

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

July 15, 2009 7:00 pm

Chair William C. Nugent called the meeting to order 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	William C. Nugent	present	Wendy Sheay	absent
Jane Butula	present	Tanya Rohrbach	absent	Donna Simon	present
Beatrice Muir	present				

Also Present: Board of Health Attorney, Stanley T. Perlowski, Esq.
Board of Health Engineer, Ferriero Engineering, Inc., Joe Kosinski

A. APPROVAL OF THE MINUTES

1. **Minutes** of April 15, 2009. (*-Albrecht, Muir, Rohrbach vote*).
 2. **Minutes** of June 17, 2009. (*-Albrecht, Simon vote*).
- Deferred to 8/19/09.*

B. CORRESPONDENCE

1. **Suspected Hazardous Discharge Notification** letter dated 6/4/09 regarding oil heating #2.
2. **Suspected Hazardous Discharge Notification** letter dated 6/18/09 regarding oil heating #2.
3. **Suspected Hazardous Discharge Notification** letter dated 6/27/09 regarding oil heating #2.
4. **Block 80/Lot 1 – HCDH** date extension for abandoning wells.
5. **Block 52/Lot 4 – HCDH** notice of violation.
6. **Block 50/Lot 3 – NJDEP** – no further action letter.
7. **Block 75/Lot 14 – HCDH** notice of violation.

Chair Nugent asked Ms. Petzinger to contact the HCDH for a status update. The complaint report form seems to indicate an unacceptable response from the sewage authority and a follow up visit is required. A letter from this board to the sewage authority may be necessary if the HCDH concurs.

A MOTION was made by Ms. Butula to send a letter regarding the notice of violation at Block 75/Lot 14 from this Board of Health asking for a follow up and complete investigation of the situation to the Readington Sewage Authority.

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

Ms. Butula Aye Ms. Muir Aye Ms. Simon Aye Chair Nugent Aye

8. **HCDH** – complaint report dated 7/29/09.
 9. **HCDH LINCS** - dated 6/22/09 Update – CDC Guidance and Information resources related to Novel H1N1 Flu For Day and Residential Summer Camps.
 10. **Block 39/Lot 53.02 NJDEP** – no further action letter.
 11. **Block 97/Lot 2.21 NJDEP** – no further action letter.
 12. **NJDEP – NJPDES Permit** - Readington Twp. – Municipal Stormwater Program.
- Chair Nugent stated this seems to be a Township Building. Ms. Muir stated this is the Public Works and Recycling Building on Mountain Road.*

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

1. Septic System Repair Approval from HCHD, B 70/L 19.09. *final field 6/23/09*
 2. Septic System Repair Approval from HCHD, B 75/L 17.25. *final field 6/24/09*
 3. Septic System Repair Approval from HCHD, B 69/L 1.08. *No work done as of 7/7/09*
 4. Septic System Repair Approval from HCHD, B 55/L 13.23. *No work done as of 7/7/09*
- From the 6/17/09 agenda:*
5. Septic System Repair Approval from HCHD, B 66/L 59. *final field 6/29/09*
 6. Septic System Repair Approval from HCHD, B 50/L 41. *No work done as of 7/7/09*
- Ms. Butula noted that this is still outstanding from June.*
7. Septic System Repair Approval from HCHD, B 39/L 49.05. *final field 6/25/09*

Chair Nugent thanked the County and Deb Vaccarella for sending the status of the septic repairs in advance of the meeting.

D. OLD BUSINESS

- 1. Readington BOH** – 2nd request - letter dated 7/7/09 to Board of Chosen Freeholders requesting response to previous letter.

Chair Nugent stated that Freeholder Matt Holt responded to this boards letter by phone, and an effort would be made to respond in writing.

- 2. Highlands Health Bus -**

Ms. Simon, Ms. Butula and Ms. Sheay attended the unveiling of the Health Van. Ms. Simon stated this is part of the Zufall Health Center of Dover, it is a 37' Eco-Friendly van serving Warren, Hunterdon and Sussex. The van brings affordable health care coverage to low income and uninsured.

E. NEW BUSINESS

- 1. Ms. Butula stated that one of our board members, Wendy Sheay is very concerned and interested in this board forming a subcommittee to initiate how Readington Township can help in the event of mass vaccinations. Funding may be available on the national level.**

Chair Nugent noted an email on this topic was received today, there will be more to come on this topic.

F. APPROVALS

Category A. – Single Lots

Heard @ 7:25 p.m.:

- 1. Block 70.01/16.02 – Engr.& Land Plann., Seabrook, Centerville Rd.**

Escrow fees paid 4/7/09, Ck# 1240, \$750.00

Mr. Erik Raes, NJ licensed engineer appeared before the board.

Mr. Perlowski asked if there were any connection between Mr. Mark Seabrook, and Shelly Baron Seabrook.

Mr. Raes stated he could not testify to that.

Mr. Perlowski stated they would proceed as if there was not.

Mr. Raes stated this application is for a 4 bedroom residential structure at 7 Centerville Rd. with an existing septic system that is in a state of failure, the field is saturated, and it failed during an inspection. Percolation testing has been done, the property constraints considered, the buffers and found the soils are not great, there is about 25% of the property to evaluate. There is a potable well on the property with a 100' buffer. The neighbors 100' well buffer just touches the property line, and there is also 100' buffer off of a storm pipe. Soils were tested within that buffer, a visual observation test pit, #3, and confirmed that those soils were worse than the subject area. Two waivers are requested tonight. The pit bail did not meet state criteria, a waiver on permeability is requested, and also a waiver for the alternative technology peat based system.

Ms. Butula asked if the failed inspection was for a sale.

Mr. Raes stated he did not think so because Mr. Seabrook still lived there.

Chair Nugent asked if the adjoining property owners had been noticed, if it were published in the appropriate paper, and noted that the application would be heard at last months or this months meeting.

Mr. Raes stated yes.

Chair Nugent stated that there was no one at last months meeting for this application.

Mr. Perlowski reviewed the noticing documents, and stated that the noticing had been done correctly.

Chair Nugent asked Mr. Raes to specify what guidance document this alternative technology system was complying with.

Mr. Raes stated it is the treatment works approval for the Ecopure peat moss based system, based upon the 1/2008 version of the guidance document.

Ms. Simon asked if Mr. Raes had installed this type of system before?

Mr. Raes stated yes, actually a few were presented before this board and about 20 – 30 have been installed.

Chair Nugent referred to the HCDH 1/26/09 letter, and asked if there had been a change in the original plans to the County, and the plans reviewed dated 3/3/09, revised 3/12/09, 5/28/09 and depicts the proposed Ecopure unit not being above the bed?

Mr. Raes stated it sounds as if the terminology was just crossed and that the Ecopure peat moss system

was coupled with a pressure dosing disposal field. The 300 SS unit is a closed unit.

Chair Nugent asked that Mr. Raes clarify the waivers being sought.

Mr. Raes stated they are looking for a waiver for the use of an alternative technology, permeability from the state code, and the pump system. The waiver from the state code due to the permeability is for improvements over the existing field, design, that will enhance the functionality of the system. In conditions where they can't meet the code, they are allowed to make recommendations for alternative systems from the state code, as professional engineers, they want to use professional judgement and built-in levels of safety, especially where the permeability is very low. The state code requires that they achieve a permeability of .2"/hour and they achieved half of that, so they have some permeability. The condition of the water coming out of the system is basically clean, it is much improved. The proposed bed is standard sized, with pressure dosing. There was some discussion of the bed size, and the proposed system being a pump system Chair Nugent confirmed that the owner is aware of the maintenance and recording requirements associated with an alternate system as recommended by the guidance document, and has the owner been presented with a copy of the guidance document.

Mr. Raes stated yes, they are aware of it, and he is not sure if they were provided with that document.

Ms. Butula asked whether Mr. Raes would be the supervising engineer.

Mr. Raes stated that he would.

Mr. Perlowski stated that it seems that the soils testing that was done is a little short of what this board has in the past received on an application of this kind. There was no groundwater monitoring in any of the test pits and there were pit bailing tests which failed. If the board finds that there is regional groundwater within 2' of the surface, that is a problem which would be very difficult to overcome by the applicant. What we are saying here is with the peat system, that somehow gets us around that, and gets around the requirement for a TWA. Isn't the missing link the fact that the peat system is said to be cleansing the wastewater to such a degree that this new table of values and sizes can come into play. Where in the record, is the substantiation that this board must have in order to grant an application? How do we know that the levels are claimed at that point?

Mr. Raes stated that the state has evaluated this technology and issued a Treatment Works Approval for the Ecopure systems based on their assessment and testing done. It is an efficient alternative means to treat the water. The intent of the peat system was to eliminate the disposal bed concept. In NJ it is still required.

Mr. Perlowski stated in the NJ Guidance Document it states that these provisions are in addition to, not in lieu of the requirements of 9A. Where do we get the data, the input to know that if the system is designed in accordance with the Guidance Documents, that the level of purification of wastewater is such that it results in a lower requirement for size in the disposal bed. Don't you as the engineer, have the burden of showing the board that the cleansing of that wastewater will be to a certain point which justifies reduction of the disposal field?

Mr. Raes stated this is a technology that the agency has reviewed and they have issued a treatment works, and with conditions in addition to the state code where in the absence of the system their alternative is to look at the state code and take levels of safety out of such things as using a dosing system to provide more efficiency in the distribution of water in the treatment system. They are not taking the reductions in the size of the bed, they are staying consistent with the state code. This system has been around for two years, he has never seen the data that the state has reviewed to accept this technology, but they are following their Guidance Document and the state code in this design.

Mr. Perlowski stated the Guidance Document doesn't require the board to grant approvals for malfunctions that do not meet the requirement of 9A, it gives the board the authority to do so, and good cause should be shown for that to happen. The term 'alternate system' was used, where does that term come from?

Mr. Raes stated alternative technology comes from the TWA permit that was issued by the state, and there are also conditions for alternative technologies in the state code.

Mr. Perlowski said that the state code says 'alteration' and also, 7:9A-3.11 Experimental Systems.

In Mr. Raes' professional opinion do those provisions hold in this application?

Mr. Raes stated he believed it was under experimental systems that the state evaluated this application and issued the TWA.

Mr. Perlowski asked if it is an experimental system, do we not have a concern if the experiment is working? it has been in effect for a number of years, is there a data base that can be looked at to say yes it is, or no it

is not working ?

There was some discussion of background information on peat systems.

Chair Nugent quoted from the Guidance Document of 2008, under general conditions, “the department will maintain a list of applicable manufacturers that have agreed to the provisions of this guidance and have demonstrated the ability to comply with the conditions of this guidance, item #3. Any peat biofilter treatment system manufacturer that wishes to be listed as applicable under this Guidance Document shall submit a written request, a copy of their NSF, Standard 40 ETV or other verification report and a report to the department that details how the manufacturer will achieve compliance with the appropriate portions of this Guidance Document.

The board's obligation is for the engineer to prove that the proposed system is still currently approved by the state and is still worthy of that confidence. Having the material in front of us that shows us the manufacturer's information as its performance helps the board in their confidence factor of the engineer's testimony that the system will perform as intended.

Mr. Perlowski stated following on this issue, would it not be important as a testing requirement monitoring the unit's operation, which the board's engineers suggested would be 5 years, what monitoring is there immediately upon putting the proposal into operation, showing that it is working or not ?

Mr. Raes stated if he cannot make code, he would design a factor of safety to provide a system that is superior to what is existing. The state says that if a pressure dosing system is used, you can reduce your multiplier from 1.61 to 1.33 because it is in theory going to distribute the water in the disposal bed more efficiently. Mr. Raes stated he relies on that, that some degree of superior efficiency is seen based on that information.

Mr. Perlowski stated that the problem he has with the use of numbers is that to make the exception to the compliance requirement where the system is better, it doesn't mean that it is just a little bit better, the board construes that to mean that it is as much better as it can reasonably be, and there has to be some basis for evaluating that.

Chair Nugent stated he would suggest being able to present the material that the manufacturer has presented to the state, and that the state has still approved that system would provide the board that information.

Mr. Raes stated he agreed upon a condition of the approval to provide the board with the efficiency data on the Ecopure system and a current certification that they are still in good standing from the DEP.

Mr. Perlowski stated it should show that the continuing investigation monitoring that the *inaudible* levels that were assumed, are or are not coming true, is that reasonable?

Mr. Raes stated he felt that obligating the homeowner for additional testing is an unfair requirement due to the fact that the current system is in failure, the proposed system is a superior system based on his ability and experience. The State, town and county have imposed additional restrictions on that homeowner that they are in acceptance to. To add cost for additional data that the state already has seems like an overly onerous request.

Ms. Butula stated this is a closed contained peat system that doesn't vary extensively from installation to installation so the company's data should be consistent.

Chair Nugent stated in answer to the inquiry the maintenance cycle of the peat moss system is such that if a thicker biomat were detected, that would indicate that it was not operating according to the normal standard.

Ms. Muir asked if the homeowner had been provided with information on this septic design.

Mr. Raes stated he was not sure, but the application was reviewed in detail with them before it was submitted for county review.

Chair Nugent stated because of the hour, he would like to pause on this application. Some items that the board would like to see prior to making a decision have been discussed, and with the knowledge that this is approved by the state and that it is complying with the guidance document from 2008, also the soil log Form 2b for TP1 needs to be corrected and the copy of the warranty, the ongoing maintenance contract, along with the performance data for the system itself, something that gives this board a level of comfort that this system is equal to what it is supposed to be.

Ms. Butula stated perhaps Mr. Seabrook could attend the next meeting so he would be fully informed, and there is a motion in the May 2009 minutes for reference.

Mr. Perlowski stated the guidance document contains some alternative provisions, perhaps the applicant would advise the board which system it is proposing to install.

Chair Nugent asked if there were any other questions, and if Mr. Raes could provide the board with the

Material by next week so that the board members could review it well in advance of the usual cutoff date prior to the next meeting.
Mr. Raes stated he would do that.

Heard @ 8:45 p.m.:

2. Block 38/Lot 38.02 –Lan Associates Engr., DiDonato, Coddington Road

Escrow fees paid 2/14/08, Ck# 1781, \$750.; 1/7/09, Ck# 2055, \$750.

Mr. Richard Wostbrock, Lan Associates, licensed engineer in the State of NJ appeared before the board. The most current plan is SP.22, revision 4/29/09. Lan Assoc. was retained to work on the septic system design, the actual site plan/plot plan was prepared by another firm. The house is a 5 bedroom house, they are proposing to knock down the existing structure, a 1 ½ story framed dwelling, and construct a 2 ½ story framed dwelling with 5 bedrooms. It will be reoriented off of Coddington Rd., to Tunis Cox Road. They initially did test logs, the background research showed the soils were potentially severe, but they actually had relatively good conditions. They had fractured rock, returned to the site and tested for a basin flood, with a positive result. There was mottling, potentially indicative of an artesian condition, further testing, monitoring observation and piezometers to show there was not. There was no perched zone in the primary, however they did come up with a perched zone in the reserve field area. That coupled with the orientation of the building and existing site features forced the pump scenario. This is a traditional system. There are two existing wells on site, one will be abandoned, the other will be reused. Test data was provided to the HCDH, and the decision to retest is pending.

Mr. Chris Guddemi, also in attendance, is the Project Manager on the site, and is also a wetlands expert and can provide additional information if required.

Chair Nugent confirmed that the homeowner is aware of the deed restriction filing and maintenance procedures. Mr. Wostbrock stated yes he is.

Chair Nugent stated regarding the well test that was submitted, how can it be confirmed that this is from the well that is intended to be used ?

Mr. Wostbrock stated that is what they are working on with the HCDH.

Ms. Butula stated that several homes in this area have installed ultraviolet point of entry treatment filters on their wells. This proposal will require a POET system.

Mr. Wostbrock stated they are working on this with the County, and the property owners best option may be to drill a new well.

Ms. Butula asked that the responsibilities of the two firms, Lan Associates, and LandTek Consulting be defined.

Mr. Wostbrock stated that Lan Associates was subcontracted by LandTek to work on the septic application. Lan Associates did the soil logs and testing, LandTek did the site plans and everything else.

Ms. Butula stated there is a letter from LanTek dated 4/28/08 stating based on the test pit performed on 3/20/08, why was this testing done and submitted.

Mr. Wostbrock stated he wasn't aware that this existed, but he would suggest going with their more restrictive data.

Mr. Guddemi stated he was aware that Mr. Juan Uro visited the site, and recorded some in season soil logs there was a question about the *inaudible* and the need for the hydraulic head test, the need to determine presence or absence of an artesian zone of saturation.

There was some discussion of the testing dates.

Chair Nugent stated regarding the 4/28/08 LandTek letter, 2nd paragraph, "it was confirmed no mottling..." when the in season ground water monitoring piezometers were installed, were they anywhere in proximity to the original test pits, or this 3/20/08 location?

Mr. Guddemi stated that all of their field work was shown on the plan, if theirs was done in the same location, it would have been in the logs shown on the plan. The piezometers were not in disturbed soil.

Mr. Perlowski stated that Mr. Guddemi's certification as a wetland expert should be put on record.

Mr. Perlowski swore in Mr. Chris Guddemi, 405 Godlin Ave., Midland Park, NJ 07432.

Mr. Guddemi stated that he has a Bachelor's degree in Environmental Studies, and has attended numerous courses through Rutgers University to become a Certified Delineator of wetlands, and has performed over

100 presence or absence determinations along with delineations, multiple freshwater wetlands transition area permits, LOI's, and is certified in NJ and NY through the Army Corps. of Engineers, NY State Dept. of Conservation. Mr. Guddemi stated that he toured the site and determined that wetlands are absent both on and within 150' of the property, it is not impacted by any transition areas.

Chair Nugent stated that the one issue that is holding the board back is the well. The board needs to know if the well test results that the board has is the one they are to rely on, they need to know if that is the well proposed to remain. If a new well will be drilled, or these will be abandoned, the board needs to know that also.

Ms. Butula stated since the well hasn't been used, it should be tested for bacteriological coliform tests, and the board needs to know specifically what kind of filter will be used, whether it's a POET system, if not, they should realize that that is what will be obligated of them. Also, the board requires a resume of the wetlands expert.

Chair Nugent stated if those issues can be addressed and turned in to the BOH office, they should be able to be heard at the next meeting.

Heard @ 9:15 p.m.:

3. Block 4/Lot 6 – Parker, Ranier, Potterstown Rd.

Escrow fees paid 5/21/09, Ck# 4873, \$750.00

Mr. Steve Parker, Parker Engineering, NJ licensed engineer appeared before the board. This application is for a vacant property, a small undersized lot on Potterstown Road, there is no home on the property. The proposed system is for a new home. Tests were performed on 2/2/09, eight weeks of ground water monitoring followed, which has been submitted with the application package. A new proposed system and well are shown on the plans dated 4/21/09, revision on 6/5/09. The adjoining properties on either side are existing homes, the back of the property is an agricultural field. There are no adjoining wells and or septics within the setback distance, so they are not indicated on the map. The test results found very similar results in all 4 logs, no ground water, or evidence of mottling. Test results turned out to be a K4 soil, which is very good, they were excavated very deep. The soil is a sandy loam soil. The proposed system is a bottom lined gravity system.

Chair Nugent noted that by ordinance, the use of the K4 test is restricted for soils slightly less permeable than were encountered.

Mr. Parker stated that they were aware of that, and also, Mr. Chalupa had reminded them of it.

Chair Nugent noted that there was no reserve area proposed.

Mr. Parker stated that the lot is slightly over ½ acre, so it is well under the 1 ½ acre required by ordinance. The data is submitted, but not as a reserve area.

A **MOTION** was made by Ms. Butula for **approval** for Block 4/Lot 6, property owner Tom Ranier, 236 Potterstown Road. The map is named Septic System Design, Tax Map Lot 6, Block 4, Readington Township, Hunterdon County, New Jersey dated 4/21/09, revision 6/15/09, map prepared by Stephen E. Parker, professional licensed engineer. The survey was done by Daniel E. Parker, professional licensed land surveyor in 1/2009. This property is slightly over ½ acre and proposing construction of a 4 bedroom house. Ferriero Engineering review letters are dated 5/14/09, 6/24/09. This will be a soil replacement select fill bottom lined gravity system. The primary area is considered here, tests done on 2/2/09, soil log 1 @ 148", no mottling, no ground water; soil log 3 @ 149", no mottling, no ground water. Permeability tests were soil permeability class rating tests done with sample 1A, 1B, done 2/2/09; sample 3A, 3B @ 130" also, results were K4. The regional zone is determined at 148" by soil log 1. Note 42 states that the proposed disposal bed is 50' from adjacent disposal systems at 100' from all wells and water courses. There were tests submitted, soil logs 2 and 4, and soil permeability class rating tests done with sample 4A, 4B, which are acknowledged, but not given approval for a reserve system.

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

Ms. Butula Aye Ms. Muir Aye Ms. Simon Aye Chair Nugent Aye

Heard @ 9:30 p.m.:

4. Block 72/Lot 6 – Frey Engr.; Berry Patch Learning Ctr., Rt. 523

Escrow fees paid 7/24/08, Ck# 2026, \$250; 8/13/08, Ck.# 2029, \$500; 5/19/09, Ck.# 2153 \$1555.

Data mailed with 10/15/08 approval pkt., And 6/17/09 agenda pkt.

Mr. Leo Frey, Frey Engineering, 1117 Route 31, Clinton, NJ, licensed engineer in the State of NJ appeared before the board. This project is the Berry Patch Learning Center. This hearing is in regard to the septic system, a brief overview is that the existing building was a former child care center, is now again a child care center. The former septic system had problems, was a failing system, a new system is proposed as an alteration/repair, not an expansion. In the initial meeting with the board, the questions were not related to whether or not the system was engineered properly, but 1) A variance was needed for the reserve area, it would be physically impossible on this property. The final use and occupancy of the building is governed by a combination of township and state requirements. 2) Whether this was an artesian situation. There is a restrictive horizon, mottling within 9", there was a 9" gap between the mottling and the restrictive horizon. Under state code you need 1' to consider it not artesian. The board requested to have the in season ground water monitoring, which was performed and indicated it was not an artesian condition, however, the system is still designed *inaudible* mottling, therefore, it is conservative.

Chair Nugent clarified, the issue was less what is the building allowed for and more what is the septic system that is installed designed for.

Mr. Frey stated to answer that question, it had been asked that they change their application because they could not provide definitive proof as the state did not have any to give them, to an expansion, which they did. When it comes down to regards to expansion/alteration, they are well within the footprint of the existing system. To square off the bed, they investigated to know what the existing corners of the bed are, which is quite a bit larger than their proposed design. Both of these meet Readington Township design requirements. They do have a larger footprint, going to a smaller footprint. In his opinion it comes down to a change of queue, the building was a day care center years ago, over that period of time the state has increased the number of square foot per children, now the number of square foot per child has increased.

Mr. Frey introduced John Sullivan, a senior soil scientist at Frey Engineering, Mr. Sullivan did the testing out in the field, and has been involved with the boards engineer. Mr. Frey stated he was interested in addressing all of the boards concerns, and providing a level of confidence that this system is well engineered and provides protection for human health and the environment. The question comes down to whether they have changed the queue, he does not believe that they have. The building had the ability for a larger number of children, the owners have since gone down to the state, and have had extensive discussions with people in the child care field, there are no background documents, they are gone.

Mr. Perlowski asked about the number of children at the facility.

Mr. Frey stated the state has allowed 85 children at the location currently. The number of staff is required in that count.

There was some discussion of the number of allowed students and required teachers.

Chair Nugent stated there is the number of students the township allows, the number of students the state allows, and there is the size of the system capacity based on the number of people. What they have to understand is which of those numbers the board has to consider.

Mr. Frey stated that number is 107.

There was some discussion of the number allowed by Zoning for the parking lot.

Ms. Marlene Berry, owner of the property stated if they reached the maximum number, they would pursue expanding the parking lot.

Chair Nugent read into the record a document authored by Mr. Frey and handed out entitled July 2009 RTBOH Meeting Handout Berry Patch Learning Center Sanitary System Design dated 7/15/09.

Chair Nugent confirmed that the proposed system will be installed in the same spot as the existing system.

Mr. Frey stated that is correct, the proposed system will be a mounded system.

Ms. Butula asked who did the topography map.

Mr. Sullivan stated the signed and sealed map was done by John Cilo.

There was some discussion as to whether or not this application should be resubmitted as an alteration to correct a malfunctioning system without expansion.

Chair Nugent stated that this application was discussed at a meeting a few months ago, and the suggestion made at that time was that if the applicant could determine that it was not an expansion by exploring and finding out what the existing system is, then that should be pursued, however if that couldn't be accomplished, and the size of the system is increasing and you can't validate the fact that you are not increasing the size of the

system, then you had to present it as an alteration with expansion.

Chair Nugent stated it seems that enough information has been presented to determine that it is not an expansion. Chair Nugent confirmed with the applicant that a resubmission of the material to clarify that their request is no longer for an application with expansion, but just a straight alteration to correct a malfunctioning system should be submitted, will be forwarded to the board engineer, and probably will be ready for placement on the 8/19/09 agenda.

There was some discussion of the application process, the size of the proposed system and the number of students/people in the building.

Ms. Muir questioned the bed size, and the fact that the proposed system is smaller than the existing.

Mr. Frey stated that the proposed system design is more efficient.

Chair Nugent asked exactly how the current system is failing.

Mr. Frey stated that the water level within the mound is at the pipes, there is not a break out.

There was some discussion of the existing system.

The board determined that the following material should be resubmitted, a corrected application coversheet, documentation eliminating the word 'expansion'.

Mr. Kosinski stated that the last issue remaining would be the hydraulically restrictive horizon.

Chair Nugent stated that that would require a waiver, to that point noticing would have to be done.

Mr. Frey asked if they could address the hydraulic condition right now.

Mr. Sullivan stated regarding the variance for that, they have done in season testing, while they only have 9 – 12" between the hydraulically restrictive zone and the top of the mottling, their in season monitoring shows that it does not go above the mottling. They wanted to put it on record stating that they have disproved the possible artesian condition.

Chair Nugent stated you have effectively presented the B piezometer, they will probably ask for testimony as to why that should be sufficient. Section 3.3D2 of the code will be relied on by the board.

Mr. Frey stated essentially the mound height based on the 24" seasonal high is what was done for the original design.

Mr. Frey stated just to confirm, he would change every sheet, and send copies of every sheet, instead of the whole packet.

Category B. – Subdivisions

Heard @ 10:30 p.m.:

1. Block 97/Lot 4 – ACT Engr., Stires Assoc.; Ciarletta,

Escrow fees paid 12/19/06, Ck#110950, \$1250.00;

10/20/08, Ck# 16248, \$750.00; 5/12/09, Ck# 16385, \$750.00.

Previously heard 6/17/09.

Mr. Doug Fine, licensed engineer in the state of NJ, representing ACT Engineers who were subcontracted through Stires Associates for the subdivision of Block 97/Lot 4 appeared before the board. The soil logs and permeability testing was performed by Melick Tully Associates in 2006. This application was previously heard on June 17, 2009. Rainfall data as requested by the board was submitted to the BOH office on July 1, 2009 which covered the years 2004, 2005, 2007 and 2008 wet seasons. Also, 14 copies of the minor subdivision plans with revision dates 4/24/09. There was a prior submission, and Ferriero review letter, but this application has never been before this board. The map on record can be revised from one to two lots. Initially this property was proposed for 6 lots, but is now down to just 2.

There was some discussion as to whether or not the original engineer should have attended.

Mr. Fine clarified for the board that all the soil testing was done by Melick Tully. Mr. Fine's septic system design for proposed lot 4.04 was based on Melick Tully's soil logs. The soils testing for the subdivision needs to be approved by this board. Mr. Fine stated he is confident in the data as witnessed by Ferriero Engineering, or Jim Chalupa and the soil testing that he designed a septic system for Lot 4.04, and will in the future be designing for 4.05 when Mr. Ciarlotta gets there. We can get Melick Tully here, however, they are no longer retained by Mr. Ciarlotta.

Mr. Perlowski advised the board that what Mr. Fine says is essentially true. It is possible for this board to

approve the subdivision based upon the soils testing that is presented on the new lots and on the residual lots, however, there are cases where the board feels they are unable to ascertain with particularity whether a particular subdivision and testing are approvable or not, they may want to see proof, if that is the case then it is reasonable for the board to do that. The board has the leeway if they feel it necessary to call for those designs. Mr. Fine stated that the soil logs before the board were performed during the 2006 wet season. Rain data for 2004 – 2008 from the Flemington station, part of US Dept. of Commerce has been provided to the board. In addition to monitoring the river, they monitor the daily rainfall. Based on the submitted data, there was nothing unusual about 2006.

Chair Nugent stated that the concerns from the previous month have been addressed, the application coversheet could have been corrected, but can be endorsed this evening.

Ms. Butula stated she would like to address basin flood 8, in regard to the reserve area, its location and its relationship from soil log 11.

Mr. Fine stated it is 35' between soil log 8 and soil log 11, scaled from the subdivision plot plan.

Mr. Kosinski stated it is about 30' from the edge of the reserve bed. It was a failing basin flood, but as long as its not within 15' of the proposed disposal area.

Mr. Fine stated you can see that the reserve disposal field has shifted away from soil log 8 to encompass the basin flood within the reserve disposal field. The failing basin flood is attributed to a massive rock substratum, and was less fractured than the passing basin floods.

There was some discussion of the difference in basin flood 8.

Mr. Fine stated in soil logs 7 and 11 you have 2 distinguished horizons containing shale, whereas in soil log 8, you essentially have 1 shallower, more massive.

There was some discussion of the times that the holes were filled.

Ms. Butula asked Mr. Perlowski if he was comfortable with the failing log at 35'.

Ms. Butula stated Mr. Fine would have to take responsibility for this.

Mr. Fine stated that he was aware of that and willing to take responsibility.

A **MOTION** was made by Ms. Butula for **approval** for Block 97/proposed Lot 4.04 from a map named Minor Subdivision Septic System Design for TC&D Builders, 7/28/08, revisions 12/1/08. Topography is taken from the minor subdivision plat from Stires and Assoc., PA, entitled TC&D Builders Lot 4/Block 97, Readington Township, Hunterdon County, NJ. The land surveyor is Richard C. Matthews, done 4/17/08, revisions 6/16/08, 10/1/08, 12/18/08, 2/11/09, 4/9/09, 4/24/09 revision flood basin designations. The soil logs were performed by Melick-Tully in 2006, Stires Engineering was subcontracted by Melick-Tully, who in turn subcontracted Mr. Doug Fine, ACT Engineers. Reports from Ferriero are dated 1/26/07, 11/14/08, 12/29/08, 3/16/09, 5/4/09. An area of concern letter designating no further action for a UST is dated 12/24/08. A letter by Stephen Souza to the Planning board dated 11/17/08 and a DEP Notification letter dated 9/9/08, Correspondence from Mr. Fine is dated 12/2/08 and 2/20/09. This is for new construction. For the primary on 10/6/06, soil log 12, @ 101", mottling 48 – 101", seepage @ 96", soil log 19, correspondence involving an error and discrepancy between field notes of engineer and witness, a letter was sent settling at 95", no mottling. Permeability test is basin flood 19, 2/17/06, @ 4', passing, in season ground water monitoring from 3/4/06 – 4/23/06, result was soil log 12 @ 81" on 4/15/06. Regional water for the primary is determined by soil log 12, 48" level of mottling. For the reserve, on 10/6/06, soil log 7, agreed upon by correspondence @ 101", mottling 40 – 112", seepage @ 83", soil log 11, 2/8/06, 106", mottling 36 – 106", basin flood 7 @ 4.41', from 2/7/06 – 2/8/06, passing. Within 35' of this site, basin flood 8 done at 5.16' failed, did not drain. The regional water was observed 3/4/06 – 4/23/06, soil log 7 on 4/8/06 had 81", soil log 11 had 70". Regional water for the primary is determined by soil log 11, 36" level of mottling. LOI for this property is No. 0000-06-0000-5.1 FWW 060001 dated 10/19/06. A statement stated the Department has determined that the wetlands on the subject property are of intermediary intermediate and ordinary resource value, wetland points W3-1 to W3-13 is a swale of ordinary resource value and there is no transition area or buffer associated with it. The remaining wetlands are of intermediate ordinary resource value and require a standard transition area or buffer of 50'. State open waters were

also identified on the property, referenced as SOW1-1 to SOW1-9. A buffer is not required to adjacent to state open waters but a 25' buffer is required under the flood hazard control act. A report from Clay McEldowney is dated 4/1/06. There will be a pump, with deed restriction and maintenance. Future owners of the property must be informed of the deed restrictions and instructions and maintenance. Mr. Fine has testified that the failing basin flood 8 was of a distance away that would not alter the design, and there was a difference in soil conditions.

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

Ms. Butula Aye Ms. Muir Aye Ms. Simon Aye Chair Nugent Aye

Mr. Fine stated now they could move forward with proposed Lot 4.05.

Chair Nugent stated the opportunity to give this board a level of comfort to know that the engineer is going to be responsible for the design, gives the board a better level of comfort about the soil logs that he is not able to testify for. It may be worthwhile to explore that option, and get it to the board.

G. ADJOURNMENT

A **MOTION** was made by Ms. Muir to adjourn at 11:10 pm, seconded by Ms. Butula with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary