

READINGTON TOWNSHIP BOARD OF HEALTH

November 17, 2010

Chair William C. Nugent called the meeting to order at 7:08 pm and announced that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

Attendance Roll Call:

Christina Albrecht	present	William C. Nugent	present	Wendy Sheay	absent
Jane Butula	present	Tanya Rohrbach	absent	Donna Simon	absent
Beatrice Muir	present				

Also Present: Hunterdon County Health Dept.: Bob Vaccarella
Board of Health Engineer, Ferriero Engineering, Inc. representative John Hansen

Not in Attendance: Board of Health Attorney, Stanley T. Perlowski, Esq.

A. APPROVAL OF THE MINUTES

1. **Minutes** of July 21, 2010. (-Albrecht, Butula).

Deferred to 12/15/10.

2. **Minutes** of October 20, 2010. (-Muir, Sheay).

Deferred to 12/15/10.

B. CORRESPONDENCE

1. **NALBOH** – Resignation of NJ SALBOH from NALBOH.

The board agreed to remain active in both organizations.

2. **Block 31/Lot 37.02** – Notification of submission to NJDEP.

3. **Suspected Hazardous Discharge Notification** letter dated 10/30/10 re: oil heating #2.

4. **Hunterdon County Dept. of Health** – Notice of Violation.

Mr. Vaccarella stated that this is a revised form, as of a couple of months ago.

Chair Nugent noted that the 10 grace period wasn't completely clear.

Mr. Vaccarella stated that there are revisions still being made.

5. **HCDH LINCS** – dated 11/15/10 – Public Health UPDATE – CHOLERA IN HAITI.

<http://nj.gov/health/cd/cholera/index.shtml>

6. **Hunterdon County Dept. of Health** – Register Ready Program and Demonstration.

Ms. Butula stated that this is a positive way to encourage people to volunteer their information.

In the past, the faith based organizations of the community have identified this need.

Mr. Vaccarella stated that this program is in the early stages. Through individuals filling out the registration form, the NJOEM Register Ready online database and HCDH Preparedness would be able to identify those in need.

Ms. Muir stated that one way to reach Readington residents would be to include a brief note in with the property tax correspondence.

Ms. Butula stated that the Readington Township website is available to reach out to the public, also a bulletin goes out to the faith-based group periodically.

There was some discussion of which group(s) would attend a presentation.

C. SEPTIC REPAIRS

1. **Septic System Repair Approval** - HCHD, Block 66/Lot 19.70. *Final field 10/27/10*

Noted.

D. OLD BUSINESS

1. **Readington Township Land Use Ordinance** #22-2010.

Chair Nugent stated that he had spoken to Mr. Hansen, Ferriero Engineering, regarding the Land Use Ordinance. The result was to have counsel do a slight revision as to how the ordinance was structured, and to provide that as feedback to the committee.

E. NEW BUSINESS

1. *Partnership for Health* – quarterly meeting upcoming 12/3/10.

Ms. Butula stated that this will be a very busy meeting. All of the data has been compiled from the survey that they conducted. Ms. Butula will bring the results of that back to this board. The second newsletter has just come out and the Safe Committee Coalition was last Thursday. Ms. Butula asked that Ms. Petzinger get the Safe Committee Coalition Newsletter and forward it to the board members, also power point presentations have been requested from the conference.

F. APPROVALS

Category A. – Single Lots

Heard @ 7:30 p.m.:

1. Block 14/Lot 24 – Kurt Hoffman Engineering, Westcott, Lamington Road

Escrow fees paid 5/21/10; ck# 1265, \$750.00.

Mr. Kurt Hoffman, NJ licensed engineer represented the Estate of Edna Wescott, Muriel Cesta, Executrix, before the board. Mr. Hoffman is the design and test engineer for this site, Block 14/Lot 24. This application is for 6 Lamington Road. Three soil logs were performed with 1 basin flood. There is a correction on soil log 3, the date that the soil log was recorded is 10/5/10. The date is incorrectly indicated on soil log 3 as 6/8/10. Three signed and sealed corrected copies are provided for the board this evening.

Mr. Hoffman stated that at the beginning of the project they were going to utilize the existing well on the site, and because of the limited size of the site they would have had to ask for a waiver for the distance to the well. Subsequently, after soil logs 1 and 2 were done on 6/8/10, it was determined that there was not enough casing in the well for the reduction of the 50' distance to the existing well, that is what prompted soil log 3 to be done on 10/5/10. They then proposed a new well to be dug on site, along with the installation of the new septic system. Soil logs 2 and 3 along with the basin flood in soil log 2 are used for the design of the proposed septic system. This is a gravity septic system, conforming to all state and township ordinances.

Chair Nugent asked what the distance is between the soil log 2 and the proposed bed.

Mr. Hoffman stated it is exactly 15'.

Ms. Butula confirmed that soil logs 1 and 2 were done on 6/8/10, then they went back on 10/5/10 and did soil log 3, and those were the only 3 soil logs done.

Mr. Hoffman stated exactly.

Chair Nugent stated that there are references to a catch basin, and what is the distance between that and the proposed bed ?

Mr. Hoffman stated that they are all indicated on the plan along with the line between the catch basins which is on the far side of Lamington Road from the property. The distance is 100'.

Chair Nugent asked on the map on sheet 3 of 5, construction notes # 19. the note about adjoining wells if found.

Mr. Hoffman stated all the wells and septic on adjacent properties have been found and there is nothing within the 150' boundary that is shown on the map.

Ms. Butula asked about the 1 lot with public sewer, was it on both sides of this property, and was it available to this house?

Mr. Hoffman stated it was not, and they would have done that if they could have.

Chair Nugent confirmed the receipt of a wetlands investigation report.

Mr. Hoffman stated that the board was in receipt of Mr. Tareila's 6/10/10 letter stating that there are no freshwater wetlands, freshwater wetland transition areas or state open waters within 150' of the proposed replacement septic system site. There were no indications of positive wetland hydrology.

Chair Nugent stated for the record that this applicant is a relative of one of the board members, Wendy Sheay. In light of that, it needs to be clarified that each board member present is not conflicted in reviewing and making a decision.

Ms. Butula stated that she was not conflicted, this was a simple and straightforward application

Ms. Muir stated that she had no conflict.

Ms. Albrecht stated that she had no conflict.

Mr. Vaccarella confirmed with Mr. Hoffman that the existing well was to be sealed.

Mr. Hoffman stated yes it is, as is noted on the plan.

Chair Nugent asked if there were any further questions.

There was no response from the board members or professionals.

A **MOTION** was made by Ms. Butula for approval of Block 14/Lot 24, residence at 6 Lamington Rd., Readington Township, Hunterdon County, New Jersey. This is a 3 bedroom residence. The map is entitled Septic System Design for Muriel Cresta, Block 14/Lot 24, Readington Township, Hunterdon County, New Jersey, pages 1 – 5, dated 7/16/10, revision 10/5/10, prepared by Kurt Hoffman, licensed professional engineer in the state of NJ. The surveyor is George A. Sniffin, professional land surveyor, survey done 5/10/10. A report from the HCDH is dated 10/29/10. This is an alteration with no expansion for a soil replacement; fill enclosed, gravity flow mounded system. For the primary, soil log 2 was done on 6/8/10, 122", no groundwater, no mottling. Soil log 2 was done on 10/5/10, 120", no groundwater, no mottling. The permeability test was basin flood 1, @ 8' on 6/8/10 – 6/9/10, passing results. A letter from Jeff Tariela, Environmental Consulting done 6/01/10 concluded that no freshwater wetlands, freshwater wetland transition areas or state open waters are present on or within 150' of the proposed replacement septic system to be located on Block 14/Lot 24. HCDH report states that the old well will be abandoned following the rules and regulations of the state and county. A new well will be drilled by a professional well driller. Form 2b for soil log 3 was corrected, signed and sealed and presented to the board this evening. A total of 3 soil logs total were done.

This motion was seconded by Ms. Albrecht, on roll call vote, the following was recorded:

Ms. Albrecht Aye Ms. Butula Aye Ms. Muir Aye Chair Nugent Aye

Heard @ 7:45 p.m.:

2. Block 51/Lot 2.15 – Dig Engineering, Hall, Strawberry Court

Escrow fees paid 9/22/10; ck# 111, \$750.00.

Previously heard 10/20/10.

Mr. Ken Hall, homeowner of 5 Strawberry Court, represented his application before the board. The engineer, Mr. Digney, who had appeared at the last Board of Health meeting on October 20, 2010, had revised the drawings to include the neighboring well, and also the relocation of the disposal soil, in addition to revised Form 2b, soil log 1.

Chair Nugent reminded the board that this application had notified adjoining property owners, and last month one of the neighbors did appear before the board to voice their concerns about the proximity of the proposed system to the well. As a result, they were required to identify where the well is located, and the recommendation that the site for the burial of the existing spoils be relocated to the other side of the driveway. The last item which was brought up by the board was the location of the wells on any other adjoining properties, which is indicated on the top left corner of the revised map. The reference is to the distance to the adjoining property well being in excess of 149'.

Ms. Butula stated that she would like to do a summary of changes since the engineer isn't here. The board asked the engineer to do the items as just stated, the revised 2b was a correction to the regional zone at 57" on soil log 1. The adjoining property owners were John and Sally Christensen, and were most cooperative. Ms. Butula stated that there were 2 letters from the Health Dept., and had pointed out the pump, the easement, 25' to the proposed field instead of the required 100'; and also the stream. There is also the issue of the 3:1 slope, and will that require a variance?

Mr. Vaccarella stated yes, since it is not in full conformance. The option is a 3:1 slope or a retaining wall. There was some discussion of the termination of the 3:1 grade, and whether or not it was at the wall. They determined that the slope was 2:1, terminating at the retaining wall.

Mr. Hansen stated it sounds like you do need some relief because you are not extending the 3:1 as you normally would, you have an obstacle there. Normally you try to design so that there is a nice consistent grade coming out of the mound.

Ms. Butula summarized that the waiver is needed because of the 25' distance between the drainage easement and the septic field; also one is needed because of the 90' difference between the drainage easement and the stream field; they are applying to NJDEP for a GP25; and they have a pump.

Mr. Vaccarella stated that the County would not sign the permit until they had received the GP25 from the State of NJ.

Chair Nugent asked if there were any questions from the board or the professionals.

There was no response.

Mr. Hall asked about the waivers.

Ms. Butula stated they would need a waiver for the 25' distance between the drainage easement and the septic field, the 90' distance between the drainage easement and the stream, and the shortening of the 3:1 near the wall; the use of the pump; and application to the NJDEP for the GP25.

Chair Nugent asked if the homeowner understood the filing and maintenance of the deed restriction?

Mr. Hall stated no.

Ms. Butula explained the process of having an attorney file the deed restriction with the County Clerk's office.

A **MOTION** was made by Ms. Butula for approval for Block 51/Lot 2.15, 5 Strawberry Court, Readington Township, Hunterdon County, NJ; 4 bedroom residence. The failure was the bed being flooded. The map is entitled Septic Alteration Design Block 51/Lot 2.15, 5 Strawberry Court, Readington Township, Hunterdon County, NJ, dated 3/5/09, revision 8/30/10, 10/29/10, prepared by Charles Digney, P.E.. The surveyor was Michael J. Spillane, P.E. and L.S., dated 2/27/09. HCDH reports are dated 8/17/10, 9/2/10 and 11/4/10. This is an alteration with no expansion, it is a gravity dosed mounded soil replacement fill enclosed system with a pump. For the primary, 2/23/09, test hole 1, @ 142", seepage @ 77", static seepage after 24 hours was @ 57". Test hole 2 @ 142", seepage @ 83, permeability test was pit bail @ 133 1/2", 2/23/09, K=9.24"/hour. Regional water was soil log 1 @ 57", static after 24 hours. There are wetlands on this property, as demonstrated by the engineer on correspondence. They are applying for a waiver for the 25' distance between the drainage easement and the septic field, the 90' distance between the drainage easement and the stream, there is not a complete 3:1 slope for the toe of the mound, it ends at the retaining wall that is extended. Application will be made to NJDEP for a GP25. The adjoining property owners were notified, and carried to this meeting. This system requires a deed restriction for the pump, with the filing at the Hunterdon County Clerk's office and follow up maintenance. A copy must be submitted to the board secretary within 90 days.

This motion was seconded by Ms. Albrecht.

Chair Nugent asked if there were any members of the audience wishing to address this application.

There was no response.

On roll call vote the following was recorded:

Ms. Albrecht Aye Ms. Butula Aye Ms. Muir Aye Chair Nugent Aye

Heard @ 8:05 p.m.:

3. Block 45/Lot 44 – Bayer-Risse Engr., Stellato, Emery Drive

Escrow fees paid 10/1/10; ck# 434, \$750.00.

Mr. Bill Jupinka, NJ licensed engineer, Bayer-Risse Engineering, appeared before the board. This application is an existing 4 bedroom dwelling, no expansion or change in use. The malfunction to the 35 + year old system is due to deteriorated components from the tank to the D-box, and all the laterals, all are in disrepair. The owner has requested to do an alteration which will involve a new septic tank, 1,000 gallon, 2 compartment with an effluent filter, a pump tank, and a soil replacement, bottom lined, pressure distribution soil field. There are no wetlands or wetland transition areas on the property. A series of 5 logs were done, located to the front side of the property were very tight

fractured rock, not good for drainage. Towards the rear of the property, 2 soil logs were done with the basin flood, encountered a loose, gravelly shale. There are no neighboring wells or septic systems within 150' of the proposed system. All parties, buyer and seller, are aware of the deed restriction for the pump and the maintenance requirements.

A **MOTION** was made by Ms. Butula for approval of Block 45/Lot 44, 7 Emery Drive, Readington Township, 4 bedroom residence. Map is named Septic System Alteration for Virginia Stellato, Block 45/Lot 44, Readington Township, Hunterdon County, NJ, dated 9/28/10, prepared by Stephen Risse, P.E.. There are two surveys, Thos. J. Rex, L.S., dated 7/10/00; Charles Saladin, L.S., dated 9/28/10. HCDH report is dated 10/14/10. This is an alteration with no expansion for a bottom lined pressure dosed installation soil replacement 2 compartment tank with an effluent filter and use of a pump. For the primary, soil logs were performed on 9/22/10, soil log 922-1, @ 117", no groundwater, no mottling. Soil log 922-2, @ 120", no groundwater, no mottling. Permeability is 922-1, on 9/22/10, @ 7', positive results. There is a pump with the required maintenance and deed restriction filed with the Hunterdon County Clerk, and a copy returned to the board secretary within 90 days. There are no wetlands or wetland transition areas on the property, and no neighboring disposal systems or wells within 150' of the proposed system.

This motion was seconded by Ms. Albrecht.

Chair Nugent asked if there were further questions or discussion.

There was no response.

On roll call vote the following was recorded:

Ms. Albrecht Aye Ms. Butula Aye Ms. Muir Aye Chair Nugent Aye

Heard @ 8:20 p.m.:

4. Block 4/Lot 101 – Gladstone Design, Sblendorio, Halls Mill Road.

Escrow fees paid 8/16/10; ck#115, \$750.00.

Previously heard 9/15/10.

Mr. Ed Herrman, NJ licensed engr., Gladstone Design, represented Ms. Sblendorio before the board. This application is for a commercial property, office use, and has a malfunctioning cesspool. The proposal was to put a standard system in the front of the property, there were some environmental constraints, which have been addressed. There is a stream corridor that bisects the property in an east to west direction, which cuts off the usability of the rear property.

The soil testing was done in the front of the property, reasonable soils were found, however the basin flood test did not work properly. Testing was done in the back of the property, a suitable pit bail test was done, but there was a high ground water reading based on monitoring. It was determined that the best use of the property was to put the septic system in the front of the property. The board had asked for an onsite topographic survey, as indicated on the

map, the well was located on the plan, and the well was tested. The well test came back with a few problems, was retested after remediating the problem, and the system was flushed. A copy of the well test would be left with the board. A copy of soil log 5 was given to the board, a soil test numbering was revised and resubmitted, and the wetland consultant's report was submitted to the board, confirming that there are not wetlands within 150' of the proposed system.

Chair Nugent asked Mr. Hansen if the proposed system, considering the failed perc test, would provide a solution for that failed test ?

Mr. Hansen stated that this is an interesting situation, the bed is designed over a failed test, and an environmentally constrained area with a passing test on the other side of it, so which option is better, to do trenching with the environmental damage necessary to get to that area in order to get a bed that will function better, or is it better to put it in the proposed area ? It is a tough call. Mr. Hansen stated that he would not offer an opinion on it, rather say that Mr. Herrman is saying based on his knowledge of the soils, that the septic is going to function, then that

should be offered to the board.

Chair Nugent stated that at the previous hearing, there was some discussion of going to the other side of the stream, and the board felt that the proposed area was the better solution. However, there is the perc test that is not passing, so, is there engineering that Mr. Hansen may see, either size of the bed, or oversizing, whatever has been proposed that will provide a system that will function ?

Mr. Hansen stated that he could not say that the system would function, the test is that if it percs, you have permeability and you are certain it is going to work. If you do not have permeability, no matter how big you design it, how deep you go, eventually it is going to fill up, when that happens, you don't know.

Mr. Herrman stated that it was a failing basin flood, but it wasn't entirely static, it was 1" in 18 hours, or 1.33"/day over the square footage of the system, would be a flow rate of 920 gallons per day. So it is not impermeable per say, the state code is .2" per hour, so the fact that they designed the system for 550 gallons/day and by the representation of something as small as 1 1/3" per day would push 920 gallons per day through at that rate.

Mr. Hansen stated that is the engineer's testimony, the board could weigh that and if they approve it, are relying on that testimony.

Ms. Butula stated that is even in light of this being a commercial property, and the board not knowing the exact use.

Mr. Hansen stated that the previous testimony was the square footage requirement in the code, which is 1/8 gallon per square foot of use, which is 550 gal./day. In this case, it would take 36 + employees to equal that 550 gallons @ 15 gallons/person.

Ms. Butula confirmed that Mr. Herrman was testifying that the other buildings on the property would not be used.

Mr. Herrman stated the out buildings are designated as storage use only, he would defer to the client to come back before this board if that were to change.

Ms. Butula asked if Mr. Hansen would explain Comment #4, in Ferriero Engr. letter dated 10/22/10, page 2, "permit by rule notification to the NJDEP is required".

Mr. Hansen stated there are several different levels of permitting if you are in the riparian zone of the stream, an individual permit, a general permit, or a permit by rule, which is the most important one. It is available for certain activities in previously disturbed areas. This falls into that category because the area where the septic system is going was developed, was graded, and was a developed area previously. It is basically a notification to the NJDEP, there is no give and take, you don't wait for a permit to come back, you send them a letter, then wait 14 days and start construction.

Chair Nugent asked if that supplants the need for a GP25?

Mr. Hansen stated it is not in place of a GP25, it is a different set of regulations. A general permit - GP25 - would be necessary if you were in a wetlands transition area. The permit by rule applies and is necessary because it is in a riparian buffer of a stream.

Ms. Butula confirmed that there is no conflict between what he is doing and the report from PK Environmental, they are all in agreement because of the difference between riparian and wetlands.

Mr. Hansen stated that is correct.

Ms. Butula stated in a letter from Mr. Herrman dated 8/13/10, a comment was made that a waiver is needed from the water course offset to the disposal field because it will be within 37' at its closest point to the existing swale along the western property line. Would Mr. Hansen comment on that ? And is that in conflict with PK Environmental ?

Mr. Hansen stated he did not see it as a water course, it appeared to be a drainage pipe, and deferred to Mr. Herrman.

Mr. Herrman stated that it is a storm water ditch that is not flowing under normal circumstances; it collects the stormwater that flows along Halls Mill Road, and diverts it under the road and down the

ditch. The reason he noted that is because of the fact that they had to notice for variance purposes. He did not feel it was a watercourse, it was just a catch phrase. PK Environmental referred to it as a drainage swale.

Ms. Butula stated that that would be defined in the motion.

There was some discussion of this being a water course.

Mr. Vaccarella stated it is a ditch with no water in it, that only flows during snow melts.

Mr. Hansen stated that he agreed that this is a drainage ditch, it does not meet the definition of a water course.

Mr. Vaccarella stated NJDEP's definition does not reference a water course as snow melts or runoff of rain events.

Ms. Muir asked if this building would be retrofitted with new low volume bathroom fixtures ?

Ms. Sblendorio stated there were currently plans to change one sink, everything else was working, and are normal flow fixtures.

Chair Nugent asked Mr. Herrman about a note 'tank type' ?

Mr. Herrman stated that referred to the tank which is a monolithic tank.

Chair Nugent stated that he had no further questions, and asked if there were any from the board members or professionals ?

Ms. Butula stated that the notation is made that permeability testing was done on the other side of the stream, with the regional water determined by soil log 2 with mottling @ 30".

Ms. Butula commended Mr. Herrman on a very good job.

A **MOTION** was made by Ms. Butula for Block 4/Lot 101, a commercial building sized at 4400' at 217 Halls Mills Road, Readington Township, Hunterdon County, NJ. This approval will apply for the one building which is listed on the map as the masonry and frame office. The map is named Proposed Subsurface Disposal System Plan and Details, Sblendorio Property, Block 4/Lot 101, Readington Township, Hunterdon County, NJ, dated 7/16/10, revisions 8/2/10 and 10/1/10, prepared by Ronald A. Kennedy, P.E. A survey done 7/10/07 by Ryan L. Smith, a new topographical survey done 10/1/10 by Kurt Haney, L.S. A report by HCDH done 8/24/10. Ferriero Engr. reports are dated 10/22/10 and 11/3/10. A letter from Gladstone Design is dated 10/28/10. This is a gravity dosed, mounded installation, the well water test was failing, and has since retested and found there is no bacteria and the lead is within a conforming amount, 0.8, in a letter dated 11/9/10. This is an alteration with no expansion, soils testing was done 10/13/09, soil log 1-101309, @ 132", mottling 42 – 54"; soil log 2-101309, @ 103", mottling 30 - 42"; soil log 3-101309, @ 72", no mottling, no groundwater; soil log 4-101309, @ 94", mottling 48 – 60", seepage @ 84" done 10/14/09. Basin flood soil log 101309, done 10/13/09, @ 72", failing, requiring a waiver, the engineers explanation was given as testimony, along with the Board of Health engineer. A wetlands report is included, done by John Keil, PK Environmental Planning, stating "in conclusion it is their professional opinion that the proposed septic system improvements will have no negative environmental effect or cause, any disturbance to any NJDEP regulated wetlands, wetland transition areas. There is a clear absence of NJDEP regulated freshwater wetlands within 150' of the proposed limits of the onsite disturbance", dated 9/30/10, titled "Onsite Wetlands and Riparian Zone Analysis". This system will use a pump, including the deed restriction and filing and maintenance requirements. A copy must be returned to this board secretary with 90 days. A waiver is given for extending the distance of the septic tank to the pond at 86.3' and for the pump tank to the pond at 94.3'. The distance of the 1000 gallon septic tank to the unnamed tributary to the Rockaway Creek is waived. There is a permit by rule notification required to the NJDEP, which is required for the proposed construction within the riparian buffer. A detailed wetlands report indicated that there is not a need for a GP25.

This motion was seconded by Ms. Albrecht.

On roll call vote the following was recorded:

Ms. Albrecht Aye Ms. Butula Aye Ms. Muir Aye Chair Nugent Aye

G. ADJOURNMENT

A *MOTION* was made by Ms. Albrecht to adjourn at 8:55 pm, seconded by Ms. Muir with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary