

## READINGTON TOWNSHIP BOARD OF HEALTH MEETING

May 21, 2008 7:00 pm

Chair William C. Nugent called the meeting to order at 7:10 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	Raymond Facinelli	present	Tanya Rohrbach	absent
Daniel Allen	present	Beatrice Muir	present	Wendy Sheay	absent
Jane Butula	absent	William C. Nugent	present		

**Also Present:** Board of Health Engineer, Ferriero Engr. representative: Joe Kosinski  
Hunterdon County Health Dept.: Debra Vaccarella

### A. APPROVAL OF THE MINUTES

1. **Minutes** of April 16, 2008. (- *Facinelli* vote).

A **MOTION** was made by Ms. Albrecht, seconded by Ms. Muir to approve the minutes of 4/16/08.

On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Mr. Facinelli	Abstain	Chair Nugent	Aye
Dr. Allen	Aye	Ms. Muir	Aye		

### B. CORRESPONDENCE

1. **NALBOH 16<sup>th</sup> Annual Conference, 7/22 – 24/08, Madison, WI.**

2. **Suspected Hazardous Discharge Notification** letter dated 4/8/08 regarding heating oil at 17 Chambersbrook Rd.

3. **Suspected Hazardous Discharge Notification** letter dated 4/9/08 regarding heating oil at 9 Cornfield Lane.

4. **Suspected Hazardous Discharge Notification** letter dated 4/27/08 regarding natural gas at 347 Phoebe Court.

5. **Suspected Hazardous Discharge Notification** letter dated 4/17/08 regarding diesel fuel at Cannery Rd.

6. **Suspected Hazardous Discharge Notification** letter dated 4/17/08 regarding diesel fuel at Tannery Rd.

7. **HCHD LINCS** - dated 5/12/08. Advisory-Meningococcal meningitis.

*Chair Nugent read into the record the health advisory from HCHD regarding Central Michigan University student who was a victim of meningococcal meningitis.*

8. **HCHD LINCS** - dated 5/2/08. Update-Animal Disease Reporting.

9. **NJDEP** - Biennial CEA Certification Monitoring Report Appl. EXXON Route 22W.

10. **Block 15/Lot 7.01 – HCHD Notice of violation dated 5/1/08.**

*Chair Nugent stated this is related to septic repair C. 6.*

11. **NJDEP** - Application for solid waste – Raritan Valley Disp Transfer.

*Chair Nugent asked the boardmembers to review this and asked if there were any comments.*

12. **Block 29/Lot 3** – ETI – Environmental Consult. request for LOI/Presence/Absence.

13. **Block 56/Lot 2** – NJDEP land use regulation permits.

### C. Septic Repairs (HCHD status in italics).

1. Septic System Repair Approval from HCHD, B 66/L 27.06. **Final field 5/6/08**

2. Septic System Repair Approval from HCHD, B 50/L 3. **Final field 4/9/08**

3. Septic System Repair Approval from HCHD, B 68/L 10.11. **Final field 4/8/08**

4. Septic System Repair Approval from HCHD, B 64/L 24.17. **Final field 5/11/08**

5. Septic System Repair Approval from HCHD, B 65/L 23.06. **Final field 4/23/08**

6. Septic System Repair Approval from HCHD, B 15/L 7.01 **Final field 5/8/08**

*Chair Nugent stated this may be an alteration, not a repair, there is correspondence between the County and BOH regarding this.*

#### **D. OLD BUSINESS**

*There was no old business.*

#### **E. NEW BUSINESS**

##### **1. Newsletter – remainder of 2008.**

*Ms. Muir stated the newsletter would go from 4 to 2 issues/year. This is a cost saving measure. As an alternative, the newspaper will be used.*

##### **2. Hunterdon County Local Boards of Health Member Survey.**

#### **F. APPROVALS**

##### **1. Block 63/Lot 42 – VanCleaf Engineering, Queili, Woodschurch Road.**

Escrow fees paid 3/18/08, Ck# 2201, \$750.

Previously heard 4/16/08.

Mr. Gregg Barkley, VanCleaf Engineering, licensed engineer in the state of NJ appeared before the board. Also in attendance was Mr. Benjamin Queili. This application is for a 4 bedroom dwelling, the existing system will be abandoned. Numerous test pits around the property showed shallow mottling, in all cases less than 24". During testing in January, groundwater was present in the location where the disposal field is proposed, two pit bail tests were performed, PB1 and PB2 associated with soil logs 110-1 and 110-2. Soil logs performed for the previous owner by Bohren & Bohren a year prior are now part of this application and design, namely soil log #4, performed less than 15' from the proposed disposal bed, mottling was slightly shallower than what was observed when they did additional testing. The system was designed based on that depth to mottling. A cross section of the disposal fields is indicated on the drawings showing in section the soil logs and indicates the seasonal high water table was based on mottling, the system was designed raised 4' above that seasonal water level to the bottom of the stone or the level of infiltration. The system is proposed to be excavated to a depth of 8' which was the depth that the pitbailing tests were performed at. The system will require a mounded pump. A 100' well radius is indicated from the neighbor to the northwest of the property, the dwelling to the southeast is 300 – 400' to the property line, it is a grass pasture. To the south, on the other side of Woodschurch Rd. is an open field. There are no facilities in the barn on the property. The proposed plan includes utilizing the old pump tank converted to a septic tank, the tank isn't needed for settling capacity, it would just be utilized because it its available.

Chair Nugent noted the installation of an effluent filter in the converted pump tank to septic tank, and recommended advising the homeowner of the maintenance cycle preferably to be conducted annually.

Mr. Barkley stated the effluent filter is an easily removed device that filters to about 1/16" solids.

Cleaning involves removing it, pulling it out by hand, and rinsing it out over the tank with a garden hose. It is simply then inserted back into the baffle.

Ms. Muir asked how often that should be done.

Mr. Barkley stated every 3 years, when the tank is pumped, but can be done more frequently if there is some indication that it is clogged.

There was some discussion of the type of filter used.

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

Mr. Facinelli confirmed that soil log 4 was included.

Chair Nugent stated yes it is.

A **MOTION** was made by Mr. Facinelli to approve the application before the board for Block 63/Lot 42, 94 Woodschurch Rd.. The engineer is Gregg Barkley, surveyor Michael Nolan, the application is an alteration with no expansion, map dated 1/22/08, revisions 3/4/08, the comment on the revisions is new title block, soil erosion control & per HCHD comments 2/14/08. A revision on 5/5/08 stated Add Bohren soil logs, modified bed section. Soil logs used include 110-1, 110-2, and soil log #4 in evaluating this system. 110-1 was conducted 1/10/08, @ 120", mottling from 10" – 120", seepage @ 70", soil log 110-2 was conducted 1/10/08, @ 100", mottling from 10" – 96", seepage @ 80", also soil log 4 conducted on 9/12/07, @ 84", mottling from 8" – 45", regional zone of saturation is set at 8" for this application. This is a pressure dosed mounded soil replacement pump system.

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

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

A **MOTION** was made by Mr. Facinelli to amend the previous motion for Block 63/Lot 42 to include the permeability test conducted on 1/10/08, pit bail test, PB1, passing rate of 1.5"/hour; and permeability test conducted on 1/10/08, pit bail test, PB2, passing rate of 3.1"/hour.

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

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

## **2. Block 55/Lot 7.07 – Canger Engineering Assoc., Patrick, Groendyke Road**

Escrow fees paid 11/2/07. Ck# 7199 \$750.00, 5/13/08, Ch# 7292

Previously heard/approved 12/20/06;

Previously heard w/revisions 3/19/08, 4/16/08.

Ms. Lloyd Tubman, Esq., Archer and Greiner, Mr. Matthew Fox, licensed engineer and land surveyor in the state of NJ, and the applicant's daughter Laurie Patrick represented Mr. and Mrs. Patrick who were not in attendance.

Ms. Laurie Patrick read a letter of explanation regarding their application from Mr. and Mrs. Patrick.

Ms. Tubman stated that they had additional information and an explanation. As the board may recall as this application approached the March 2008 appearance, they were informed that notice was required.

Attempts were made to find out notice of what. The statement in Ferriero's 2/5/08 letter indicating that guidance should be provided as to whether or not precedence should be established for the regional ground water surface was not interpreted to mean that the board expected 8 weeks of testing. This property was tested, meaning one soil log, on a property that had uniform results including piezometer results which were obtained from Applied Waste Water Mgmt. This was an honest mistake on the part of the homeowner, a cryptic statement which was not interpreted as requiring 8 weeks for a previous and consistent soil log. They are asking that the board takes this into consideration in addressing this application. Otherwise, the applicants whom are not developers will have to wait until January 2009 to test, and cannot begin their retirement home.

Chair Nugent stated as a matter of background, the pursuit of understanding why they were advised to notice the adjoining properties, the board recognized that if the applicant asked the board to waive the 8 week requirement, that was a variance from the ordinance that would avail the board of the opportunity to grant that variance.

Ms. Tubman stated that was very much appreciated, again, the soil log and piezometers were done at a time when 8 weeks were not required, and nothing exclusively told Mr. and Mrs. Patrick that that was required. By the time the reason for the variance request was understood, there were not 8 weeks left in which to test. Chair Nugent stated to paraphrase, the issue on the table is whether the requirement of 8 weeks of in season ground water monitoring need be enforced for this application or whether the other information that has been presented is sufficient to counter that requirement.

Mr. Facinelli stated just to be clear, we are talking about 1 soil log in the reserve area, and whether or not they need 8 weeks of testing for that.

Chair Nugent stated the original application, this lot and the originally laid out position of items on this lot had a primary and reserve that had prior approval. As a result of the desire to move the house, there was a necessity to thereby also move the reserve area and unfortunately it then caused it to move away from one of the soil logs that contributed to the approval of that original reserve area.

Ms. Muir stated that approval was a court approval, it was not an approval by this board.

Chair Nugent stated that is correct. The challenge before the board is that there is now a new soil log, and the necessity for the board to approve the soil log, effectively the reserve area, and the permeability tests associated with it.

Ms. Tubman stated that is correct, but it moved to a soil log that was consistent with all of the others, soil log 8A611-3.

Mr. Kosinski stated on the revision dated 4/30/08, the reserve disposal area was slightly adjusted to increase the separation distance from that soil log to 16'.

Mr. Fox stated there is a question regarding the dimension that was missing from the corner of the reserve bed to soil log SL8A415-1, that it was questionable as far as how far it was located and that dimensional data was requested and provided indicating 16' to the reserve bed as Mr. Kosinski from Ferriero Engr. has just indicated.

Mr. Kosinski asked if Mr. Fox could locate the piezometers on the plan which was presented this evening from Andrew Higgins.

Mr. Fox stated that the 4/8/08 letter indicates that it was for the reserve areas, on the plan 2 piezometers are shown approximately 20 – 30' from the reserve area as it is shown on the subdivision plan, the monitoring wells next to 8A415-1.

Mr. Kosinski summarized, on the subdivision application there was a question regarding whether the mottling that was observed in the soil log was attributed to a perched zone of saturation or a regional zone of saturation. As part of the approval, the applicant at the time was required to do a hydraulic head test. It was established at the time that a perched zone of saturation did exist based on the results of the hydraulic head test and the logs were amended accordingly for the proposed area at the time. Since this soil log which is being considered now for suitability of the reserve area is not one of the logs considered under the subdivision application, that log was never amended to indicate a perched zone of saturation, so the log still states regional zone of saturation at 29". That is part of the problem before the board tonight, because the ordinance in the absence of a perched zone of saturation, with a regional ground water table at 29" requires 8 weeks of monitoring, so this is what the board needs to consider, the original engineer isn't here to give his testimony, the log wasn't amended as part of the original application.

Ms. Muir asked what the date was on the ground water readings, the piezometers.

Mr. Fox stated the end of April, 1999.

Ms. Muir asked who took those readings.

Mr. Kosinski stated the engineer that presented the original application certified those ground water readings, Mr. Andrew Higgins of Applied Water Mgmt.

Chair Nugent stated the current map that they should be reviewing is dated September 2007, revisions #1 – 7, the latest being 4/20/08.

Ms. Muir confirmed that a reference in Ferriero's letter dated 4/8/08, states that "utilizing the soil logs approved during the subdivision hearing for the primary and reserve disposal areas". This soil log that they are seeking relief for was not approved.

Mr. Kosinski stated it was not one of the original soil logs that was used to demonstrate suitability for the reserve or primary area. That is why it was never amended.

Ms. Muir stated on page 2 it states the soil logs used for the primary disposal area are the court approved soil logs, should that read for the previous reserve area?

Mr. Kosinski stated it was the reserve area for the subdivision application, they are the court approved logs, whether it is the primary or reserve, they both have to meet all the requirements of Readington Twp., and the state.

Ms. Muir stated she wanted that to be clear in the minutes.

Chair Nugent stated they would review the piezometer results that Mr. Fox presented. These results were from monitoring wells that are in close proximity to 8A-415-1. This is the first time it is being presented to the board.

Mr. Fox stated in April 2008 there was a question with regard to some additional information and soil logs that had been requested from American Water. Andrew Higgins had sent a letter including soil logs as well as piezometer readings on sheet 2 where it is indicated the proposed lot is 8A, which is currently 7.07. The dates of piezometer installation were 3/9/99, and the record of observation 3/11/99, subsequent dates, and again on 4/14/99. This yielded the consistent results of the court approved soil logs. The minimum depth recorded was 84", which is 7' deep.

There was some discussion of the 4 days of testing.

Mr. Facinelli stated this piezometer test they are looking at on the map is in the area of the reserve.

Mr. Fox stated that would support their request for a waiver because it does establish the water table at 7' which is consistent with the court approved logs.

Chair Nugent confirmed for the record, that the map with the icons labeled monitoring well and capped well on the south corner of the proposed lot, near soil log 8A-415-1 is also known as piezometers 2D and 2S. Chair Nugent asked if there were any other groundwater readings that would corroborate these readings in and around the reserve area.

Mr. Fox stated these were the only results he received.

Chair Nugent asked what the regional zone of saturation was determined by soil morphology determined by 8A415-1, which was the closest soil log to the monitoring wells. Also 8B610-2 at the other end of the reserve area.

Mr. Fox stated it has a regional zone of saturation measured by seepage at 93". There was no mottling in SL 8A415-1. At 8B610-2, no mottling or seepage observed, excavated to a depth of 120", by contrast, 8A611-3 the regional zone of saturation measured at 29". The reason for the regional groundwater was mottling identified in the soil log.

There was some discussion of the data presented this evening and the number of days tested. The board also discussed expiration of the soils data in general.

Ms. Tubman stated she would like to advance to the board that they met the criteria of the ordinance with the exception of the number of readings, the duration, for which the board has provided a variance provision. The applicant has noticed for the variance. Otherwise the depth to groundwater and soils testing meet the criteria under the state code and Board of Health ordinance.

Ms. Muir stated that she wanted to confirm the particular details of the ordinances that the variance was being sought from.

Chair Nugent stated there is a question as to whether or not the previous testing was admissible as supplemental data.

Mr. Fox stated that the 4 days of testing did span over a period of 4 weeks.

Mr. Kosinski asked Mr. Fox if according to his professional opinion, based on the piezometer results and soil morphology and soil logs, is this indicative of a perched zone of saturation or a regional zone of saturation based on the information?

Mr. Fox stated perched.

Chair Nugent stated the Form 2b submitted defines it as regional, correct?

Mr. Fox stated the original 2b Form which was filled out prior to any of the water table testing.

Ms. Tubman stated that Form 2b has been amended.

Mr. Fox stated that is correct, and signed and sealed copies were provided to Ferriero Engineering.

Chair Nugent stated there was a question regarding an engineer amending a form without actually observing the soils.

Mr. Kosinski stated after discussion with Paul Ferriero it was determined that it is up to the engineer to make an interpretation of soils data collected in the field and presented before him, and indicate the soils suitability classification limiting zones based on information he was given, that is within the rights of his licensure to make that interpretation evaluation of data collected in the field. Mr. Kosinski stated that Mr. Ferriero had no exception to Mr. Fox amending the soil logs, by signing and sealing, Mr. Fox is certifying to these conditions.

There was some discussion of amending forms.

Mr. Facinelli stated the reason there is a licensure system is that the engineer is putting his credibility on the line, he agreed with Mr. Ferriero, that whatever facts he is looking at, the engineer has a right to sign his name to it as a licensed engineer.

Ms. Vaccarella asked what is the percentage of cases that the engineers that actually sign and seal the soil testing, is actually the one who is performing and seeing the logs?

Chair Nugent stated concern with the engineer before the board altering a prior engineer's submission, when that submission is compliant with the state code, but the interpretation of the engineer before the board is not, specifically, the soil morphology existed at 29", it existed throughout the zone at 29 – 66", below that 66" zone was non soil, there is no way in the code one can interpret non soil as being the unsaturated soil that is required to interpret that as being perched.

Mr. Kosinski stated that is why hydraulic head tests were performed.

Mr. Fox stated once you look at all of the data, you can conclude that some of the findings that showed a regional groundwater at 29" were not consistent.

There was some discussion of the regional zone.

Chair Nugent stated he was referring to a document dated 3/5/99, the client is - Don DiGian - Rolling Meadows, Roosevelt Rd., engineer - Applied Wastewater, driller - Summit, Block 55/Lot 75.01, inspector - James P. Chalupa, tester - John Laffer. This is a piezometer groundwater readings chart that indicates information about the various piezometers that appear to have been on the lot in question this evening, as noted by 8A. Piezometers 1D, 1S, - 2D and 2S submitted this evening, confirms the location of the monitoring wells.

Ms. Albrecht asked Mr. Fox if the reserve area refers to the current area as in the map he had drawn, or the reserve area at the time they were done ?

Mr. Fox stated he doesn't indicate the location, he does identify it as a reserve area, but he doesn't specifically say new or old area.

Mr. Kosinski stated they were switched since the subdivision application.

There was some discussion of the location of the monitoring wells.

Chair Nugent noted the material presented by the County on the original subdivision supports, and based upon reference to the nearest soil logs, regardless of whether it is referred to as the reserve and primary, it still is the 2 monitoring wells in close proximity to soil log 8A-415-1, confirmed by data from American Water, obtained by Mr. Fox. Based on this, the 89, 87, 86" readings on done on 3/11, 12, 13/99 and 84" on 4/14/99 are the readings in close proximity to 8A-415-1, and 44' from 8A-611-3. There was discussion of the regional zone being set at 29".

Ms. Tubman stated the applicant would like this board to consider, and this is only the reserve bed, to do wet season testing next year, and come back if 29" is disproved.

Chair Nugent stated that was discussed 2 meetings ago, and they would not allow or disallow it, however if the applicant wanted to come back with additional testing, the board would not stop it.

Ms. Muir stated they could not consider that in a motion.

Mr. Facinelli stated it may be in the applicants best interest if the reserve area is needed to redo the testing that was done 10 - 20 years earlier.

Chair Nugent stated fundamentally, the ordinance requires 8 weeks of in season groundwater monitoring, a variance from that portion of the ordinance is requested, and this boards decision is whether or not the material presented is sufficient to warrant a variance from that ordinance or not, if not more testing is required.

Mr. Facinelli stated there is some reassurance in the fact that they would be willing to set the regional zone at 29", which is the most conservative approach. Also considering the fact that it is a reserve area, albeit that this testing was done 10 years ago, and shouldn't be used for sometime in the future, any good engineer going forward would require them to retest that reserve area based on current conditions, the testing at that time would be about 30 ± years old.

Ms. Muir pointed out that there was an application before the board this evening for a failed system that was installed in 1990.

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

Ms. Muir stated she had a question for counsel, and that is her concern about setting precedent, where a variance is given with dismissal of the ordinance, the wet season 8 weeks of testing, and what kind of tone this may set for litigation for future applicants.

Ms. Tubman asked if she could remind the board that the question is in reference to one soil log on a lot that is consistent throughout. It is extremely unlikely that this situation would arise again, agreeing with Ms. Muir, if someone were to come in and express that they didn't think they would have to do 8 weeks of testing, and would ask approval for all of the soil logs for both beds be granted, where are you going to find a situation where you need one log moved, and again, with consistent data throughout.

Ms. Albrecht stated she is also concerned about precedent, however, the applicant is willing to accept the 29" as regional saturation level, and if they need to use the reserve in the future, they can determine at that time to do more in season groundwater testing.

Mr. Facinelli asked Mr. Kosinski if he felt that the 29" is more than satisfactory given what the board has in front of them, to create a system that would function properly in this area ?

Mr. Kosinski stated that based on the original testing, the regional zone of saturation averages about 7.5 – 8, there is a tremendous difference between 29" and 89, 86, 84" at the shallowest depth.

Mr. Facinelli asked if we are setting the regional zone at 29", whoever the future homeowner is protected in that if the original system fails, and uses the plans approved tonight to build a new disposal area in that reserve bed, given the information before the board, that 29" is significantly more restrictive than what the testing before us has shown ?

Mr. Kosinski stated that is what the *inaudible* the Board of Health's obligation is to protect the public health and enforce the guidelines so that effective treatment is assured.

Chair Nugent stated setting the regional zone at 29" absent of in season ground water monitoring that would result in a water level being higher than that, it is a very conservative design. Information suggests that some in season groundwater monitoring would be deeper than 29", it is unknown if during the wet season water would be encountered shallower than 29", however testing done over 4 weeks indicated it is much deeper. The risk of approving a 29" regional zone of saturation is that during 8 weeks of in season groundwater monitoring the regional zone might be discovered to be shallower than 29". Some evidence suggests that that may not happen.

Mr. Facinelli stated that there is some data for the results over 4 weeks, projecting testing in the future from 1998, if they did this today, they would be projecting those tests and results into the future when someone used those reserve fields.

Chair Nugent asked Dr. Allen what his thoughts were.

Dr. Allen stated he was concerned, but would concur with Mr. Facinelli. Considering the data before the board, and as far as not having the results of 8 weeks of in season ground water monitoring, in this case, he is leaning towards saying that it is okay.

Chair Nugent asked if the board members were ready to move this application. If a motion were made for approval, it is important to interject the uniqueness of this property and of the data presented.

A **MOTION** was made by Mr. Facinelli to approve the application before the board for Block 55/Lot 7.07. The map being used is dated 9/24/07, revisions 10/23/07, 12/10/07, 12/28/07, 1/15/08, 3/6/08, 3/20/08 and 4/30/08. The map is presented by Canger Engineering Assoc., Matthew Fox representing the applicant. Correspondence from Ferriero Engr. dated 5/7/08, correspondence from Matthew Fox to Clay McEldowney dated 1/22/08, from Matthew Fox to Hunterdon County Health Dept on 12/27/07, Matthew Fox to John Hansen on 12/11/07, and letters from Lois and Dennis Patrick on 1/18/08, and received 5/21/08. Correspondence from Hunterdon County Health Dept. to Matthew Fox was dated 12/19/07, and to the BOH dated 2/29/08.

This is a new construction application, the application is a unique situation, there is court approved soils testing for the primary area, the question before this board is whether or not a waiver could be granted for the 8 week in season ground water monitoring for a soil log which is for use in the reserve area. The soil log in question is 8A611-3, conducted 6/11/98, with mottling from 29 – 66". The soil log in front of the board 8A was total depth 120". The applicant has agreed that while testing in other soil logs in close proximity have shown a regional zone *inaudible* than 29", it is the boards opinion that the regional zone should be set at 29" for this reserve system in the err of caution, that is one of the main reasons that this motion is being considered for approval. The applicant has agreed to setting the regional zone at 29". Soil log 8B-610-2 which has been taken into consideration, has been court approved is also part of the reserve. Also, basin flood 8B610-2 conducted 6/11 – 12/98 was a court approved basin flood. In addition, consideration is given to data provided to the board by the current engineer Matthew Fox., provided to him by the previous engineering firm Applied Water Management, and signed by licensed engineer Mr. Andrew J. Higgins. This data takes into account piezometer results conducted at two monitoring wells at the lower right hand corner of the reserve area approximately 44' away from soil log 8A611-3, and 10' from soil log 8A415-1. The results of these are two tests taken into consideration, 2D from letter dated 4/2/08 from Andrew Higgins to Matthew Fox, the first piezometer was 2D, normal depth of 93", *inaudible* was 12", readings were 89" on 3/11/99, 87" on 3/12/99, 86" on 3/13/99, 84" on 4/14/99. In addition, piezometer

2S, total depth of 10", *inaudible* 2", was dry at 10" on 3/11/99, dry at 10" on 3/12/99, dry at 10" on 3/13/99, dry at 10" on 4/14/99. This testing was taken into consideration during this approval process, the testing was conducted over a 4 week period, albeit that 3 days were consecutive, and 1 was almost a month later.

The previous approval in 2006, included a pump requirement and associated deed restriction which is rescinded. This Board of Health is granting a waiver for the variance request from the 8 weeks of in season groundwater monitoring that is required by ordinance, given the facts as stated. This action by no means sets a precedent.

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

Ms. Albrecht Aye

Dr. Allen Aye

Mr. Facinelli Aye

Ms. Muir Nay - Ms. Muir stated she has sympathy for the applicants, for the people who want to move the house and want to install a reserve system in a situation that they have presented. Ms. Muir stated she believes in doing the most conservative thing, and the most conservative thing in her estimation, in this instance is to follow the ordinance, because if you have ever had an experience with septic system failure, it is to say the least a traumatizing experience that takes weeks to resolve, sometimes months, extended periods of time, and thousands upon thousands upon thousands of dollars. We are looking at \$30,000 up if it fails. So with no malice towards and with sympathy for the applicants, with concern for our ordinance and why it was instituted that we have a reserve location that will always work if the primary location fails, she has to vote no on this, because she would want it to protect you or your parents, or anyone who would subsequently buy that house and that lot, and she would want to protect the neighbors and the public health in general if there were a breakout from the septic system.

Chair Nugent Aye - Chair Nugent stated he concurs with Ms. Muir in that our ordinance is necessary in order to maintain the health of our township and to maintain that the most conservative of systems are installed to assure the health and welfare of both the homeowner as well as any adjoining homeowners. Only because of the empirical evidence and the material that has been presented and of so many other testings that were performed on this lot, is he willing to grant the variance, and because they are taking the most conservative approach, it gives him a level of comfort that he does not feel he is jeopardizing the health of anybody by saying yes.

Mr. Fox stated thank you for your consideration.

Ms. Tubman stated than you very much, all of you.

Ms. Laurie Patrick addressed the board stating she would like to thank the board for their time and patience in this matter. It has taken a long time, and the Patricks' really appreciate everything that the board has done.

**3. Block 65/Lot 18.05 – Heritage Consulting, Koch, Locust Road.**

Escrow fees paid 5/2/08, Ck# 2179, \$750.

*The application for Block 65/Lot 18.05 has been rescheduled for the 6/18/08 BOH meeting as requested by Heritage Consulting.*

**4. Block 50/Lot 3 – Bohren & Bohren, Brown/Lang, Stanton Mtn. Rd.**

Escrow fees paid 4/17/08, Ck# 2721, \$750.

*Chair Nugent advised the applicant for Block 50/Lot 3 that they would not be heard this evening.*

## Category B. – Subdivisions

### 1. Block 39/Lot 8.01 – Mantz Engr., Adner Ebib Realty Corp., Ridge Rd.

Escrow fees paid 9/21/06 Chk. #8080, \$1,000.00.; 9/12/07 Chk. # 9021 \$1,000.00  
Previously heard 2/20/08

Mr. James Mantz NJ licensed engineer and land surveyor and Mr. Ernest A. Renda, Esq., appeared before the board, representing this applicant. Mr. Renda stated this application was before the board in February of this year. The applicant was asked to return to the board with additional information. For the record this is a subdivision application, the applicant has in compliance with Board of Health ordinance provided soil testing with regard to a new proposed system on new proposed Lot 8.02, and also in conformity with the ordinance provided soil testing for a primary and reserve area for the remainder lot, noted as area A and area B. In reference to the boards minutes from 2/20/08, the board requested an inspection of the septic components and functionality. A report dated 4/21/08 has been provided to the board which summarizes an additional inspection; Mr. Mantz will answer any questions with regard to this application.

Mr. Mantz stated the existing septic system was located approximately 20' closer to the existing house than is designated on the plan. Mr. Mantz testified that the existing system was functioning. An inspection revealed that the tank was a seepage pit, and not a septic tank.

There were concerns discussed regarding the depth and functionality of the seepage pit.

Mr. Facinelli asked Mr. Mantz if the existing system is functioning, and will provide continued good service to whomever lives in this dwelling, and due to the existence of the seepage pit, and that two different reserve areas have been provided for ?

Mr. Mantz stated yes to all of the above.

There was some concern as to whether or not the seepage pit was functioning adequately.

Mr. Kosinski stated based on his offices review and report, it doesn't meet the definition of malfunctioning as implied in the code.

Ms. Vaccarella stated the seepage pit is functioning, vs the definition in the septic code, there is no septic tank, so a repair could be done adding a septic tank for it, then if the engineer chose, a repair could be done for the pit itself. That is usually done after it starts malfunctioning. Ms. Vaccarella stated typically when the water level is added to it, it is not rising. As far as she knows this one is working. It was confirmed that the seepage pit is 60' from the well, which has been tested and passed.

Chair Nugent stated concern as to the life of the seepage pit.

Mr. Mantz stated there are the two reserve areas on the property.

Mr. Facinelli pointed out that if it weren't for the subdivision, this board would never know the seepage pit existed, so now there is something on record that can reassure the property owner that if the seepage pit fails, a remedy is available. The situation is better than it was before.

Mr. Renda pointed out that the ordinance is designed specifically to address that, that if the existing system fails, the owner has that assurance.

There was some discussion of the design/functionality of the seepage pit.

Chair Nugent stated he had no other issues and asked if there were anyone else did.

There were no issues raised.

A **MOTION** was made by Mr. Facinelli to approve **Block 39/proposed Lot 8.01**, on current Block 39/8.01, this is a minor subdivision at 14 Ridge Road, the applicant is Adner Ebib Realty Corp., engineer and surveyor is James J. Mantz. The map is dated 9/6/06, revisions 11/13/06, 2/21/07, 9/1/07 and 3/20/08. Reports include from Ferriero Engr. are dated 10/15/06, 11/29/06, 10/8/07, 10/15/07, 12/27/07, 4/8/08 and 5/8/08. This approval is new construction as part of this subdivision the existing dwelling and seepage pit have been reviewed by this board and the proposed Lot 8.01 will install or make provision for 2 reserve areas, reserve area A and reserve area B. The existing seepage pit while functioning may have a short life span ahead, and in anticipation of a malfunction, 2 reserve areas are proposed. This is satisfactory to the board in that the situation is improved over what is currently there. For reserve area A, 2 soil logs,

conducted on 2/9/05, soil log 7, @ 143", no mottling, seepage from 102" – 143"; also soil log 8 @ 144", no mottling, seepage from 110" – 144". Pit bail test PB2, conducted 2/9/05 in soil log 7 @ 144", highest groundwater reading was 119", regional zone set at 119". Groundwater monitoring was conducted from 2/15/05 – 4/26/05. For reserve area B, 2 soil logs, conducted on 2/9/05, soil log 10, @ 152", no mottling, seepage from 100" – 152"; also soil log 13 @ 154", no mottling, no seepage. Passing basin flood test #2 @ 100" on 2/9/05, highest groundwater reading was 124", regional zone set at 100". Groundwater monitoring was conducted from 2/15/05 – 4/26/05.

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

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

A **MOTION** was made by Mr. Facinelli to approve **Block 39/proposed Lot 8.02**, on current Block 39/8.01, reference is made to the same data, including letters, map and map dates as the previous motion. For proposed Lot 8.02, for the primary area, 2 soil logs are used, soil log 5 @ 169", no mottling, seepage from 137" – 169", pit bail test PB1 @ 169" was conducted. Soil log 6 @ 161", seepage from 116" – 161", no mottling, the regional zone is 116". For the reserve, soil log 3 @ 156", no mottling, seepage from 113" – 156"; soil log 4 @ 154", no mottling, seepage from 109" – 154". Passing basin flood was conducted BF 1 @ 98", wet season groundwater monitoring was conducted from 2/15/05 - 4/26/05. Highest groundwater recorded was 61.5" from existing grade on 4/12/05, setting the regional zone at 61.5". The prior regional zone was set by the highest groundwater reading @ 69.25", based upon groundwater monitoring conducted from 2/15/05 - 4/26/05. This revises the primary disposal area regional zone to 69.25".

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

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

A **MOTION** was made by Mr. Facinelli to amend the first motion for approval of **Block 39/proposed Lot 8.01**, on current Block 39/8.01, to include that a letter from James J. Mantz dated 4/21/08, including several pictures, providing his analysis of the seepage pit, was reviewed. Additionally, a letter from Nelson Analytical dated 1/29/08 indicated a passing well water test of the existing well, which is 60' from the seepage pit was provided for review.

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

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

Mr. Mantz thanked the board for their time.

Chair Nugent asked if there were any other business before the board.

#### **G. ADJOURNMENT**

A **MOTION** was made by Mr. Facinelli to adjourn at 10:50 pm, seconded by Ms. Muir with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary