motion, and members unanimously authorized payment.

CORRESPONDENCE – Old Business, to include Memorializations -

Michelle Dempsey, Block 17, Lot 21 – boundary line adjustment from Block 17, Lot 18, Estate of Frank Schneider to Block 17, Lot 21; Block 17, Lot 21, after merger to have 4.961 acres; lands remaining for Block 17, Lot 18 to be 7.210 acres. Reviewed and recommended by combined Subdivision and Site Plan Review Committee on August 11, 2019. Request granted with conditions, September 3, 2019.

Prepared resolutions were distributed to all members for review and discussion. Items of clarification for wording and content were discussed, as noted.

There was a discussion about the conditions. It was decided that condition (letter) ‘a’ is to remain, and it was noted that this condition has been satisfied per Board Engineer Roseberry’s memo dated October 1, 2019.

It was noted that condition (letter) ‘c’ concerning approval from the Hunterdon County Planning Board has also been satisfied by the County per its memo dated September 10, 2019, which notes that conditional approval has been granted.

There was a discussion about condition (letter) ‘b’ concerning the Notice of Violation. After the discussion, it was noted that this condition can be satisfied in one of the following methods:

- (1) Copy that the NOV has met compliance in its entirety, or for the 2.503 acre parcel.
- (2) Request of the NOV investigator to report on the 2.503 acre parcel.
- (3) Copies of reports for the removal of any remaining solid waste, including pictures.
- (4) Board Engineer Roseberry inspection of the property.

Motion to approve as discussed and amended: Bond

Second: Katz

**Roll Call Vote**

Aye: Vocke, Cane, Bond, Coffey, Crespolini, Katz, Tyranski, Macomber, Westlake

Nay: None

Absent: Waltman, Bailly

CORRESPONDENCE – New Business, to include ApplicationsProposed Groundwater Ordinance

It was noted that the Pipeline Subcommittee prepared this ordinance to be reviewed by the Planning Board. It was also noted that the Ordinance Review Committee did not have chance to meet to review this proposed ordinance.

Member Katz noted that she read the proposal and had several comments, some of which are reviewed here and will be considered with the Ordinance Review Committee.

Member Katz stated that one concern in particular that she has is that she is not certain who or what type of development this ordinance will impact. She noted that the threshold appears to be a disturbance of 200,000 cubic feet of bedrock. She questioned if the installation of a basement for a home or a pool would fall within that threshold. She expressed concern that a homeowner might be subject to a major disturbance permit.

Member Katz noted that she felt the proposed ordinance is too vague. She also commented on the fact that it would seem that several of the ideas of this proposed ordinance could fit into existing ordinance 230-125, concerning water supply and water quality requirements. She noted that several definitions would need to be included in the existing ordinance.

Member Katz noted that the current quarry license does not require groundwater testing. She noted that the proposed ordinance would exempt agricultural activity, but that the proposed ordinance does not define that term. She noted that the definition of public community does not meet the state definition.

Member Katz noted that there is a discussion of water travel time, using 1-year and 7-year markers. She noted that NJ DEP only uses 2-year, 5-year, and 12-year travel times in their Wellhead Protection Areas, per Delineation of Well Head Protection Areas in New Jersey, 2003. She suggested that the NJ DEP standard should be used.

Member Katz noted that the current water supply ordinance references the Private Well Testing Act, 230-125E(2)(b); such references are not included in this proposed ordinance.

Liaison Cline suggested that Member Katz could meet with the Pipeline Committee. Chair Westlake noted that the proposed ordinance is not enforceable as applied to the pipeline application and proposal. She noted that Penn East is not subject to Township ordinances that are in place for issues governed by NJ DEP.

Liaison Cline stated that he understood that Townships with strong water ordinances have better footing against the pipeline.

Member Katz had other comments and agreed that she would try to meet with the pipeline subcommittee.

The Planning Board agreed that the Ordinance Review Committee should meet with the Pipeline Subcommittee to meld the existing ordinance (230-125) with the proposed groundwater protection ordinance. The Board further discussed the need for this revised language to be reviewed by the hydrogeologist.

Liaison Cline stated that he will have a discussion with Chair Thompson of the Pipeline Subcommittee. Liaison Cline further remarked that there is a concern about PFOA substances that are now being found in water supplies in New Jersey and in other parts of the country.

Member Katz noted that if the Private Well Testing Act is included in the language of the ordinance, new items such as this discussion on PFOA substances will then be updated within the language.

Members of the Ordinance Review Committee stated that they will meet with the authors of this proposal and report back to the Planning Board. It was further noted that an attempt will be made to try to get this done by next meeting.

## COMMITTEE REPORTS

### **Scheduled Committee Meetings**

Subdivision and Site Plan Review Committee - second Wednesday, 7:00 p.m., as needed per applications submitted. *Member Bailly to report*. Members: Bailly, Crespolini, Katz  
No meeting

Agricultural Advisory Committee – first Tuesday, 7:00 p.m.; *Member Coffey to report*  
Members: Bond, Coffey; non Planning Board: Bench, Novak, Sawatzky  
No meeting

Open Space Committee – third Wednesday, 7:30 p.m., except January 14 and February 11; *Member Coffey to report*. Members: Coffey, Bond, alternate Westlake  
Member Westlake reported that there has been a slight “hiccup” in the Lee Lau application. She reported that it may have been resolved and is now moving forward.

### **Non-Scheduled Committee Meetings, please give me notice for proper newspaper notification, if needed**

Master Plan Committee – *Member Westlake to report*; members: Coffey, Katz  
No meeting

Ordinance Review - *Member Coffey to report*; members: Katz, Westlake  
Discussion on the proposed groundwater ordinance, as noted in the body of the minutes

Quarry Compliance Committee – *Member Bond* (Board Representative)  
No meeting

Stormwater Management Committee – *Member Waltman*  
No meeting

## LIAISON REPORTS

Board of Adjustment – second Thursdays, 7:30 p.m., *Liaison Cline*  
Liaison Cline reported that the Board has an application for October.

Environmental Commission – third Wednesdays, 7:30 p.m., *Liaison Katz*  
Member Katz reported that the Commission is working on a more updated website. She noted that there was a talk about well-testing by the Raritan Headwaters Association that had good attendance. She further noted that about 60 well testing kits were sold to residents.

Member Katz noted that the Township March on Litter will be held on October 12, 2019.

Historical Advisory Committee – second Wednesdays, 7:30 p.m., *Liaison Cane*  
Nothing new

Shade Tree Commission – fourth Thursdays, 7:00 p.m., *Liaison Coffey*  
Member Coffey noted that the trees at Dilts were discussed and that the Commission will be sending a letter to Township Committee.

**Meeting opened to the Public for Comments or Questions**

There were no comments or questions from the public.

**Meeting opened to the Board for Comments or Questions**

There were no further comments from members of the Board.

NEXT MEETING: November 5, 2019 (also Election Day)

ADJOURNMENT: 8:16 p.m.

It was moved, seconded, and unanimously carried to adjourn at the noted time.

Respectfully submitted,

Kathleen E. Klink,  
Administrative Officer