

## READINGTON TOWNSHIP BOARD OF HEALTH MEETING

February 16, 2005

Chair William C. Nugent called the meeting to order at 7:00 pm and announced that adequate notice of this meeting of the Readington Township Board of Health has been provided, by posting on the Township Bulletin Board, delivery to the Hunterdon County Democrat, the Courier News, filing with the Township Clerk and mailed to the members of the Board of Health.

### Attendance Roll Call:

Daniel Allen	absent	Stephanie Moore	present	William C. Nugent	present
Jane Butula	present	Beatrice Muir	present	Wendy Sheay	absent
Raymond Facinelli	absent				

**Also Present:** Board of Health Engineer: Mr. John Hansen  
Hunterdon County Health Department: Ms. Deb Vaccarella  
and Ms. Mia Castellucci

### A. APPROVAL OF THE MINUTES

#### 1. Minutes of February 2, 2005.

A **MOTION** was made by Ms. Butula to **accept** the minutes of February 2, 2005. This motion was seconded by Ms. Moore.

Ms. Butula noted on page 2, a correction under J. Approval of the minutes from the 12/15/04 meeting, should be clarified to state "there was not enough time in the remaining 5 minutes to make a decision"

On roll call vote, the following was recorded for approval of the minutes of 2/2/05:

Ms. Butula	Aye	Ms. Muir	Aye
Stephanie Moore	Aye	Chair Nugent	Aye

Chair Nugent rearranged the order of the agenda to hear the following application first due to time restraints for Mr. Mulhall. (see pg. 2)

#### E. NEW BUSINESS 1. Block 43/Lot 29 – Parra 2<sup>nd</sup> well approval letter dated 12/7/04.

### B. CORRESPONDENCE

#### 1. Suspected Hazardous Discharge Notification letter dated January 20, 2005. regarding #2 fuel oil at 540 Old York Rd.

*Noted.*

#### 2. Suspected Hazardous Discharge Notification letter dated January 25, 2005. regarding #2 fuel oil at 500 Mountain Rd.

*Noted.*

#### 3. Suspected Hazardous Discharge Notification letter dated February 2, 2005. regarding #2 fuel oil at 12 Quail Lane.

*Noted.*

#### 4. HCHD LINCS – Governance Assessment Survey/Workshop.

*2/12/05 meeting at RVCC was attended by W. Nugent, J. Butula. Ms. Butula contacted Mr. Beckley, he will supply BOH with document filled out by 4/15/05. BOH will comply with filling this out. The board will meet to review and fill out document by 5/1/05. All board members should attend. Board members should plan on attending late March and again in April. The BOH office will be tracking the progress.*

**5. HCHD letter dated 2/4/05 - Retail Food Establishment Food Worker Training**

*Noted. The board requested HCHD to provide the mechanics of this training.*

*Ms. Vaccarella stated they do currently classify food establishments.*

**6. Block 40/Lot 1- LOI Line Verification - Amendment.**

*Noted.*

**7. Block 21/Lot 30 – Township Engineer Report.**

*Noted.*

**8. Block 38/Lot 38.01 – Township Engineer Report.**

*Noted.*

**9. Block 44/Lot 47 & 48.02 – Township Engineer Report.**

*Noted.*

**10. Block 9/Lot 6 – Township Engineer Report.**

*Noted.*

**11. Block 40/Lot 1 – Township Engineer Report dated 1/25/05.**

*Noted.*

**12. Block 40/Lot 1 – Township Engineer Report Amendment dated 2/11/05.**

*Noted.*

**C. SEPTIC REPAIRS**

*The following two repairs will be carried to the 3/16/05 agenda with corrected block/lot numbers.*

1. Septic System Repair Approval from HCHD, B 73/L 55 should be B 51/L 2.14.
2. Septic System Repair Approval from HCHD, B 69.01/L 13.05 should be B 67.01/L 19.24.

*Carried from 2/2/05:*

3. Septic System Repair Approval from HCHD, B 36/L 19. Under investigation.
4. Septic System Repair Approval from HCHD, B 42/L 29. No action, have withdrawn.
5. Septic System Repair Approval from HCHD, B 47/L 7. Pending.
6. Septic System Repair Approval from HCHD, B 51/L 25.01. Pending.

**D. OLD BUSINESS**

**1. Block 55/Lot 7.01 – Township Engineer Report.**

*A site visit was scheduled for 2/16/05. Follow up on findings.*

**2. Block 12/Lot 14.01, 15 status from 12/15/04 meeting.**

*Mr. McEldowney had not been aware of this, will review asap.*

**3. Block 66/Lot 31 letter from RTBOH to Mr. Rathborne.**

*Noted.*

**E. NEW BUSINESS**

**The following application was heard at 7:00 p.m.**

**1. Block 43/Lot 29 – Parra 2<sup>nd</sup> well approval letter dated 12/7/04.**

Mr. Donald Scholl, attorney, and Mr. Decker, engineer, represented this applicant before the board. Mr. Decker stated the Parra application was before the board 2 years ago, at that time a study was performed by Environ on the well. Because of the lack of water pressure due to elevation and distance from the existing well, they would like to install an additional well next to the barn.

Mr. Mulhall, hydrogeologist for the Board of Health, stated in 2002 this site was investigated by Environ. At that time the Parra's were going to install and monitor a POET system. Environ chose to use a sampling methodology being followed by the DEP, which the BOH included in their resolution at that time. It had been requested that results from those samples be submitted to the Readington Township BOH so they could keep track of the situation not only with respect to this particular property, but with respect to other properties too. Ultimately, they were going to put in their own POET system following the same protocol that the DEP has on several other homes in the area. Regarding the location of the new well - Mr. Mulhall referred to an exhibit used by Environ in 2002 showing the higher concentrations of volatile organic compounds in ground water in the area, one area is close to Willocks Ct., another area south of the property is close to 42<sup>nd</sup> Street. Mr. Mulhall indicated the current well location on the map, stating there was some contamination along Shade Lane as well. The map was done indicating pumping 240 gallons/day which is enough for the home. Mr. Mulhall indicated the proposed location for the new well, stating there is nothing precluding them from putting a new well in on the property, the DEP would issue them a well permit if they were to apply for that well permit. Mr. Mulhall stated he would appreciate it if they were going to put a POET system, because even if they did not encounter a contamination at that location, it would at least be in place to treat it if something did come along at a future date. Mr. Mulhall stated Mr. Decker already indicated they would put a POET system in, they would be permitted to put a well in as far as the DEP is concerned, there is nothing in state regulations to preclude them from doing that. If they put the POET system in and share the results with the township so the conditions within the region can be tracked, it would be helpful.

Chair Nugent stated in the discussion from 2002 there was concern as to the direction of the flow of water beneath the ground and the direction the contamination was flowing. Does the proposed location of the new well suggest the contamination would be more, less, or the same?

Mr. Mulhall stated theoretically it should be less because they are moving in between those two locations. Mr. Mulhall referred to another map from Environ, stating the entire property is surrounded by areas that have groundwater that has been impacted, including their own wells. By moving it into the center of the location, they are potentially moving it away from the higher concentrations along Shade Lane, but it is still positioned between what is at Willocks Court and south on 42<sup>nd</sup> St. No one knows the sources, it was looked at thoroughly a couple years ago with the DEP, they still have not investigated it fully, they still do not know what the source is. There is not a good handle on what the long term results are going to be. Just having a system in place to treat the water is the best that they can do at this time.

Chair Nugent stated the positive thing is that it is not getting worse, and may get better.

Mr. Mulhall stated some of the highest concentrations were detected along Shade Lane, by taking some of the load off of that well and putting on a well towards the center of the property, you could reduce the pressure on that well, and therefore the potential for the contaminants to get to the house.

Chair Nugent asked if there were any chance that the draw by the new well would cause any changes to occur with the original well.

Mr. Mulhall stated you wouldn't know that without *aquafir*(?) testing, but it shouldn't because you are moving it to a different spot on the property and given the geology of the region, it should be taking it off the sets of fractures that are being intersected by the regional well.

Ms. Butula stated the quarterly monitoring reports as stated in the motion of 2002 had not been provided to the Board of Health, the HCHD and NJDEP.

Mr. Scholl stated he would follow up on this. He would get something in writing from Mr. Parra.

Chair Nugent stated it was also noted the third stage would be installed but not implemented unless actionable contaminants were reached.

Mr. Scholl stated Mr. Stothoff had been there and actionable contaminants had not been reached, however, there would be something in writing confirming this.

Ms. Butula stated also, please reiterate that Mr. Parra has no intention of intensification of use of this property other than what it is right now.

Mr. Scholl stated that is correct, that is in keeping, what they want to do is be good neighbors.

Ms. Moore asked how many acres this farm is.

Mr. Decker stated 27.2 acres.

Ms. Moore stated the applicant may be interested that there is Cost Share available for wells on farms.

Ms. Vaccarella stated that HCHD had been contacted last year with this project, and the applicant had been advised to come before the BOH. Ms. Vaccarella agreed with Mr. Mulhall's opinion, however was disappointed that the testing had not yet been provided.

Ms. Vaccarella noted the quarterly testing would be based on a calendar year.

Ms. Butula stated she would like to see the testing material. Ms. Butula stated that the previous application was approved by motion, a duplication of the method used previously would be acceptable. Ms. Butula stated the applicant would have to come back next month.

Mr. Mulhall stated that he would ask that the POET system be set up with the same number of sampling taps. It is actually to their benefit so that they know whether the second unit is being used or not, and the load it is taking on.

Chair Nugent confirmed that the applicant was returning with the quarterly testing, a concurrence that the same type of system is being put in, and that Mr. Mulhall would not have to be present.

Mr. Scholl agreed, and thanked the board for their time.

**2. Rabies Clinic – A free rabies clinic was held on 1/29/05 at Readington Township Recycling Garage. Approximately 90 dogs and cats were inoculated.**

Lorraine Petzinger reported that the clinics are held twice a year. Dr. Chet Paluchowski from Hunterdon Hills Animal Hospital was the attending veterinarian.

There was some discussion of putting information on the web site as to St. Hubert's services.

Chair Nugent mentioned there were 2 things not on the agenda which he wanted to note.

**3. A new community newsletter** for Readington will be starting up in April, this is not sponsored by the township, but the board may want to use this resource for communicating with the public.

**4. A letter was received from Ferriero Engineering** dated 2/9/05 advising of the license land surveyor and topographical map issue which was discussed last month.

## F. APPROVALS

### Category A. – Single Lots

#### 1. Block 55/Lot 17 – Bayer-Risse Engineering – Scanlon, 97 Readington Rd.

Escrow fees paid 4/12/04. Check #549. \$500.00.

Previously heard 11/17/04.

Mr. Bill Jupinka appeared before the board.

Ms. Butula reviewed the 5 things which the board had requested at the 11/17/04 meeting.

Test the existing system, test the well water, 5.8b forms needed correcting, the ground water levels should be measured directly in the soil profile pits in the wet season, detailed resolutions from the BOA.

Mr. Jupinka stated they did 3 days of testing during in season. The forms were revised appropriately to include the new water level readings. In season testing was performed in soil log 429-1, which they are calling the reserve, 429-5, representative of the reserve area, soil log 429-8 for the primary area. In all the holes monitored over 3 days, the 2<sup>nd</sup> day was the highest. With the readings established this does not effect the design as originally submitted. The system certification for the existing home and number of bedrooms which is 4 was signed by Steve Risse. The other information was the well test, one item above the level was the total coliform. The chlorine disinfection is being done, if exceeded again, a UV system will be installed and receipt of that will be forwarded to the BOH office.

There was some discussion of retesting the well.

Mr. Jupinka will return to the board with the new well information.

#### 2. Block 66/Lot 11 – Bayer-Risse – Aulisi, 70 Pleasant Run.

Escrow fees paid 1/25/05. Check #883. \$500.00.

Mr. Bill Jupinka represented this applicant before the board. This application is an alteration for an existing 4 bedroom dwelling, the septic system is failing. There is breakout onto the ground surface. The septic tank is approximately 20' from the existing well. The existing disposal field is approximately 47' from the existing well.

The new plan has located a disposal field in the rear of the property, two soil logs were performed. This will be a pump system. The existing system was repaired last year.

There is a time constraint of April 1, 2005 for the current owners.

There was some discussion of the well casing.

Chair Nugent stated the well casing depth should be verified.

Stephanie Moore asked if there were a current LOI.

Mr. Jupinka stated there is not an LOI.

A **MOTION** was made by Ms. Butula to **approve** the data submitted for Block 66/Lot 11 which is a repair for a malfunctioning system with no expansion based on a map prepared by Steve Risse of Bayer Risse dated 6/24/04 for soil log 524-1, soil log 524-2, basin flood 524-1 - passing, no regional water zone identified. This is for a pump system, with the associated deed restriction which has to be filed with the county clerk. The owners will have to send a copy after it has been filed; the engineer can get the information from board secretary Lorraine Petzinger to give to the homeowners regarding the maintenance upkeep and follow up reports for the pump system. This is a provisional or conditional approval based on the homeowners obtaining information regarding the casing of the existing well because of its inability to meet the 100' separation between the pump tank and holding tank and well that exists. Alternatives

are to install 50' casing if it does not have it, to dig a new well outside the 100' circle line, or to come and provide us with a filtration system that would guarantee the safety of their water for the future and we would also like another current well test showing that the water is potable. This should be done as soon as possible, results to our secretary within 2 weeks or sooner. This is in recognition that these are citizens in our town that are trying to upgrade a malfunctioning system that they are giving improvement to the property and the health and safety of the citizens in their area, and that we are trying to alleviate a very stiff financial hardship because of legal contingencies. This is not easy to do, this will be followed very closely, they will meet every part of this provisional recommendation.

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

Ms. Butula       Aye

Stephanie Moore   Aye

Ms. Muir        Aye – Ms. Muir stated she wanted to clarify that she would take into consideration no financial implications either pro or con in regards to her decision on this property, the only consideration is the potability and the safety of the water supply.

Chair Nugent    Aye – Chair Nugent stated he is recognizing the hardship circumstance, but it is only that he has evidence of potable water within 2 years and a hint that the well is a lot newer than it could be as to why he is voting yes.

Ms. Vaccarella stated as far as the water test goes, do they only need coliform bacteria?

Ms. Butula stated potable, from a NJ certified lab. Mr. Jupinka should stay in communication with Lorraine.

Ms. Moore asked if the system were working when the property was purchased.

Mr. Jupinka stated no, not in their opinion, there was a repair done.

### **3. Block 72/Lot 31 Studer/McEldowney, Deerpath Park, Woodschurch**

Escrow fees paid 10/14/04. Check #3253. \$1000.00.

Previously heard 2/2/05.

#### **A. Comfort Station**

Mr. Joe Modzelewski, Studer & McEldowney and Mr. Frank Bell, County Project Coordinator appeared before the board. Mr. Modzelewski stated at the previous meeting the board had requested revisions and additional information. The alteration which involves adding septic tanks to the existing Comfort Station that is proposing to renovate to flush toilets, and soils data for two proposed reserve areas is shown on the map. Additional soils data was submitted with respect to two potential disposal areas which are identified on the plan and the location and soils map as reserve areas which are in the north westerly portion of the property. That is soil logs 1, 2, 3 and 4, and basin flood 1, and 2.

Ms. Butula referenced Ferriero Engr. letter dated 2/14/05, Section C, proposed Comfort Station states they do not have, or have not considered a reserved area. Did they not receive the data?

There was some discussion of the data submitted.

Ms. Butula clarified that only one structure was being constructed.

Mr. Modzelewski stated that is correct. The Comfort Station is being renovated, the old Pavilion will be removed, and a new one put up. There will be a small enclosure on the end of the pavilion where the bathrooms will be.

Ms. Butula raised the issue of an LOI.

Mr. Modzelewski stated he received copy of the wetlands delineation from the county which was performed mid to late 1997 or 1998. Mr. Modzelewski also presented a letter from the original consultant, which basically explains that the plans have been reviewed and that the wetlands shown on the plans and the 50' transition area are consistent with what was delineated for Heritage Consulting Engr. for the county back in 1997. Also, although there have been changes of water classification, there have been some changes to transition areas. He has visited the site recently, and things look materially the same as they did when he did the delineation. The letter covers the criteria that would enhance it for a higher resource value for the wetlands, and references state information on the NJDEP i-MAP geographic information available on line for enhanced transition areas. Based on information available, none of those apply to this area.

Chair Nugent noted this was a current letter from P & W Land Consultants, dated 2/16/05. This board has typically asked for an LOI or something similar to this letter that indicates the existence or absence of wetlands and or the delineation thereof.

Mr. Modzelewski stated with respect to the Comfort Station, there is a state open water that follows a drainage swale that comes up behind and conveys runoff from a catch basin and storm drain and runs downward toward the pond. There is no transition area associated with a state open water. A 50' transition area is shown for the pond, which is well away from the project area.

Ms. Muir referred to the 3<sup>rd</sup> paragraph of P & W's 2/16/05 letter, stating she had visited the site between March and September and the area that drains into the pond area is much larger in March, April and May and then shrinks and is full of aquatic life. Also, the area that drains out of the pond is in itself a vernal pond area.

Mr. Modzelewski stated that is not referring to the Comfort Station, that part of the letter referred to the Pavilion, as is shown on the plan.

Ms. Muir stated that she took exception to the statement "The isolated wetlands on the site are not inundated for 2 contiguous months between March and September and therefore do not exhibit the characteristics of a vernal pond", she did not know that Mr. Paterson was an expert, there is no background on his research in regard to the potential wood turtle site or eagle foraging site, the only thing he sites is the NJDEP i-MAP. In her own experience, she feels that he is wrong, if it were checked weekly, the wetlands next to the pond are inundated with water.

Chair Nugent recapped the possibility of the distance being increased from 50' to 150'.

Mr. Modzelewski stated an increase of 150' did not put it in proximity to the Comfort Station.

There was a brief discussion of some discrepancies regarding test hole data.

Chair Nugent clarified there is a discrepancy on form 2b regarding the 8 weeks of monitoring for soil log 1, are there discrepancies in soil log 3?

Mr. Modzelewski stated the discrepancy is more conservative. On his in season ground water monitoring, that well was dry, but it was only down to a depth of 80". It should be recorded as greater than 80" on form 2b, what is actually there now is 91".

Chair Nugent asked Mr. Hansen if there were any other issues.

Mr. Hansen stated no, they have a hydraulically restrictive horizon, but as long as the water didn't encroach into that 1' level, he has not seen any mottling, no hydraulically restrictive horizons, the 48" zone of disposal is acceptable, passing basin floods, there doesn't seem to be any other problems.

There was some discussion of the location of the well, the use of a round tank, and the request for a variance from the setback requirements.

Mr. Modzelewski stated they had supplied whatever information was available for the well. Ms. Butula confirmed with Mr. Hansen that there was no problem with the dates, as far as a time constraint.

Mr. Hansen stated as far as the ordinance goes, you are just making the limit.

Ms. Butula stated that the regional has to be 55" on basin flood 1, soil log 1, 2b would have to be changed to reflect that. Submit soil log 1, 2, basin flood 1 for the reserve.

Chair Nugent asked Mr. Hansen if they were to approve the reserve areas either A or B, would there be a problem.

Mr. Hansen stated long as there is not a water problem within 12" of the hydraulically restrictive horizon he did not have a problem with using any of the logs.

Mr. Modzelewski stated both are acceptable, but if he had to choose, it would be area # 2 because it would not have to be mounded out of the ground.

A **MOTION** was made by Ms. Butula for Block 72/Lot 31 to **accept the presented data** identified as Deerpath Park, map prepared by Joseph Modzelewski for Studer & McEldowney dated 8/13/03, revision 2/4/05. This is an existing Comfort Station in Deerpath Park that is requesting an alteration with no expansion. They are putting in flush toilets in place of the current system that was approved by the state previously. In the primary, soil log 5, soil log 6 done on 4/15/03, basin flood 3, which passed and was done on 4/15/03 and 4/16/03, the in season ground water monitoring establishes the regional water table at 58", the testing was done over an 8 week period of 2/20/04 – 4/10/04. For the reserve area, soil log 3 and soil log 4 and basin flood 2. Soil log 3 has to have the 2b form revised to establish the regional ground water level at 80" it is basin flood 2. The applicant presented a passing potable well test. There is a soil wetland delineation report dated 1/17/96 prepared by P & W Land Consultants which was updated in a letter dated 2/16/05 from the same consultant firm Kyle Paterson. This is a gravity fed system for the primary. This is an improvement over what exists right now.

This **motion was seconded** by Ms. Muir.

Chair Nugent confirmed that data for basin flood 2 had been submitted.

Mr. Modzelewski stated he believed it had.

Mr. Hansen stated he had the basin flood 2 data, it was submitted with the original information.

A **MOTION** was made by Ms. Butula that the **previous motion be rescinded**.

This **motion was seconded** by Ms. Muir with a vote of ayes all, nays none recorded.

A **MOTION** was made by Ms. Butula for **approval for the soil data submitted** for Block 72/Lot 31, identified as Deer Path Park, This is an existing Comfort Station that is an alteration with no expansion, from a map dated 8/13/03, updated, 2/14/05, prepared by Joseph Modzelewski for Studer & McEldowney. In the primary, soil log 5, soil log 6 done on 4/15/03, basin flood 3, which passed and was done on 4/15/03 and 4/16/03. The regional water table was established at 58", from data in the in season ground water monitoring of 8 weeks that extended from 2/20/04 – 4/10/04. For the reserve area, soil log 3 and soil log 4 the regional zone of saturation has to be corrected on soil log 3 to 80" on form 2b. Basin flood 2, which is a passing basin flood. A well test was submitted with a casing limit shown, the water was potable. Also received was a wetlands delineation report from 1996, January

17 from P & W Land Consultants with a letter updating that from 2/16/05. We are also granting a variance from the distance from the tank to the well which exists at 94', our ordinance is 100'. The county submitted data for soil log 5 and soil log 6 which were not in the current bed which is in use and will continue to be in use but it was done to demonstrate the soil conditions of the area for the primary bed that is in use and will continue to be in use.

This *MOTION* was seconded by Ms. Moore.

Ms. Muir stated that she found it problematic that the neighbors around this property were not notified, that this project is going forward. It is not a good idea to set a precedent on any kind of notification requirements where we vary that. It is also somewhat disturbing that there has not been an LOI that came forth with both of these applications.

Chair Nugent stated with regard to the notification, in light of the fact that we are granting a variance from the setback, our ordinance requires that a variance request accompany notifying the neighbors within 200' of the property and of the property lines. In this instance the distance from the items in question and any impact that could have on any adjoining properties is more than 200' of the property line of this property.

Ms. Muir stated she thought that was a faulty interpretation of the ordinance.

On roll call vote, the following was recorded:

Ms. Butula       Aye - Ms. Butula stated with regard to the variance, this is such a huge piece of property, she did not see how it could ever effect neighbors.

Stephanie Moore   Aye - This is an improvement over what they have now.

Ms. Muir        Nay - Ms. Muir stated for reasons already stated.

Chair Nugent    Aye.

Chair Nugent stated we are expecting form 2b to be submitted as soon as possible.

## **B. Pavilion**

Chair Nugent stated part 2 of this application is for the Pavilion.

Mr. Modzelewski stated well records and water test records were submitted. With regard to the LOI, there is an isolated wetland there and also the pond wetland, a 50' transition area is shown through there which is clear of the proposed improvements for the septic system.

Ms. Muir inquired as to the number of restrooms/toilet stations in the restrooms.

Mr. Bell stated he believed there were 2 in each restroom, he would verify that.

Mr. Modzelewski stated there were amended form 2b's for soil logs 8 and 9.

Ms. Muir inquired as to the size of the Pavilion.

Mr. Modzelewski stated approximately 75' by 20'.

There was some discussion of land use law and expiration of site plan approval.

Mr. Bell stated this was before the Planning Board in the 1990's, and there was public input at that time, which the minutes should reflect. The plans were scaled back based on those comments. This is a single story open air construction, except for the restrooms, concrete pad, wood structure, gabled roof.

Ms. Muir asked if the system were adequate for 4 toilets stations.

Ms. Vaccarella stated the design is based on 100 people/day at 10 gallons each. It seems adequate, that is over what the Pavilion is permitted to be used.

Mr. Bell stated the park requires a permit for use of this Pavilion.

Chair Nugent asked Mr. Modzelewski to refresh the board as to why the setback from the well to the tank could not be complied with.

Mr. Modzelewski stated two factors, the transition and wetland areas to the north and the grade.

Ms. Muir stated concerns with regard to an LOI and non notification of the public.

Ms. Butula stated the variance granted previously was with the consideration of the well casing and the short distance. Ms. Butula stated concern regarding the LOI in this case, this is new construction which is a different consideration than upgrading something that exists. Chair Nugent commented that as a board they should have advised of noticing adjoining properties for the variance, however, the proximity to the wetlands, the concern that the wetlands consultant testimony is being disputed, the fact that the proximity of the tank to the wetlands transition area is a matter of feet, and in the event that that were to change, it would put the tank in the middle of that causes reason for concern. Chair Nugent asked Mr. Modzelewski what options may be possible.

Mr. Modzelewski stated the reserve area could be used for the primary, that would put it at over 200' away from the wetland. There may be some ways to relocate the disposal bed to the reserve area, albeit the reserve area would be in jeopardy of being within the enhanced buffer area. The new tanks would have to be located almost where the easterly end of the existing pavilion is, to be outside the 100' buffer.

Ms. Muir stated this should be done right, within the constricts of the laws existing both at the township and state.

Mr. Modzelewski stated they would not get an LOI for the entire property, they would do a footprint of disturbance for this particular project area, that would be submitted to the state, and they would come out to do the inspection.

The board determined that the application is incomplete until more data is provided.

Mr. Modzelewski requested an extension of the expiration date for the soils testing.

A **MOTION** was made by Ms. Moore to extend the expiration date of the soils testing from 4/16/03 to 10/19/05.

This motion was seconded by Ms. Butula. On roll call vote, the following was recorded for the extension of the expiration date for the soils testing:

Ms. Butula	Aye	Ms. Muir	Aye
Stephanie Moore	Aye	Chair Nugent	Aye

There was some discussion of the distance of the well being 60' from the proposed tank. Mr. Modzelewski stated they would be requesting a variance regarding that.

#### **4. Block 70/Lot 38.50 John Cilo - Doyle, Pleas. Run Rd.**

##### **Lot 38.02 John Cilo - Etere, Craig Rd./Pleasant Run Rd.**

Doyle escrow fees paid 9/3/04. Check #1041. \$500.00; 11/12/04 Check #1076. \$500.00

Etere escrow fees paid 1/5/05. Check #497. \$500.00.

Data mailed with 8/18/04 approval packet. Previously heard 9/15/04, 11/17/04, 2/2/05.

Mr. Etere appeared before the board.

Chair Nugent stated this application was before the board last month, a well test was going to be performed again, presumably sanitized first.

Mr. Etere stated the well was sanitized and retested 1½ weeks later by a NJ certified lab. This was the second test that failed. Reparations cannot be made at this time because the property has not been closed. The estate contends they are selling the property as is and has refunded \$2,000. to be used for a UV system.

Ms. Butula confirmed that the UV system would take care of the problem.

Ms. Vaccarella stated a UV light if maintained does kill all the bacteria.

Ms. Butula stated this really has to do with the Kean farm and as part of a subdivision of the farm and new home, they had to prove that the existing building has a passing septic and well.

Mr. Hansen stated you have a subdivision application from the Planning Board conditional upon Board of Health approval. If the Board of Health comes up with an approval method, they have met that condition, and other conditions the Planning Board placed on it in that resolution.

Mr. Ettere stated he was not sure what approval was necessary.

Chair Nugent clarified in order to approve the septic testing on the other piece of property that Mr. Ettere has no involvement in, the board required proof that the existing septic system and well passed because it was part of the original parcel as part of the boards process of approving a subdivision. The board is discussing how to approve the other applicant in order to move forward on Mr. Ettere's prospective property. Part of the reason to require a well test is to verify that there is potable water on the property. Drilling another well does not guarantee that, however, it has been the board's experience that if a new well did not provide potable water, it could be treated to become potable water.

Ms. Butula asked if 38.02 were legally subdivided yet from 38.50.

Ms. Muir stated no, the Board of Health's ordinance is holding it up. An ordinance can be varied. The Board of Health is the only board by law, besides the Township Committee that can make ordinances. The variance that would be necessary is for the larger, whole property, in order to allow a condition whereby this property could move forward in its subdivision conditioned upon allowing both applicants to extend the time period to complete the subdivision without the currently required testing taking place at this time, but requiring that it would take place immediately after a subdivision occurred with a certain timeframe.

Mr. Hansen suggested the timeframe be upon closing.

The board determined to turn this over to Ms. Taormina for the wording of a variance.

*The following application has been deferred to March 16, 2005.*

**5. Block 53/Lot 9.21 Heritage – Lang, Roosevelt Rd.**

Escrow fees paid 6/15/04. Check #141. \$500.00

Data mailed with 8/18/04 approval packet.

*The following applicant did not appear at the meeting.*

**6. Block 36/Lot 44.01 – Ombalski - Fimbel Door, Coddington Rd.**

Escrow fees paid 1/4/05. Check #1626. \$500.00.

**Category B. – Subdivisions**

*The following application has been deferred to March 16, 2005.*

**1. Block 4/Lot 57 – Beardslee Engr. Assoc. – Scott Carbone, Far Knoll Lane**

Escrow fees paid 9/5/03 Check #12741 \$500.00

Escrow fees paid 10/15/04 Check #2076 \$500.00

Data sent with 12/17/03 approval packet.

Previously heard 1/21/04.

**G. ADJOURNMENT**

A *MOTION* was made by Ms. Butula to adjourn at 11:20 pm, seconded by Ms. Muir with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary