

READINGTON TOWNSHIP BOARD OF HEALTH MEETING

December 19, 2007 7:00 pm

Chair William C. Nugent called the meeting to order at 7:21 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	absent	Beatrice Muir	present	Wendy Sheay	present
Jane Butula	present				

Also Present: Board of Health Engr: Ferriero Engr., representative Mr. John Hansen
Board of Health Attorney: Marisa A. Taormina, Esq.
Hunterdon County Health Dept.: Debra Vaccarella

A. 1. Minutes of November 21, 2007.

A **MOTION** was made by Ms. Muir, seconded by Ms. Sheay to approve the minutes of 11/21/07.

Ms. Butula stated there are two items for follow up:

pg. 4 of 10, the last sentence in the first paragraph, "Testimony was given"

Pg. 5 of 10, "Mr. Kosinski noted that a swale.."

Ms. Taormina stated on *pg. 4 of 10, item 3., line 8*, should read "the toe of the mound would go up to the property line."

On roll call vote for approval of the minutes of 11/21/07 the following was recorded:

Ms. Butula Aye Mr. Facinelli Aye Ms. Muir Aye Ms. Sheay Aye Chair Nugent Aye

B. CORRESPONDENCE

1. **Suspected Hazardous Discharge Notification** letter dated 10/18/07 regarding heating oil at 3 Latourette Rd.
2. **Suspected Hazardous Discharge Notification** letter dated 10/20/07 regarding heating oil at 8 School Rd.
3. **Suspected Hazardous Discharge Notification** letter dated 10/20/07 regarding heating oil at 21 Cedar Rd.
4. **Suspected Hazardous Discharge Notification** letter dated 10/27/07 regarding heating oil at 1 Hamilton Rd.
5. **Suspected Hazardous Discharge Notification** letter dated 10/26/07 regarding heating oil at 10 Appletree Rd.
6. **Suspected Hazardous Discharge Notification** letter dated 11/10/07 regarding heating oil at 122 Pleasant Run Rd.
7. **Suspected Hazardous Discharge Notification** letter dated 11/9/07 regarding heating oil at 32 Goldfinch Rd.
8. **Block 21.13/Lot 6 Memo from H.Clay McEldowney** dated 12/4/07 regarding LOI Line Verification Application.
Ms. Butula asked Ms. Vaccarella for input on this item.
Ms. Vaccarella stated that the person named was their inspector, the dollar amount stated is the penalty that was assessed.
9. NJDEP – letter dated 11/13/07 regarding remedial action report.
10. NJDEP – letter dated 11/5/07 regarding SADC Policy P-49: Placement of Septic Systems to Service Structures on Exception Areas
Ms. Vaccarella stated that she would look into this further.
11. **Block 22/Lot 4 - NJDEP** – letter dated regarding authorization for general permits.
Ms. Vaccarella stated this is the type of permit that is obtained when wetlands are going to be disturbed.
12. NJLINC – dated 11/21/07 – regarding Rabies Update.
Chair Nugent made note of this update. Ms. Butula stated any contact with bats would call for medical attention.

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

1. Septic System Repair Approval from HCHD, B 4/L 8.01.

D. OLD BUSINESS

1. Public Health Nuisance Code.

Ms. Taormina stated that the board may want to start looking at the Public Health Nuisance code.

Chair Nugent stated one of the boards goals and objectives is to put that on the agenda early next year.

Ms. Butula stated that there was some follow up from the HCHD, as to the names of the two towns that were different.

E. NEW BUSINESS

1. 2008 Board of Health meeting date.

Ms. Petzinger confirmed with the board members that the date of the Board of Health Reorganization Meeting which falls on Wednesday, January 16, 2008, was satisfactory.

F. APPROVALS

Category A. – Single Lots

1. Block 70/Lot 27.18 – Edwards Engr. Group, Inc., Mann, Apple Tree Rd.

Escrow fees paid 10/22/07. Check #1033 \$750.00.

Mr. William Edwards, NJ licensed engineer appeared before the board with Mr. Cacossa, previous property owner and also NJ licensed engineer. This home was built in 1976, the septic system failed during a real estate transfer and it was discovered a new replacement system was required. The subsequent design is a mounded soil replacement system.

Ms. Butula confirmed with Ms. Vaccarella that everything was compliant as far as the HCHD was concerned. Ms. Vaccarella stated it appeared that everything had been resolved.

Ms. Sheay asked Mr. Edwards for an explanation of the regional zone of saturation for soil log 2.

Mr. Edwards stated there was some faint mottling at 29". Excavation to the laterals, at 28", and another 4'-5" by hand through the stone revealed no groundwater, it was completely dry. It appears the distinct mottling at 38" is more representative of what would be the seasonal high water table. The change in the design would result in the whole system having to be raised by 9".

Ms. Butula stated the mottling does indicate water at that level at some point in history.

Chair Nugent stated the witness data indicates mottling at 29 – 72", by contrast it is reported at 29 – 38" on the engineer's forms.

Mr. Edwards stated he did not have an explanation as to why their evaluator came up with a different number. The information that Mr. Chalupa recorded was taken from their evaluator.

Chair Nugent stated in light of the witness data suggesting mottling in the 29 – 72" range, contrasting against the 29 – 38", it is hard to accept that as being perched.

Mr. Edwards stated there was no mottling in the second pit, which was about a 1.6' difference in the surface elevations, about 30' away. The pit which was dug in April, was bone dry, there was no groundwater present. Chair Nugent stated they see that frequently, and then they see where the mottling indicates low, and the actual seasonal water floods the pit and winds up being higher, so all the data and circumstances have to be taken into account.

Ms. Butula asked for the reason for the failure of the original system.

Mr. Edwards stated they did not know for sure, but probably the result of the fact that the original system was built at an elevation where it was saturated frequently by seasonal high groundwater.

The two lower pits that were dug were completely saturated and overcome with groundwater, they weren't functioning at all. Only two of the four trenches, there wasn't a regular bed, were working. This probably happened annually over a couple of years. The entire trench and biomat just self destructed.

Chair Nugent asked what the elevation difference was between the location of the existing trenches failing and the *inaudible*. (sounds like 3 words...total/code newcation) ???

Mr. Edwards stated they were on the first drawings C1.0, the test was down at approximately elevation 92.75. would be the closest one they could dig. The other one they didn't dig the lowest one, the ground was too

saturated, so they dug a test pit on the next highest of the four. So the lowest one closest to the wood line they didn't get down to dig, so it was the middle two that were dug.

Chair Nugent stated so you are suggesting that you had basically almost surface water at 91', and at 92.7' you encountered water after digging how many inches or feet, we are still talking about the existing system. Mr. Edwards stated they had water at 12" down in the first test boring, and the next highest was 30".

Chair Nugent stated you had 12" at 92.7 plus 12, so you are proposing the new bed to be at roughly 93 – 96, if the elevations are correct.

Mr. Edwards stated the bottom, zone of treatment is at elevation 90.92, the worst case is the groundwater depth at 91, they are still above the 91 elevation with the zone of treatment, so the zone of treatment is not saturated. The bottom of the bed according to the hydraulically restrictive horizon could be as high as 87.35, we have lowered it to 86.92 to create the 4' zone of disposal for replacement material.

Chair Nugent stated the regional zone is really more at the 29" called perched, so based upon the design, how off is the design from accepting that as the regional zone ?

Mr. Edwards stated the system would have to be picked up by 9" to meet that 29, the design before the board is based on 38.

Chair Nugent stated if the system were redesigned to treat that 29" as regional, he would be more inclined to vote on a motion for passage.

Ms. Butula stated there was a letter from the soil conservation for this one, but not others.

Ms. Vaccarella stated there will be from now on for every alteration from now on.

Chair Nugent confirmed with the board members that there were no other questions, and suggested that the engineer redesign for the regional zone at 29", and resubmit for the next month.

Ms. Sheay suggested that they follow up with the discrepancy between this report and the soil witness report for soil log 2 with the mottling.

There was some discussion of resubmission deadlines.

2. Block 4/Lot 22 – Zederbaum, Pohorely, .

Escrow fees paid 9/28/07. Check #4469 \$750.00.

Mr. Bob Zederbaum, NJ licensed engineer with RBZ Enterprises appeared before the board with Mr. John Haley, RBZ soil evaluator that did the testing. Property owner Mr. Gregg Pohorely was also in attendance. Mr. Zederbaum stated this property is .9 acres, existing 40 year old house with existing septic. The system began to fail, evaluation determined a complete replacement was required. There is a high groundwater, but the failure seemed to be due to age.

Ms. Vaccarella stated the HCHD inspection in August revealed the system malfunctioning with some backup, especially when there was a lot of rain.

Mr. Haley stated a total of 5 soil logs were dug. Soil logs 1 and 4 were what the design was based off of. Soil log 4 ran a pit bail at 78.5" producing a rate of 1.23" per hour, and a regional water table of 37". Soil log 1, companion to soil log 4 produced a regional water table at 96". Soil logs 2 and 3 were dug in the attempt to try to run a basin flood test at a higher elevation with the hopes of finding some perk a little higher. Soil log 5 encountered a regional water table at 30", because of the proximity of the house would not allow a mound in that location.

Ms. Butula asked for Mr. Hansen's input on this application.

Mr. Zederbaum stated soil log 5 was dug in the hopes to find a better perk, they did not find that, so they were forced into the westerly side of the property, utilizing those tests, and requiring exception from this board with regard to the drainage system that is along the state highway and the recently constructed property to the north. As pointed out by Mr. Vaccarella in his 9/6/07 letter they were closer to the water courses than permitted. The effluent that may be in that area is fully treated.

There was some discussion of who actually owned the piping near this property.

Ms. Butula asked Mr. Hansen if it was his opinion that the board should confer with the Dept. of Transportation regarding the shortening of the distance from the bed to the pipe.

Mr. Hansen stated it does not need to go to the state because it is not a working right of way of 22, it is completely within the boards jurisdiction, as long as this is an alteration with no expansion.

Ms. Muir confirmed that the right of way, which is usually measured from the center line actually went to the other side of the road.

Mr. Zederbaum stated because 22 is a state road, it is measured to the other side.
Ms Butula confirmed the regional zone in soil log 1, in 2b, at 96", was seepage at 58" taken into consideration, also the depth of soil log 3 is 60".
Mr. Zederbaum stated it should be 58", and soil log 3 is 60".
There was some discussion of the credentials for the wetlands expert, Ms. Goudarzi from Ameritech Environmental Consultants, Inc. It was determined that her credentials would be forwarded to this BOH.
There was some discussion of the distance to the manhole being 55'.
Mr. John Haley confirmed that there were no wells on adjoining properties within 100' of the proposed system.
Ms. Butula confirmed that the property owner was aware of the pump system requirements.
Chair Nugent confirmed that the excavated materials from the old bed would be disposed of correctly.
Mr. Zederbaum stated since there are only two laterals, whatever is still existing, can be buried on site at the western portion of the property.
Ms. Vaccarella stated the HCHD would verify that the burial pit is more than 100' from all wells.
Ms. Taormina confirmed that the noticing requirements had been fulfilled, and asked that Chair Nugent address the audience for any concerns.
Chair Nugent asked if there was anyone in the audience that wished to address this applicant.
Chair Nugent stated for the record that there was no response.
Ms. Butula stated that there were 2 things still outstanding, the Form 2b on soil log 1 needs revision, and the credentials for wetlands person should be provided.

A **MOTION** was made by Ms. Butula for **approval** of Block 4/Lot 22 from a map named Septic System Plan View for Gregg Pohorely, Block 4, Lot 22, map dated 6/13/07, revision 8/30/07, prepared by Robert Zederbaum, licensed P.E. in N.J. The surveyor is Nicholas Lebo, licensed and surveyor in N.J., survey is dated 6/13/07. County reports are dated 8/8/07, 9/6/07. This is an alteration with no expansion, mounded soil replacement select fill with a pump system. For the primary, soil log 1, and soil log 4 done 6/4/07, soil log 1 @ 124", seepage @ 58", soil log 4 @ 111", seepage @ 44", flooded @ 37", regional zone is 37". Permeability test was pit bail 1 @ 78.5" on 6/4/07, K of 1.23"/hour. A revised Form 2b, and credentials by Ameritech should be submitted. A waiver will allow the bed to be installed only 56' and 37' from the existing storm sewer piping on Route 22 and the neighboring property. Through testimony of professionals, it is the opinion that this does not need intervention by the NJ Dept. of Transportation, per Section 4.3 Distance Table.
There is a pump system and deed restriction connected with this property, and has been explained to the applicant.

This motion was seconded by Mr. Facinelli.
On roll call vote, the following was recorded for approval of this system.
Ms. Butula Aye Ms. Muir Aye Chair Nugent Aye
Mr. Facinelli Aye Ms. Sheay Aye

3. Block 13/Lot 69– VanCleaf Engr., DeVincent, Mill Rd.

Escrow fees paid 9/5/07. Check #1037 \$750.00.

Data sent with 11/21/07 approval packet.

Mr. Edward Herrman, VanCleaf Engineering Associates, licensed engineer in the state of NJ appeared before the board. This property is a just under 11 acre parcel, a little north of 22. The homeowner was encountering some difficulties with the system, an excavator came out and evaluated the system. It was their opinion that the system was backing up. The system was of 1950's era. A preliminary look at the property raised concern of the potential of wetlands on site, prompting a delineation which is shown on the plan. Soil testing was conducted afterward, basically everything to the north is a wetland area, the house sits to the southerly portion along a gravel lane that has an easement along the frontage, as denoted on sheet 2. They were asked to do a replacement system for this 3 bedroom dwelling, no expansion. The testing with the restrictions on the property, an existing well house, existing septic components, a built in place tank, not precast., located off the back right corner of the garage. Based on that information, and location

of the existing well and wetlands, and existing field, the best suited area was determined to be north of the existing dwelling. A system was designed for the highest elevation of 24". A pressure dosing mounded pump system has been designed.

Chair Nugent stated this is the second proposed design, based on constraints of distance, and well data. Mr. Herrman stated he had initially proposed to place the septic tank and pump tank in close proximity to where the existing pit is labeled beyond the garage, which would have resulted in the tanks being about 5 – 10' further away. It is less than 60' to the existing well, having submitted that plan, there was a well and potability test request. Upon conferring with a well driller, it was determined to avoid a well test, and to move the proposed tank location over 100' from the well.

All components of the proposed system will be over 100' away from the existing well, and there are no adjacent wells within 100'. Wetland and wetland buffer areas are indicated as shaded areas on the plan. The northernmost corner of the proposed system will have a small amount of grading that will go into the wetland proper, and the bed itself will reside in the wetland buffer area. The soil testing initially showed a deeper regional water, it did come up to 24". This testing was done at the end of April, when there were torrential downpours in that area at the time. This is a malfunctioning system, so this would be a big improvement over the system that is there today. This is the best suited location, a General Permit application will need to be approved with the limited disturbance of the wetland and the buffer area.

Chair Nugent asked why with 11 acres of property, this location is the best.

Mr. Herrman stated basically the property is wetlands, to move the proposed field further north would be a further regulated area into the wetlands. They are limited to ¼ acre disturbance under GP25. Movement to the south or southwest is restricted by the well location. A mounded system would be somewhat restricted by size near the driveway location. The front of the property was somewhat wet with standing water.

Chair Nugent stated that the GP25 permit requires that all areas have been explored, and that there are no other suitable locations.

Mr. Facinelli asked what the procedure was for the board's review for the GP25 permit.

Ms. Vaccarella stated the HCHD will approve this subject to approval by NJDEP, there is actually a place on their application form for their signature. The application goes in full to the DEP for review, it isn't actually the Board of Health that signs off on it.

Chair Nugent stated that the application requires "a letter from the local Board of Health with jurisdiction over the individual sewage system stating that the proposed activity are authorized under...that the activities are not directly or indirectly caused by an expansion of the facilities and that there are not alternative locations on the site."

Ms. Vaccarella asked if that were an application that the BOH or HCHD signs, or is that an application that the engineer is attesting to.

Mr. Herrman stated the only other one that was done was for Clinton Twp., at which time the County signed a form letter acknowledging that these conditions have been met, and they are authorizing the filing of that application with the DEP. The language is somewhat nonspecific, it states "the local BOH", that could be the county, or this board.

Ms. Butula stated since the HCHC acts as our agent, it could be either way.

Chair Nugent stated it is our approval this evening that would allow this to move forward to the state for the GP25, hence the engineer should testify that all other locations are not feasible.

Mr. Facinelli asked if counsel had an opinion on this and what is satisfactory to prove that all available areas have been looked at.

Ms. Taormina stated the engineer's testimony is sufficient to satisfy that all locations have been looked at. It would be Ms. Taormina's opinion to follow precedent as far as the GP25 is concerned.

Ms. Vaccarella stated this isn't the first time a GP25 has been needed, it is just that they are locating on the map where the septic is in relation to the wetlands, normally, it is on a separate survey. There is a HCHD form letter requiring a signature that is attached to the application.

Ms. Taormina stated it seemed satisfactory for this board to use that step that is already in place.

There was some discussion of the location and length of the lines from the proposed tank the proposed pressure dosing system.

Ms. Taormina confirmed with Mr. Herrman that he is a licensed engineer in the state of NJ, that he

prepared the design for this proposed system, this is an alteration to correct a malfunctioning system, in his professional opinion this new system is more in conformity with the state code than the current system and absent of use will the new system provide long term satisfactory performance?

Mr. Herrman stated yes to all.

Ms. Taormina asked if there were any state codes that were not being adhered to?

Mr. Herrman stated no.

A **MOTION** was made by Ms. Sheay to **approve** the application for Block 13/Lot 69, this is located at 12 Mill Road. The applicant is Laura DeVincent, the engineer is Edward Herrman for VanCleaf Engineering. This is an alteration with no expansion to repair a malfunctioning system. The design will be a fill enclosed mounded soil replacement disposal bed with pressure dosing by a 1,250 gal. pump. There will be the installation of a new 1,000 gal. septic tank. The map is titled Septic System Alteration Plan for Block 13/Lot 69 dated 8/6/07, revision 12/10/07. On page 2 is noted to shift tanks and add tree areas. The surveyor is James McEwen. There is a wetlands statement from Environmental Technology dated 10/2006. There is a freshwater wetland line delineated on the map and a 50' buffer drawn. The applicant will be filing for a GP25 permit from the DEP because of disturbance in a wetland buffer area. The engineer has testified that there is no alternative location on the site that 1) has a seasonal high water table deeper than 1.5' below the existing ground surface and 2) can be used for a subsurface sewage disposal system. The engineer has stated that the homeowner is aware of the deed restriction that needs to be filed with the county clerk. Soil log 1 was done on 4/25/07 @ 99", no mottling, seepage at 70". The 48 hour static water level was at 24". Regional zone was set at 24".

Soil log 2 down 4/25/07, @ 120", no mottling, seepage at 100", 48 hour static water level reading was at 64". Permeability was a pit bail, PB1 in soil log 1, 4/25/07, @ 99", results 25.4"/hour. HCHD review letters were dated 10/31/07, 12/13/07.

This motion was seconded by Mr. Facinelli.

On roll call vote, the following was recorded for approval of this system.

Ms. Butula	Aye	Ms. Muir	Aye	Chair Nugent	Aye
Mr. Facinelli	Aye	Ms. Sheay	Aye		

4. Block 60/Lot 16.02 – Bohren & Bohren, Matonis, Paterson Rd.

Escrow fees paid 6/26/07. Check #8691 \$750.00.

Mr. Robert Templin, licensed engineer in the state of NJ appeared before the board representing Bohren and Bohren Engineering with applicants Mr. and Mrs. Matonis. This application has frontage on Paterson Rd. and Foothill Rd. to the south. Access is from Paterson Rd. A stream and wetland area run across the southerly portion of the property. A site plan prepared for the board shows topography indicating that it is generally flat towards Paterson Rd. with a drop off down towards the brook area, then it goes into a wetland buffer area. Soil tests were done up near the cul-de-sac at Paterson Rd. because there is a flatter area and they didn't want to run into a groundwater situation, which gets higher towards the wetland area. Four soil logs were done, two in the primary, two in the reserve. Wells on adjoining properties were located, and approximate location of the septic system to the northeast. The proposed system is located so that there is no interference with the well or septic on adjoining property. Basin floods performed in soil log 1, and soil log 3 were passing. Groundwater monitoring readings were done for 8 weeks in 2006. The groundwater did not impact the design, there was mottling in 3 of the soil logs which were interpreted as evidence of seasonal high water and the proposed system design is mounded. The applicant has been advised that a deed restriction is required.

Ms. Butula asked if the engineer was aware of the Planning Board's new restrictions in their application packet regarding stream corridors, wetlands.

Mr. Templin stated he was aware of the regulations that are about a year old regarding 150' buffer to the stream, and he did not pick up a package, but he did not see it.

Chair Nugent asked what the distance was.

Mr. Templin stated approximately 150', maybe a little more.

Ms. Butula stated that is an issue they want us to communicate.

Ms. Butula asked about a communication from Robert Warford regarding the wetland delineation, and wanted his credentials for making this determination.

Chair Nugent asked if there were an LOI, or if an LOI application were planned.

Mr. Templin stated their improvements are located so far away from the wetlands area, that they did not apply for an LOI. If they did make an application, it would be for a footprint of disturbance, since they are so far away. There is no question that they are far enough away from the proposed system.

Chair Nugent stated that the engineer had agreed that if stream corridor ordinance required the 150' setback, they would be able to accommodate it.

Mr. Templin stated the well is the only item that may be with the 150', and there is room to move it.

Ms. Butula asked that they measure how far they can move it to the reserve area.

Mr. Templin stated that he would move it to the northeast, and the distances between components will still be met.

Ms. Butula confirmed that there were proper distances regarding the neighbors, and what was the distance between the edge of the reserve area and the proposed driveway.

Mr. Templin stated yes, there were proper distances between the neighbors well and septic and the applicant's proposed well and septic. The edge of the reserve is about 2 – 3' from the driveway.

The reserve area could be adjusted.

Ms. Butula stated it would be advisable.

Chair Nugent stated the reserve area delineation on the map at present doesn't include the grading that would include from it downward, is that correct?

Mr. Templin stated yes, that is correct.

Ms. Vaccarella stated there is no distance from a septic system to a driveway, but the reason there is the toe of the mound is because they want to be sure the contractor is not running on a neighbors property to do the work. In this case with new construction, the septic system will be in before the driveway anyway, and it will be a mounded system, a barrier won't be necessary.

Mr. Templin stated they could alter the design of the reserve area so it wouldn't be an issue.

Ms. Butula stated they would look at the witness' recordings of the depths of the basin floods, due to the fact that the numbers were different, and asked that the engineer provide a summary of the correct depths.

Ms. Sheay asked if the design were based on 1.33 sq. ft. as indicated on the map? The ordinance requires 1.61 for pressure dosing.

Mr. Templin stated that would be corrected on the final design.

Chair Nugent asked if there were any other questions for the applicant.

Ms. Butula confirmed that the applicants were aware of the pump, filing and maintenance requirements.

Mr. Matonis stated he understood.

Chair Nugent stated as a recap, there is the wetlands qualifications, the basin flood depths, the proximity of the reserve bed to the driveway and the need to redo the dimensions, the bed sizing based on the square feet per gallon per day. This data/revisions should be back as soon as possible in order to turn it around for the 1/16/08 meeting.

Ms. Muir recused herself at 9:48 p.m.

Category B. – Subdivisions

1. Block 40/Lot 1 – Van Cleef Engr. , Solberg, County Line Road.

Escrow fees paid 6/2/05. Check #133. \$1,250.00

Previously heard 11/16/05, 5/17/06.

Mr. Edward Herrman, VanCleeef Engineering Associates, licensed engineer in the state of NJ appeared before the board.

Ms. Butula confirmed with Mr. Herrman that on 1.04, the formerly known as Lot E, formerly known as something else, a singular number, is going to use the data from F, but you are using the primary as the reserve, the reserve as the primary, and the additional soil log.

Mr. Herrman stated that is correct.

Chair Nugent stated to quote their letter dated 8/28/07, "switching of the primary and reserve on Lots B and E were at the urging of the Planning Board".

Ms. Tubman clarified to minimize tree removal.

Chair Nugent stated they are moving on to the application that was incorrectly listed under Category A, and should be under B. Subdivisions, and it is for Block 40/Lot 1 VanCleeef Engineering, Solberg, Countyline Road. This application was previously heard during the 11/16/05 meeting whereas and wherein Lots A and B had been approved and was then subsequently heard again during the May 17, 2006 meeting where the remaining lots were approved.

Ms. Lloyd Tubman, Archer and Griner, was also in attendance representing this applicant. Ms. Tubman stated soil logs and septic testing for 6 lots were approved on two occasions. They went to the Planning Board with a fully conforming application, the Planning Board preferred to minimize disturbance, brook disturbance, tree disturbance and wanted a more neighborhood feel, to put all driveways onto Magnolia Lane, and the result is a subdivision with preliminary approval, but is requiring some minor adjustment to some of the lots and one additional septic test. Ms. Lloyd Tubman stated engineer Mr. Ed Herrman will present those test results that are modified by the rearrangement of lots.

Mr. Edward Herrman, VanCleeef Engineering Associates, licensed engineer in the state of NJ, introduced himself before the board. The map that the board has before them with the last revision date of 7/26/07 shows a project wherein all of the lots have frontage on Magnolia Lane. The basic difference between the two projects are lots E and F, the lot line has now been shown perpendicular to Magnolia Lane as opposed to Countyline Road. The lots were reconfigured at the request of the Planning Board to be more environmentally friendly. The layout of those lots were chosen such that the previously approved testing could be salvaged to the greatest extent possible. The one difficulty was on Lot A (Lot 2 on the new map), which was previously shown as the proposed dwelling site and the proposed primary and reserve septic fields in the corner closest to Countyline Road. The revisions proposes a flag lot where the driveway would access Magnolia, the improvements are more towards the center of the lot, and new testing was done to keep the septic field closest to the house to avoid further disturbances. The other change is that the lot line running parallel to Countyline Road, perpendicular to Magnolia Lane bisecting Lots E and F was cut as to meet the minimum lot area requirements by the Planning Board, and also to salvage the testing. The testing denoted as soil log 28 falls on what is now Lot F, it was decided to do an additional soil log, known as 28A, which is now on proposed Lot E and within all the distance requirements. There are now four soil logs on Lot A that are new and the one soil log on Lot E that is new. The positioning is noted on the report, the map layout at the front was an attempt at clarifying what was done. Ms. Butula asked if these were still properly called proposed lots, and all access is internal, not on Countyline. Ms. Tubman stated they have preliminary approval until the final is filed, they are not lots. All access is from Magnolia Lane.

Mr. Herrman stated the testing for proposed Lot A or Lot 2 as shown on this map, listed as ALT alternate 1 and ALT 2 for the primary, and ALT 3 and ALT 4 for the reserve. A basin flood A1 was done in ALT 1 for the primary, basin flood A2 in soil log ALT 3 for the reserve. Also corresponding to that, they did piezometer installations for both primary and reserve, shown on the map by a circle with ¼ fillings in them as monitoring wells alternate AP and AR respectively for primary and reserve. These soil logs were generally consistent with the rest of the testing found on the site, depths were generally in the 10' range. The regional zones of saturation were not found in any of the four logs by physical inspection, the piezometer in ALT 1 had no regional zone of saturation in the log itself, nor did ALT 2, ALT 3 was listed as 88" from the groundwater monitoring piezometer as was ALT 4. The piezometer depth in the primary area was located below the limit of the excavated depth, so it was not noted on the form. The basin floods A1 and A2 were done at a depth of 8', passing.

Chair Nugent stated the original soil logs done on proposed Lot A also designated as Lot 2, the regional zone for those soil logs relative to the regional zone for the new soil logs, how much of a difference was there and what is the distance ?

Mr. Herrman stated the distance is approximately 200'. The logs represented soil logs 17, 18, 19 and 20.

They had no zone, 82", 64" and 69" respectively, so actually better.

Chair Nugent stated he had the information in front of him, but wanted testimony as to the distance effect as well as the original depth.

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

A **MOTION** was made by Ms. Butula for **approval for Block 40/Lot 1** from a map named Soil Test and Permeability Location Plan for Block 40, Lot 1 dated 5/21/05, revisions 8/9/05, 2/1/06, 7/26/07 prepared by Robert J. Clerico, a licensed PE in the state of NJ. The surveyor was James D. McEwen, a licensed land surveyor, dated 8/9/05. The new permeability test locations were 2/1/06, reconfiguration and new soil test locations were 7/26/07. Reports from Ferriero Engineering dated 8/1/05, 10/5/05, 10/18/07, 11/20/07 and 12/5/07. Correspondence from Mr. Herrman dated 8/28/07, 11/15/07. Minutes from Readington Township Board of Health meetings dated 11/16/05, 5/17/06. This is new construction. **Proposed Lot A, now proposed Lot 2**, which had been approved under a different configuration in 11/2005. For the primary, soil log ALT 1 and ALT 2 done 2/22/07, ALT 1 @ 126", no mottling, no groundwater, no restricted horizon. Soil log ALT 2 @ 117", no mottling, no groundwater, no restricted horizon. Permeability test basin flood BF ALT 1 @ 96", 2/22/07, passing. In season groundwater monitoring done from 3/12/07 – 4/29/07 in ALT AP @ 165", the piezometer was down to that depth. The monitoring revealed 135". Reserve area, ALT 3 and ALT 4 done 2/22/07, ALT 3 @ 132", no mottling, no groundwater, no hydraulically restricted horizon, ALT 4, @ 122", no mottling, no groundwater, no hydraulically restricted horizon. The permeability test was basin flood ALT 2 @ 96" done 2/22/07, passing. In season groundwater monitoring done from 3/12/07 – 4/29/07, piezometers @ 166.5", marked MW ALT/AR. The monitoring had ground water on 4/29/07 @ 88". LOI # NJDEP 1022-04-0011.1. Future determination to use a pump would require approval by this board.

This motion was seconded by Mr. Facinelli. On roll call vote, the following was recorded:
Ms. Butula Aye Mr. Facinelli Aye Ms. Sheay Aye Chair Nugent Aye

There was some discussion of hearing the remainder of this application as the time was 10:20 p.m. It was determined to continue this hearing.

Chair Nugent stated they would move on to proposed Lot B, currently known as proposed Lot 1. Ms. Butula confirmed with Mr. Herrman that they did not retest or change the testing, just switched the primary and reserve. There was no additional testing.

Mr. Herrman stated that is correct, however, the proposed well location on the previous map is now an existing well location, and is outside the 100'.

Chair Nugent complimented Mr. Hansen and Ferriero Engineering on their review of a very difficult application.

Chair Nugent noted the differences of the primary and reserve from the original proposal, the proposed well now an actual well, so designated on the map. Chair Nugent asked if the size of the proposed dwelling were known.

Ms. Tubman stated it hasn't been sized, and the ordinance does not have a maximum size of dwelling. Each of these lots will come back for individual lot grading plans when there is an actual house design.

Mr. Herrman stated they are graphically shown as a 5 bedroom size.

Ms. Taormina stated the map indicates a proposed conceptual 5 bedroom dwelling on proposed Lot C/Lot 3.

Chair Nugent noted for the record that all sizings have been done based on an estimated 5 bedroom home.

A **MOTION** was made by Ms. Butula for **formerly proposed Lot B, now proposed Lot 1** which received approval in 11/2005 as Lot B as a soil replacement, fill enclosed, gravity fed system. All previous information applies. The primary testing was done 4/22/04, soil log 21, no mottling or seepage, soil log 22, no mottling or seepage., Permeability test was basin flood 3 done at 72" on 10/4/04 passing. In season groundwater monitoring was done in an open pit from 4/23/04 to 4/27/04, highest level 88". Piezometer was done from 3/9/05 – 4/27/05, highest reading 3/30/05 at 110". Regional groundwater level for the primary is determined at 88". For the reserve, soil log 23 and soil log 24, no mottling or seepage, both done on 4/22/04. The permeability test was basin flood #4 at 72" done 10/4/04, passing. Open pit testing was from 4/23/04 to 4/27/04. On 4/27/04, groundwater was @ 84", piezometer was put in from 3/9/05 – 4/27/05, 4/6/05, 129.05" was the highest, groundwater regionally determined by

open pit is 84" on 4/27/04. The LOI number is on file.

This motion was seconded by Mr. Facinelli. On roll call vote, the following was recorded:
Ms. Butula Aye Mr. Facinelli Aye Ms. Sheay Aye Chair Nugent Aye

Chair Nugent stated they would move on to proposed Lot 3, formerly known as proposed Lot C. Chair Nugent noted the lot lines, components, and soil testing remaining as in the approval in 5/2006. Mr. Herrman stated there is no change whatsoever for Lot C.

Chair Nugent stated this board is incorporating by reference as it relates to proposed Lot 3, formerly known as proposed Lot C, the motion that was approved on May 17, 2006.

Chair Nugent stated they would move on to proposed Lot D.

Mr. Herrman stated the only exception on Lot D, is that the proposed well location was adjusted

Ms. Tubman asked Mr. Herrman if the new well location was properly distanced from the proposed septic system, and the tests approved on May 17, 2006 have not changed.

Mr. Herrman stated yes the well is properly distance, and the tests have not changed.

Ms. Taormina stated this board could make a concise statement including the testimony of the engineer regarding the well location, not being in violation of any ordinance, we hereby incorporate by reference the motion made on May 17, 2006.

Chair Nugent stated effectively Lot 1.03, formerly Lot D, approved by this board May 17, 2006 is incorporated by reference, with the only change from the engineer concerning the well location.

Chair Nugent stated moving on to Lot E.

Ms. Butula stated this is the lot which was questioned in the beginning, it is different than it is on the new layout, and Ferriero's, not only for Lot E, formerly Lot 1.04, they are using the testing from Lot F, and have added 28.A which is also reversing primary and reserve.

Mr. Herrman stated yes.

A **MOTION** was made by Ms. Butula for **approval for formerly proposed Lot E, now proposed Lot 1.04**, the original data from the first motion for **Proposed Lot A, now proposed Lot 2** applies. For the primary, soil log 27, done 3/7/05 @ 120", mottling 25 – 30" and 30 – 55". Soil log 28A, done 6/1/07, @132", mottling 28 – 72" and no seepage. Permeability test 12A, basin flood BF-12A, done 1/24/06 @ 72", passing. Piezometer testing was 3/9/05 – 4/27/05, regional groundwater is determined by the mottling in the soil log @ 25" in soil log 27. For the reserve, done 3/7/05, soil log 25 @ 123", mottling at 27 - 48" and seepage from 96 – 123" and 26 @ 160", mottling at 35 - 45" and seepage from 128 – 160". Groundwater monitoring done in an open pit from 3/8/05 – 3/11/05, highest 102' on 3/11/05. Piezometer from 3/9/05 – 4/27/05, highest level 98.5". Regional groundwater is determined by soil log 25 @ 27". LOI # as stated previously.

This motion was seconded by Mr. Facinelli. On roll call vote, the following was recorded:
Ms. Butula Aye Mr. Facinelli Aye Ms. Sheay Aye Chair Nugent Aye

Chair Nugent stated they would go on to Lot F, now proposed Lot 1.05.

A **MOTION** was made by Ms. Butula for **approval for formerly proposed Lot F, now proposed Lot 1.05**, the original data from the first motion for **Proposed Lot A, now proposed Lot 2** applies. For the primary, soil log 29, done 3/7/05 @ 108", mottling 30" – 48", water @ 82", and soil log 30, done 3/7/05, @ 32", mottling 25" – 30", water @ 84" on 3/11/05. Groundwater monitoring was done by piezometer 3/9/05 – 4/27/05 in soil log 29, depth of 71" on 4/6/04. Open pit done 3/7/05 – 3/11/05, 82" on 3/9/05. Permeability was 11A in soil log 29 on 1/24/06, passing @ 5.67'. Regional groundwater determined by soil log 30, mottling @ 25". For the reserve, soil log 31 done 3/7/05 @ 108", mottling 24 – 40", water @ 96" open pit on 3/9/05, soil log 32 done 3/7/095 @ 120", mottling 36 – 55", water @ 107" open pit on 3/11/05, on 3/9/05 107". Permeability test in soil log 31 was basin flood 10A, 1/24/06 @ 5.5', passing. Piezometer

done 3/9/05 – 4/27/05, soil log 32, piezometer 149.9 on 4/13/05. Regional groundwater determined by soil log 31, mottling @ 24". LOI # as stated previously. As testified by Mr. Herrman there has been a conforming change in the well location.

This motion was seconded by Mr. Facinelli. On roll call vote, the following was recorded:
Ms. Butula Aye Mr. Facinelli Aye Ms. Sheay Aye Chair Nugent Aye

Ms. Tubman thanked the all of the board members for remaining to finish this application this evening.

G. ADJOURNMENT

A *MOTION* was made by Mr. Facinelli to adjourn at 10:55 pm, seconded by Ms. Sheay with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary