READINGTON TOWNSHIP BOARD OF HEALTH MEETING

March 21, 2007 7:00 pm

Chair William C. Nugent called the meeting to order at 7:20 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	absent	Raymond Facinelli	present	William C. Nugent	present
Daniel Allen	present	Beatrice Muir	present	Wendy Sheay	present
Jane Butula	absent				

Also Present: Board of Health Engineer: Ferriero Engr., representative Mr. John Hansen
Board of Health Attorney: Marisa A. Taormina, Esq.
Hunterdon County Health Department: Ms. Deb Vaccarella

A. APPROVAL OF THE MINUTES

1. Minutes of February 21, 2007.

A ***MOTION*** was made by Mr. Facinelli to ***approve*** the minutes of 2/21/07.
This motion was seconded by Ms. Muir.
There were no corrections.
On roll call vote the following was recorded for approval of the 2/21/07 minutes:

Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

B. CORRESPONDENCE

Chair Nugent complimented Ms. Vaccarella on her quick response to items 1 – 4.

1. 2/22/07 email follow up – Response from Deb Vaccarella regarding 2/21/07 agenda item B. 1. Suspected Hazardous Discharge Notification letter dated 1/6/07.

2. 2/22/07 email follow up – Response from Deb Vaccarella regarding 2/21/07 agenda item B. 2. Suspected Hazardous Discharge Notification letter dated 1/106/07.

3. 2/22/07 email follow up – Response from Deb Vaccarella regarding 2/21/07 agenda item B.11. Block 96/Lot 1 – HCHD notice of violation - WaWa.

4. 2/22/07 email follow up – Response from Deb Vaccarella regarding 2/21/07 agenda tem C.4. Block 64/Lot 18.14 – Septic Repair.

5. NJDEP Notice of Deficiency-2/7/07 and Suspected Hazardous Discharge Notification letter dated 6/11/04.

Mr. Facinelli asked Ms. Vaccarella if WaWa has complied. Ms. Vaccarella stated she had not received a copy, she would contact NJDEP regarding this.

6. HCHD memo dated 3/8/07 regarding bathing facility inspections.

7. Block 96/Lot 1 - HCHD Final Notice of Violation dated 3/6/07.

Ms. Vaccarella stated she would be discussing this with the inspector.

8. NALBOH - email regarding Public Health Webcast 3/30/07.

9. Block 83/Lot 4 – memo from Twp.Engineer McEldowney regarding line verification application.

10. Block 83/Lot 4 – LOI application by J. Tareila Env. Consultants**.**

11. NJDEP – 42nd Street Ground Water investigation report.

Ms. Vaccarella stated some well testing was done in this area earlier in the year, those homes had not been impacted, and the testing would be expanded to additional areas.

12. Stream Corridor Ordinance 31-2006.

Ms. Muir stated this setback ordinance applies to the Planning Board.
Chair Nugent stated it is just something for the Board of Health to be aware of.

C. SEPTIC REPAIRS (*HCHD status in italics*).

1. Septic System Repair Approval from HCHD, B 46/L19.03. *Final field on 2/20/07*

2. Septic System Repair Approval from HCHD, B 70/L27.23. *Final Field on 2/23/07*

3. Septic System Repair Approval from HCHD, B 68/L10.20. *No inspections as of 3/15/07.*

Chair Nugent asked if there was anything to report from last months concern regarding the

home inspection report. Ms. Vaccarella stated the message will be directed to the proper person from her office.

D. OLD BUSINESS

1. **HCHD New Food Rules (# 9. from the 2/21/07 agenda) -** *Distribution to the 51 food establishments in Readington Twp. with a cover letter encouraging the use of sanitary hand wipes.*

Ms. Petzinger stated this was mailed to all the food establishments in Readington Township as an advisory.

2. **Regarding B.13. from 2/21/07 agenda (UST letter),** *A memo has been sent to Admin. requesting that Code Enforcement be included on cc list.*

Ms. Petzinger stated that in the future the underground storage tank letters will be copied to Code Enforcement, in addition to the Board of Health and the Environmental Commission.

E. NEW BUSINESS

1. **Financial Disclosure Statement.**

Chair Nugent asked Ms. Petzinger to look into the status of this.

2. Educational opportunities from HCHD.

Chair Nugent encouraged all boardmembers to take advantage.

F. APPROVALS

Category A. – Single Lots

1. **Block 14/Lot 5.06 – Tectonic, Baron, Ryland Rd. North**

Escrow fees paid 2/20/07. Check #454 $500.00.

Mr. Stephen Ombalski, NJ licensed engineer and surveyor appeared before the board representing Mr. Baron. This property is 16 Ryland Road North, in back of Ryland Inn, adjacent to Baron's farm. This repair was required because of backup into the house. Some repair had been attempted by the homeowner before contact with HCHD. Subsequently, four sets of soil logs were done, two permeability testing, one for the primary, one for the reserve.

Chair Nugent confirmed that a reserve area has been proposed, originally, there was only a primary.

Mr. Ombalski stated that the use would stay the same, there will be no expansion to the house.

Ms. Vaccarella stated the cover sheet would be correct, IV. No expansion or change in use.

Chair Nugent stated that would have to be annotated, and corrected to the BOH and County.

There was some discussion of the soil survey map and soils type. Mr. Ombalski stated the shale is very porous. It was confirmed that the property is on the right side of the map if looking at the map in portrait mode.

Ms. Sheay asked for date clarifications as to when the soil logs were done, and the basin flood tests.

Mr. Ombalski stated they were all dug on 2/20/06, P-1 was read on the 2/21/06.

Ms. Sheay asked for the distance from the soil log to the proposed reserve.

Mr. Ombalski stated this will be a rectangular system, not a square as indicated on the map, within 15'.

Ms. Sheay confirmed the date for the map was 8/2/06.

Chair Nugent stated the issue date is 4/14/06, revised 8/2/06.

Ms. Taormina confirmed that Mr. Ombalski has discussed the pump system deed restriction requirements with his client.

Mr. Ombalski stated that his client is aware of the requirements.

A ***MOTION*** was made by Ms. Sheay to approve the application for Block 14/Lot 5.06, 16 Ryland Rd. North, for an alteration with no expansion to repair a malfunctioning system. The design will be a mounded fill enclosed soil replacement bed, a pump will be required for pressure dosing, with maintenance requirements and an associated deed restriction to be filed with the county clerk. The applicant is Stanley Baron, engineer and surveyor is Stephen Ombalski. The date of the

design map is 4/14/06, revision 8/2/06, entitled Stanley Baron Septic Design. For the primary area, done 2/20/06, soil log P-1, 132", no mottling, no seepage; P-2, 126", no mottling, no seepage. Permeability done for the primary was a basin flood on 2/20/06, 77", in P-1, basin flood P-1, passing results. Three day groundwater monitoring done in both soil logs, P-1, 2/22/06 – 2/24/06, dry. P-2 was done 2/21/06 – 2/24/06, dry. Reserve area, R-1, on 2/20/06, 130", no mottling and seepage. R-2 on 2/20/06, 128, no mottling and seepage. Permeability test for the reserve, basin flood R-1 in soil log R-1 on 2/20/06, depth 77", passing. Three day groundwater monitoring was done in both soil logs 2/21/06 – 2/24/06, dry.

This motion was seconded by Mr. Facinelli, on roll call vote the following was recorded:

Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

2. Block 10/Lot 19.01 - Parker Engr., Cannon, Cedar Rd.

Escrow fees paid 12/19/06, Check #1953. $500.00. Previously heard 2/21/07.

Mr. Stephen Parker, NJ licensed engineer appeared before the board representing Mr. and Mrs. Anthony Cannon. This application was heard last month, it is an application for an alteration for a failing system with no expansion for a 5 bedroom home. There is a proposed pool and pool house. There were four items that the board had requested at that meeting. 1) The location of the water line from the house to the pool house, which was on revised plans submitted 2/26/07, 2) revised form 3a, which was sent to the county and this board, 3) the on-site burial area for the existing tank and seepage pit was moved further away from the reserved area., and 4) the names of the buildings on the property were confirmed with the tax office and noted as 2 barns and 1 shed.

Ms. Taormina confirmed that Mr. Parker has discussed the pump system deed restriction requirements with his client.

Mr. Parker stated yes, that his client is aware of the requirements.

A ***MOTION*** was made by Ms. Sheay to approve the application for Block 10/Lot 19.01, 23 Cedar Rd. for an alteration with no expansion to repair a malfunctioning system for Mr. and Mrs. Anthony Cannon. The design will be a mounded fill enclosed soil replacement bed, a pump will be required for pressure dosing, with maintenance requirements and an associated deed restriction to be filed with the county clerk.

HCHD review letters are dated 1/17/07 and 2/1/07. The engineer is Stephen Parker, the map entitled Septic System Design Tax Map Lot 19.01/Block 10, dated 12/6/06, revised 1/22/07 and 2/26/07 noted per Board of Health review. The wetland boundary and stream have been depicted on the map. For the primary area, soil log 2 and soil log 3, dug 8/30/06, depth 103", mottling @ 32", seepage @ 73", zone of saturation is 32" due to mottling. Soil log 3, 8/30/06, 110", mottling @ 30", seepage @ 78", zone of saturation is 30" due to mottling. The permeability test done for the primary area was PB2, in soil log 2, done 8/30/06, depth 98", result was 26 ½"/hour. Ground water monitoring was done in soil log 2, 24 hour monitoring, highest reading was 72". For the reserve soil log 1 and soil log 4, dug 8/30/06, depth 90", mottling @ 31", seepage @ 681/2", zone of saturation is 31" due to mottling. Soil log 4, 8/30/06, 108", mottling @ 33", seepage @ 69", zone of saturation is 33" due to mottling. The permeability test done for the reserve area was PB1, in soil log 1, done 8/30/06, depth 87 1/2", result was 25.6"/hour. 24 hour ground water monitoring was done in soil log 1, 24 hour monitoring, highest reading was 68 1/2".

This motion was seconded by Mr. Facinelli, on roll call vote the following was recorded:

Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

Category B. – Subdivisions

1. Block 60/Lot 12– Parker Engr., Luberto, Stanton Rd.
Escrow fees paid 12/18/05. Check #122 $500.00; 9/6/06 check #4258 $500.00.
Previously heard 10/18/06.

Ms. Lloyd Tubman represented Mr. and Mrs. Luberto before the board. This applicant was before the board last on October 18, 2006 at which time the board had two issues it wished to address. Mr. Parker was asked to provide DEP guidance on a hanging zone of saturation, which he has provided and will address. Also, it was asked of the Lubertos to have their existing system tested, which they have, and may be addressed.

Mr. Stephen Parker, NJ licensed engineer stated this is a subdivision application, existing 12 acre lot, subdivided into two lots, the larger lot will contain the existing home that the Lubertos live in, the new 3 $\pm$ acre lot will be in the front, closer to Stanton Road. Testing was performed for the new lot in 2005, as was 8 weeks of ground water monitoring in those soil logs, also testing on the remainder track, what they are calling Lot 12 in 2006 for a reserve area, which is also shown in the plan. To recap what was discussed last time, the soil logs for the primary and reserve area on the new lot and the soil logs for the reserve area all exhibit what they are calling a hanging zone of saturation. That is evidenced through the direct observation of ground water in a couple of the soil logs with no evidence of ground water in the soil horizon below that. The guidance document that was passed out is from the NJDEP, HCHD has a similar document, stating there are three parameters that identify the hanging zone of saturation, those were submitted to the board in a letter sent out on 1/8/07.

Chair Nugent asked Mr. Parker to read into the record the question that leads into the answer, in the document distributed this evening starting on page 2.

Mr. Parker read from the DEP Guidance Document dated 1/15/98, bottom of page 2 “the Department has received several inquiries regarding the determination of depth to zones of saturation for specific projects” it goes on to describe how the following are recognized: a regional zone of saturation, perched zone, artesian, on page 4 it describes a hanging zone of saturation. Based upon the nature of these inquiries the department feels it is necessary to reiterate the general guidance for identifying regional, perched, and/or artesian zones of saturation when there is a hydraulically restrictive horizon which it recently distributed to participating health departments in last July’s Chapter 199 issues meeting.

Chair Nugent asked if any of the soil logs presented this evening have a hydraulically restrictive horizon.

Mr. Parker stated no, and that has been demonstrated through the testing performed. Soil permeability class rating tests and two permeameter tests have been performed, which was submitted with the 1/8/07 package sent to the board. The results are similar in that they are in the same range, neither of which is a hydraulically restrictive horizon, which is defined as a horizon that has permeability of less than .2”/hour.

Chair Nugent stated there is not a hydraulically restrictive horizon below it, you have non soil, which is fractured shale, and generally doesn’t exhibit mottling. Although the absence of mottling below the mottled area is fractured shale which generally doesn’t exhibit mottling, we have no way of knowing that there isn’t regional zone right up to the top of where its being designated.

Mr. Parker stated we have two years of ground water monitoring with above average rainfall amounts that clearly demonstrates. In most cases the standpipes were absolutely dry. Mr. Parker stated that he did not read into the code that below the more rapidly permeable horizon you have to have a restrictive horizon.

Chair Nugent stated it may be interpretation, but it seemed that it may be defining circumstances where a hydraulically restrictive horizon exists, and it is clarifying when water is found in these areas, how you can address it.

Mr. Parker stated he believes the concern with that is that when you have a hydraulically restrictive horizon, that when you install your septic system, it can flood out, that is the concern. During the time the testing was done, they saw what caused the mottling, water trapped within the horizon that was nowhere else in the soil log. It wasn't a regional ground water condition, no ground water was observed below it. The seepage that was observed speaks to the mottling and addresses why it was there. It is clearly outlined in the guidance document.
Chair Nugent stated his concern was that there is a consistency, as noted on the form 2b's, that the fractured rock substratum wasn't checked off, and it exists on all the soil logs below the mottled areas.
Mr. Parker stated when machine refusal in encountered at depth of less than 10', it is considered massive, when you have a massive rock substratum, you can't have a fractured rock substratum because if it is massive, it is impermeable. The horizon from the top of the fractured shale to the massive depth is excessively coarse, which the code describes as anything over 50% coarse fragments. From a design standpoint, it doesn't change.
Chair Nugent stated effectively what we have is a substratum that traditionally does not exhibit mottling because of its absence of soil therein, as a result, we have no way of knowing whether water really existed in that substratum.
Mr. Parker stated that is why eight weeks of testing is required by the applicants, to say that that is not reliable seems inconsistent.
Ms. Muir stated the coarse definition covered different substances, it wasn't just fractured pieces, there is a percentage of soil in the definition of coarse.
Mr. Hansen stated if you have 51% rock and 49% soil, you have excessively coarse, *(inaudible*) *(it is not a lot ?)* of soil.
Ms. Muir stated Mr. Parker said that the fragments that were fractured were defined as excessively coarse, you have made this point before that this is non soil.
Chair Nugent addressed Mr. Hansen confirming Mr. Parker stated earlier that from a design perspective, excessively coarse vs fractured rock substratum makes no difference, is that true?
Mr. Hansen stated that is correct.
Chair Nugent stated from the ability to identify mottling therein , is there any difference between the two designations?.
Mr. Hansen stated no, the only difference you may be able to argue is if you had closer to 50% rock than closer to 100, you've got some soil in there and maybe you could make some determinations.
Mr. Parker read the definition for excessively coarse horizon "a horizon of limited thickness within the soil profile which provides inadequate treatment of septic tank effluent due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability."
The definition for fractured rock substratum means "a rock substratum which contains an adequate number of open and interconnected fractures to allow unimpeded absorption of applied wastewater and transmission of this wastewater away from the disposal area."
Mr. Hansen stated referring to the fractured rock substratum, you could dig down as far as you could go, and did a basin flood at the bottom, you could include it as a fractured rock substratum because the water is going away, although you haven't proven it there is solid rock there. You wouldn't call it excessively coarse, because it is not a horizon. It is a substratum, it keeps going.
Chair Nugent stated the issue still remains that there is mottling in 7" area, 6" area.
Ms. Tubman confirmed that Mr. Parker had stated the mottling was there because of the slow drainage in that top layer.
Mr. Parker stated yes, because of the slow permeability.
Chair Nugent stated the engineer is submitting that that mottling is a result of a hanging water table, but that the guidance document, in Chair Nugents interpretation suggests that that definition is only applicable when there is a hydraulically restricted horizon and there is no hydraulically restricted horizon within the soil profile that has been presented in any of them. There is conflicting data in that there is 8 weeks of in season ground water monitoring

that shows water levels at a much lower level. Chair Nugent asked Mr. Parker how the 8 weeks were performed.
Mr. Parker stated perforated standpipes were installed into the soil logs, and backed up with a backhoe, and then observed on a weekly basis, in 2005 the dates were 3/3, 3/9, 3/15, 3/21, 3/27, 4/1, 4/8, 4/15, 4/22, 4/29. In 2006 from 3/8 – 4/28. The last reading was an extra one after a 2" rainfall. The depth of the water varied in the soil logs from 91" to 108".
Ms. Tubman asked if mottling is caused by water which remains long enough to drive the oxygen from the soil, on one hand you are saying we have no soil, so we can't show mottling, on the other we have 8 weeks of monitoring that shows the water is not there. How is the absence of mottling proven if the non soil level is defined as something that doesn't exhibit mottling?
Ms. Muir stated you have to look at where the mottling occurred, in regards to total depth.
Ms. Tubman stated, it did in the upper horizon.
Chair Nugent stated absent of in season ground water monitoring you can never prove or disprove the existence of water in that fractured rock/excessively coarse.
Ms. Tubman stated that is exactly why the code requires 8 weeks of monitoring, because there are difficult soils in this region. We have definitive water level monitoring as defined by code.
Ms. Muir stated her concern is whether this system would work based on some of the circumstances presented, one of which is the mottling, another is the absence of soil. How was the reason for mottling defined as hanging/perch in every one?
Chair Nugent stated the guidance document says "NJDEP does not object to the administrative authority's classifying this condition as a perched zone of saturation contingent upon the following" so in reality, they are almost saying the term hanging and perched are synonymous in this instance. Ferriero Engineering is pointing out they are calling it hanging, but there is not a designation on the forms for hanging, but there is for perched, and since the guidance document says they can classify something hanging as perched, the definitions and correlations, that is why it is slash perched.
Mr. Hansen stated the idea is that if the board, in terms of testimony from Mr. Parker, accept the hanging zone of saturation designation, for a design purpose you are going to use the requirements under the perched zone, there are not hanging water table design requirements. If you find Mr. Parker's testimony acceptable, and approve his project, and Ms. Vaccarella reviews the design, the design *inaudible* (*parameters* ?) of perched.
Mr. Facinelli confirmed that it would be a fill enclosed system.
Chair Nugent stated it would probably be slightly mounded. If the board accepts hanging water-hanging zone of saturation as existing in this situation, then what that effectively means is that the regional zone of saturation will instead be determined by the in season ground water monitoring depths which are in the 90's. When the system is designed, the design will be approximately 6' upward from the excessively coarse horizon.
Mr. Parker stated it would actually be removed, and replaced with select fill, and a fill enclosure, *inaudible* the top of the fractured rock is not the bottom of the zone of treatment. They have to be 8' above; a 4' zone of disposal and a 4'zone of treatment.
Chair Nugent stated if we accept the hanging zone. Chair stated concern that the definition of the hanging zone in the guidance document, in his interpretation falls under a requirement that there be a hydraulically restricted horizon.
Mr. Hansen asked for clarification as to why Chair would say that.
Chair Nugent stated on page 2, the bottom question, the answer states "based upon the nature…." his interpretation is that everything that follows assumes there to be a hydraulically restrictive horizon.
Ms. Sheay stated she did not read it that way.
Mr. Hansen stated he did not either, but the way the paragraphs are set up lists a summary paragraph that almost concludes, and then goes on to address the hanging zones of saturation.
Chair Nugent stated he did not interpret it as concluding there. Chair read into the record the FAQ's published 3/28/00 pg. 30, provided from Ferriero Engr. Inc., on 1/4/06.
Ms. Sheay stated that it does not include the term hanging zones of saturation.
Chair Nugent stated it is included in the parenthesis of the question.

Mr. Hansen stated he did not understand where the hydraulically restricted horizon would enter into the soil log to make any effect on a hanging zone of saturation, whether it was at the top, middle or bottom, how would it have any determination on the definition and conclusion of whether you have one.
Chair Nugent stated he thought they were referring to 3 horizons, the hanging, a fast permeable area, then a hydraulically restricted horizon, and or a hanging directly above a hydraulically restricted horizon. They are giving the allowance that the hanging water table area is an arbitrary regional zone because a hydraulically restricted horizon is immediately below it. But we don't have that here.
Mr. Hansen stated it would be perched then, that is the definition of perched.
Chair Nugent stated yes it is, also if the hydraulically restricted horizon wasn't part in parcel of a hanging zone, then why is their first question that the condition is contingent upon an artesian zone of saturation not being identified in the underlying strata. It seems that the only way you can have an artesian in an underlying strata, is if you have a hydraulically restricted horizon there somewhere.
Mr. Hansen stated how do you draw the parallel to hanging from there.
Chair Nugent stated he was not sure, but if it is hanging, hydraulically restricted, and may be artesian below which must be disproven, then the hydraulically restricted has some permeability, and mottling *inaudible* which contradicts the concept because by definition it wouldn't have permeability.
Ms. Tubman stated under hanging zones of saturation in the guidance document the first criteria is that there is no artesian zone of saturation, and again we come back to the 8 weeks of ground water monitoring, which did disprove that. It seems we are going in circles, and coming back to no way to satisfy the concern based on the definition.
Chair Nugent stated he disagreed, because an artesian zone of saturation can only be a concern if you have a hydraulically restricted horizon, since we don't have one, it effectively removes artesian zone of saturation from the discussion.
Ms. Tubman stated she agreed with that, but again, Chair came back to say they were assuming a hydraulically restricted horizon.
Chair Nugent stated that was his interpretation of the lead in question of the document
Mr. Hansen stated the only place where that hydraulically restricted horizon could be would be at the bottom.
Mr. Facinelli stated the massive rock.
Mr. Parker stated the massive rock by definition is hydraulically restricted.
Mr. Hansen stated he did not see how that would effect the classification of whether its hanging or perched or artesian.
Mr. Facinelli stated you have this hanging zone that shows some mottling, and has some water in it that is coming from surface water. Basically, in the 8 weeks of ground water monitoring, done twice, we missed the period of time when the water came up from the bottom, was held on top, and then receded. Is there a test beyond the 8 weeks of testing that can disprove that that ever happened?
Chair Nugent stated we have 3 choices, we can 1) deny the application because we don't agree with the concept of hanging water, at which point the applicant could take it to the state, 2) approve it with recognizing and accepting the hanging water table, and calling it perched for reasons of design.
Mr. Facinelli asked what was done in the past.
Mr. Parker stated there was an application last year on 42nd St. with a similar situation, was recognized with hanging water in the upper horizon.
Ms. Tubman stated we have heard Mr. Parkers testimony about the slow permeability at the surface layer, what is more definitive than 8 weeks in the wetter part of the wet season? We are speculating possibly that sometime outside of the wet season the ground water rises to the surface to saturate the surface sufficiently to drive out the oxygen from below? That is contradicted by

the wet season testing. It is also contradicts the requirement that the testing be done in the wet season for that purpose.
Ms. Muir stated the purpose of the testing is to try and get the wettest conditions, but nature doesn't always go by seasons, there will be other instances. The current testing is the best that we have but doesn't preclude other possibilities.
Ms. Tubman stated the reason for the mottling is the anaerobic condition caused by water at the surface for a sufficient period of time to effectively drive out the oxygen and create the mottles. If it does not happen in the wet season, how is it going to spontaneously happen in a drier season?
Chair Nugent stated Ms. Tubman has made a good point.
Ms. Muir stated it was her understanding that there was a chemical reaction that had to take place to cause mottling, and there are other elements that go into it as well.
Ms. Tubman stated the water is necessary, and the testing disproves the depth to ground water.
Ms. Sheay asked Mr. Parker if he installed the system and it turned out to be regional water, what would you expect to see with the disposal bed.
Mr. Parker stated it would be flooded with ground water, most likely during the wet season. If the disposal field would become saturated with ground water . When the water from the home was used, it would surface on the ground, you would see the evidence of that.
Ms. Sheay confirmed that the existing system was functioning.
Mr. Parker stated a visual inspection was done, there is no evidence it is failing or has failed in the past, but you cannot assume the soils are the same, that is in a different part of the lot.
Ms. Vaccarella stated that systems in which they have seen malfunctioning, it has happened over the entire year, and it is almost immediately evident.
Mr. Facinelli stated the water is there obviously, in the design of the system, the water is not going to infiltrate the bed.
Mr. Parker said it is, however, it most likely will be trapped in the upper slowly permeable soil horizons. If the question is will the water pour into the field and fill it up, no, the fill enclosure will prevent that.
Ms. Muir asked Ms. Taormina, after listening to this testimony, and definitions, has Ms. Taormina made any determination that there would be an interpretation by this board of any of those definitions which could be harmful to the applicant with regards to failure of the system and or could be in some future determination used in such a way as precedent by an applicant to achieve an approval which would be inappropriate.
Ms. Taormina stated as to the latter, that could happen at any time with any application, she could not foresee or project whether or not whatever decisions made by this board would attempt to be used as precedent in the future regardless of how the terms are defined.
Ms. Muir stated concern about accepting a definition where there is a situation where she feels personally that there may be some possibility of septic failure, if that definition is accepted. Ms. Muir stated her stance is that it would go to the state.
Ms. Taormina stated she would recommend for the board as a whole, as with all applications, to the extent that they found the evidence to be conflicting, put weight on it. Just because there is conflicting evidence, doesn't mean that one necessarily washes out the other, you can put more weight onto some, less weight onto others. That being said, the board is at a point where they need to do a vote, one way or the other, it doesn't have to be unanimous.
Chair Nugent stated to that end, a motion in either direction, or requesting more testing would be entertained.
Mr. Facinelli stated his concern is that there are procedures in place, 8 weeks of ground water monitoring, in place for a reason, this was done, twice, with similar favorable results. Had there not been this layer in the middle, these results are good results.
Mr. Hansen stated he has heard throughout the years of being here, the boards concern about setting a precedent, that has always come up. Mr. Hansen stated if you are listening to the testimony, and you are requiring the applicant to provide data and every application is unique, you are making your decision on the data that has been provided.

Ms. Taormina stated her agreement, any application that is being approved is not then a rubber stamp for approval on the next one that comes in.

A ***MOTION*** was made by Mr. Facinelli to ***approve*** the application before the board for an alteration without expansion or change in use for Block 60/Lot 12, remainder lot, this is part of a 2 lot subdivision, this is the existing lot. The street address is 210 Stanton Road, the applicant is Catherine Luberto, the engineer is Stephen Parker. The map being used is entitled Plan of Proposed Minor Subdivision dated 12/7/05, last revision 7/29/06, the last note is revised wetland buffer. The surveyor on this property is Wayne Holman, Apgar Associates. A reserve bed will be added to the existing system on this remainder lot. Two soil logs were done, soil log 100, conducted 3/6/06, excavated to a depth of 96", mottling was observed from 7 – 38", designated by the engineer's testimony as hanging. We are also looking at soil log 105, conducted 3/6/06, excavated to a depth of 125", mottling in this from 9 – 47", the engineer has provided testimony that that is a hanging water table. Basin flood test 100 was conducted at 72" in soil log 100, passing. Additionally, there was a soil permeability class rating test conducted between 7 – 38" with a passing K1 result in soil log 100. A permeameter was also conducted at 16", passing with a K of .05. 8 weeks of ground water monitoring from 3/8/06 – 4/28/06 was done. Highest reading was on 4/25/06 at 74", setting the regional zone at 74".

This motion was seconded by Ms. Sheay. On roll call vote the following was recorded:

Dr. Allen	Aye	Ms. Muir	Nay	Chair Nugent	Nay
Mr. Facinelli	Aye	Ms. Sheay	Aye		

A ***MOTION*** was made by Mr. Facinelli to ***approve*** the application before the board for new construction for Block 60/proposed Lot 12.01, this is part of a 2 lot subdivision. The street address is 210 Stanton Road, the applicant is Catherine Luberto, the engineer is Stephen Parker. The map being used is entitled Plan of Proposed Minor Subdivision dated 12/7/05, last revision 7/29/06, the last note is revised wetland buffer. The surveyor on this property is Wayne Holman, Apgar Associates. This is not going to be a pump system. For the primary on proposed 12.01, soil log 2, conducted 3/3/05, excavated to a depth of 128", mottling was observed from 6-48", seepage from 6-48", also seepage from 112"–128". The engineer's testimony is that it is a hanging water table. We are also looking at soil log 4, conducted 3/3/05, excavated to a depth of 120", mottling in this from 6-40", no seepage. The engineer has provided testimony that that is a hanging water table. Basin flood test 2 was conducted at 58" in soil log 2, passing. Additionally, there was a soil permeability class rating test conducted between 6-40" with a passing K1 result in soil log 2. A permeameter was also conducted at 20", passing with a K of .35. 8 weeks of ground water monitoring from 3/9/05 – 4/29/05 was done. Highest reading was on 4/1/05 in soil log 2 at 105.5". Loading also in soil log 4 showed no ground water during testing. For the reserve area, soil log 1, conducted 3/3/05, excavated to a depth of 120", mottling from 7-50", seepage from 7-50". Soil log 3 was also conducted for the reserve on 3/3/05, excavated to a depth of 108", mottling from 6-36", seepage from 6-48", in both soil log the engineer has presented testimony that that mottling was due to a hanging water table. Permeability test was a basin flood 1 at 84" in soil log 1, soil permeability class rating test from 7-50" was passing with K1, tube permeameter test was a K result of .35. Eight weeks of ground water monitoring conducted in soil log 1 and 4 from 3/9/05 – 4/29/05, soil log 1, highest reading at 98" on 4/22/05, in soil log 3 the reading was 103". The LOI number is NJDEP file number 1022-05-0011.1.

This motion was seconded by Ms. Sheay. On roll call vote the following was recorded:

Dr. Allen	Aye	Ms. Muir	Nay	Chair Nugent	Nay
Mr. Facinelli	Aye	Ms. Sheay	Aye		

Chair Nugent stated one last point for the remaining lot there was well testing and existing.

A ***MOTION*** was made to amend both motions for Block 60/proposed Lot 12.01, and remaining Lot 12, to reflect that testing of the existing well on Lot 12 had been done on 6/8/04 by New Jersey Analytical Laboratories, and a letter dated 9/21/06 from them stated that the well had passing results. Also noteworthy is that the engineer has provided testimony that the existing septic system on Lot 12 is functioning properly.

This motion was seconded by Ms. Sheay. On roll call vote the following was recorded:

Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

Mr. Parker and Ms. Tubman thanked the board.

2. Block 76/Lot 2.03 - Bohren & Bohren , Allison, Craig Rd.

Escrow fees paid 11/13/06, Check 2055. $1,000.00.
Data mailed with 2/21/07 packet.

Mr. Robert Templin NJ licensed engineer and land surveyor appeared before the board representing Mr. Allison. Mr. Templin asked if they received approval this evening, or next month was there an expiration on their soil logs.
Chair Nugent referred Mr. Templin to Ms. Vaccarella and the HCHD, and the time frames that they follow.
Mr. Templin stated Mr. Allison is looking for a 3 lot subdivision, 2 new lots. A septic inspection report and repairs were done on 2.03 to bring it up to compliance. A well test was performed on 2.03 with satisfactory results, dated 3/19/07. Soil logs on proposed 2.04 and 2.05 were both passing for the primary and reserve areas. Eight weeks of ground water monitoring was done, and represented in the BOH Engineer review letter, also, results of soil tests and information were submitted previously. For proposed 2.04, for the primary area, two soil logs, 18 and 19 were done. The location is to the rear of the proposed dwelling, on the high point of the tract. Ground water is at 70" from existing grade in soil log 18, the system will be mounded slightly, with a pump. In the reserve area, soil logs 16 and 17, ground water was at 44" and 64"respectively, and will have to be mounded if used in the future. The 100' conservation easement is shown along the wetland stream bank floodline, it does not impact the proposed improvements on this lot. The well location was also moved to keep it within the 100' requirement. **For proposed lot 2.05, in reviewing the soils information, it may be better to switch the primary and reserve areas, the soil logs for the reserve area seem to be better.**
Chair Nugent stated for consistency and clarity, the primary and reserve will be reviewed as numbered now, and then the switch will be noted in the motion.
Mr. Templin stated that would be fine. The primary area is shown behind the dwelling approximately in the center of the lot, as a proposed septic field on the plans. It is represented by soil log 11, excavated to a depth of 112", mottling from 32" to 46", the reason for the mottling is regional ground water, mainly because it is hard to prove a perched or hanging water table. Ground water readings for 8 weeks show a water table at 82" from existing grade. If 32 – 46" is held as the regional water table, a mounded pump system will be needed. For soil log 12, excavated to 112"mm mottling from 32" to 36", 4 inch horizon, there was no ground water recorded for 8 weeks of monitoring. A basin flood was done at 79", in soil log 21, excavated to 112", horizon of mottling from 45" to 50". Based on this, a mounded pump system would be required. For the reserve area, just outside the 100' conservation easement at the rear of proposed lot 2.05, represented by soil log 8, excavated to a depth of 120", no mottling or seepage found. During the 8 week monitoring ground water was observed at 106". Soil log 9 excavated to 120", no mottling, no seepage, ground water was observed at a depth of 117" in the soil log over 8 weeks. In soil log 20, a basin flood was done at 69", no mottling, or seepage, excavated to 120". Basically the soils shown on the area to be the reserve area have no mottling or seepage, ground water is between 106 – 117". It would not require a mounded system or pump.

Chair Nugent stated as a recap, for proposed lot 2.05, the engineer is proposing to switch what has been designated as primary to become the reserve and vice versa, so there is a map change requirement there. For proposed 2.04, to get the tank out of the house, and also introduce the pump tank.

A ***MOTION*** was made by Mr. Facinelli for ***approval*** of Block 76/proposed Lot 2.04, new construction, minor subdivision, street address is 8 Craig Road. The applicant is Clyde Allison, engineering firm and surveyor is Bohren and Bohren, represented by Robert Templin. The map entitled Subdivision of Lands for Clyde Allison, dated 8/2005, revision 3/6/07, noted per Ordinance 49-202, Section 148-50B. The LOI is dated 8/1/06, case 1022-06-0002.
For Lot 2.04, a deed restricted pump system is proposed. The engineer has notified his client of the requirements. Soil logs for 2.04 for the primary area, soil log 18, conducted 2/22/05, excavated to a depth of 100", no mottling, no seepage. Soil log 19, conducted 2/22/05, excavated to a depth of 112", no mottling, seepage @ 112". Soil log 24, conducted on 5/12/05, to a depth of 102", no mottling, no seepage, basin flood BF1 @ 64", passing. Ground water monitoring for 8 weeks from 3/2/05 – 4/19/05, highest was 70" in soil log 18 @ 70" for the regional zone.
For the reserve, soil log 16, conducted 2/22/05, @ 96", no mottling, seepage @ 84"; also soil log 17, conducted 2/22/05, @ 96", no mottling, seepage @ 84; soil log 22, conducted 5/11/05, @ 96", no mottling,, no seepage, basin flood BF1 @ 72", passing. Eight weeks of ground water monitoring from 3/2/05 – 4/19/05, highest was 44" in soil log 16 on 3/16/05 setting @ 44" for the regional zone.
For proposed Lot 2.04, two revisions to the map are required, one is that they remove the location of the septic tank to outside the proposed dwelling. The other is that they add a pump tank on the map. The maps should be revised and submitted to the Board of Health office within 3 business days.
For the existing Lot 2.03, there are two pieces of information, a well test conducted by Q.C. Laboratories dated 10/4/06, results satisfactory. The well record started 10/8/96 – 10/11/96. There was an abandoned well sealed 11/21/96. Also, a letter dated 10/25/06 from Robert K. McCann states that the existing septic system on 2.03 is operating properly.

This motion was seconded by Ms. Sheay. On roll call vote the following was recorded:

Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

A ***MOTION*** was made by Mr. Facinelli for ***approval*** of Block 76/proposed Lot 2.05, new construction, minor subdivision, street address is 8 Craig Road. The applicant is Clyde Allison, engineering firm and surveyor is Bohren and Bohren, represented by Robert Templin. The map entitled Subdivision of Lands for Clyde Allison, dated 8/2005, revision 3/6/07, noted per Ordinance 49-202, Section 148-50B. The LOI is dated 8/1/06, case 1022-06-0002.
For proposed Lot 2.05, for the primary, soil log 11, conducted 2/22/05, excavated to a depth of 112", mottling from 32 – 46", seepage @ 112". Soil log 12, on 2/22/05, excavated to a depth of 112", mottling from 32 – 36", no seepage. Soil log 21 on 5/11/05 @ 112", mottling from 455 – 50", no seepage. Passing basin flood BF1 in soil log 21 at 79". Eight weeks of ground water monitoring from 3/2/05 – 4/19/05, highest reading was 82" on 3/3/06 in soil log 11. For the primary, the regional zone is set at 32" due to mottling.
For the reserve, soil log 8, conducted 2/22/05, @ 120", no mottling, no seepage; also soil log 9, conducted 2/22/05, @ 120", no mottling, no seepage; soil log 20 on 5/11/05, @ 120, no mottling, no seepage. Passing basin flood BF1 in soil log 20 at 69". Eight weeks of ground water monitoring from 3/2/05 – 4/19/05, highest reading was 106" on 3/9/06.
In conclusion, the engineer, Mr. Templin has indicated in his testimony that due to the more favorable ground water readings in the reserve area vs the primary area, he would like to switch those areas. The board is accepting of this change. The

engineer will within 3 business days provide the board with revised maps showing the switch of the reserve and primary areas.

This motion was seconded by Ms. Sheay. On roll call vote the following was recorded:

Dr. Allen	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

G. ADJOURNMENT

A ***MOTION*** was made by Mr. Facinelli to adjourn at 10:57 pm, seconded by Ms. Sheay with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary