

**EAST AMWELL BOARD OF HEALTH MINUTES**  
**7:30 p.m. East Amwell Municipal Building**  
**June 26, 2018 Regular Meeting**

**Statement of Compliance**

The regular meeting of the East Amwell Board of Health was opened on June 26, 2018 at 7:31 PM. The following notice was read, "In compliance with the Open Public Meetings Act, this meeting was advertised in the February 8, 2018 issue of the Hunterdon County Democrat. Notice of this meeting was forwarded to the Township Clerk's office, posted on the Township bulletin board, and sent to the Hunterdon County Democrat on June 19, 2018."

**Present:** Tracy Carluccio  
Larry Tatsch  
David Wang-Iverson  
Pauline Serafin  
Leonard DeCandia, Alt. 1  
Janice Grover, Alt 2

**Excused:** Les Hamilton, Dan Wyckoff - Hunterdon County Division of Public Health

**Absent:** Peter Miller

**Announcements/Agenda Review:** Secretary Georgett noted several additions to agenda listed below.

Unfinished and New Business:

- 5.A.3 – Hunterdon County Public Health Inspection Report on Complaint - 171 Cider Mill Road, Block 21 Lot 19.07
- 5.B.4 – King Construction Block 38 Lot 16

Items of Discussion:

- 6.B.2 – Hunterdon County Bathing Facilities Notice update
- 6.B.3 – Annual Sodium Testing regarding Road Salt update

Correspondence:

- 7.I – NJ DEP letter to Mr. Kenneth Benditt, 7 Mountain Rd, Hopewell, NJ 08525 dated June 19, 2018
- 7.J – East Amwell Township Committee May minutes referencing Complaint 171 Cider Mill Road.

Bills of the Evening:

- 8.J. – Well Witness - Pauline Serafin, Block 17 Lot 14 \$100.00

**Presentation of Minutes –**

April 24, 2018 Regular Meeting Minutes: A motion by Mr. Wang-Iverson, seconded by Mr. Tatsch to approve the Board's April 24, 2018 minutes with several content and wording corrections identified by Mr. Tatsch as well as formatting changes identified by Ms. Carluccio was unanimously approved.

May 22, 2018 Regular Meeting Minutes: A motion by Mr. Wang-Iverson, seconded by Ms. Serafin to approve the Board's May 22, 2018 minutes with no revisions noted was unanimously approved. Mr. Tatsch abstained.

**Open to the Public**

Ms. Frances Gavigan of 171 Wertsville Rd reported that she encountered a sick raccoon by her home near Unionville Vineyards. After three calls to the State Police an officer came and took it away. The Officer

informed Ms. Gavigan that unless there has been contact, they don't test animals which are picked up. Ms. Gavigan said she wanted the Board of Health to be aware of this, and that there was a large festival with many people attending the Vineyard that evening. Ms. Carluccio thanked Ms. Gavigan. A motion was made by Mr. Wang-Iverson to close to the public and seconded Ms. Serafin. All in favor, none opposed and carried to close to the public.

### **Unfinished and New Business**

#### **Hunterdon County Division of Public Health Inspector's Report**

Ms. Carluccio stated that Dan Wyckoff would no longer be able to attend Board of Health meetings, and Hunterdon County Health Department will identify another staff person to take his place. Ms. Carluccio continued that Mr. Wyckoff did submit a written report, the contents of which are contained below.

5.A.1 - Speedway – Block 15.01, Lot 2: Ms. Carluccio read the report:

The damaged edge of the disposal field mound was repaired and the Curlex erosion control blanket was put in place to prevent any further damage to the mound. The repair with blanket was conducted in accordance with the approved repair permit, and was approved for the certificate of completion. With that action and after having conducted an inspection of the Retail food establishment on June 19, 2018, which resulted in a “satisfactory” rating, the County was able to determine that the terms of the NOV dated 12/5/2017 have been satisfied. There was no evidence of septic breakout at the tanks during our inspection, and the eroding disposal field has been repaired. A copy of the corresponding letter was provided. Mr. Wyckoff has requested on behalf of the East Amwell Board, a report explaining why the system failed. He hopes that they will reply but it is not a condition to closing the NOV out. [End of report.]

Ms. Carluccio asked for feedback from the Board and there was no comment. Ms. Carluccio confirmed that this violation is closed out.

5.A.2 – Complaint - 171 Cider Mill Rd – Block 21 Lot 19.07: Ms. Carluccio read the report:

Visiting the FACEBOOK page of “Hard Cider Homestead” it is evident that there is a lot going on at this property. The fact that there is a “composting” toilet is self-incriminating. This is not a decorative “outhouse”. This unit fits the definition of a “portable sanitation unit” and consequently falls under the jurisdiction of the East Amwell Board of Health and requires a permit with limitations and restrictions on allowed use. The caption for the “Compost Toilet” is: “Liquid and solid separated, no smell – saw dust used”. This unit meets the definition of a Portable Sanitation Unit. A permit is required to have this on the property and must be applied for. It is uncertain if this use qualifies for a permit and or if it is allowed at all.

168-5 Length of Use – If allowed, “The portable sanitation unit shall be allowed only for temporary use not exceeding nine months total (annually). An NOV for operating a Portable Sanitation Unit without a permit can and will be sent. The County is concerned, however, that the activities at Hard Cider Homestead do not fall within allowed zoning for that property. And if the Zoning Ordinances were enforced, then these environmental and plumbing violations would resolve themselves. Mr. Wyckoff's report suggest that the Board refers this matter to the Zoning

Official to determine if there are zoning violations that, if resolved, would eliminate these board of health violations. [End report.]

Ms. Carluccio continued stating a follow-up email from Mr. Wyckoff, which states that the trailer on the property would constitute an additional bedroom, if it is an allowed zoning use. When/if approved by zoning, we would need to check the septic design to see if it supports the additional bedroom. If we don't have the design on record, then the property owner would need a NJ licensed engineer to evaluate and certify the system.

There was discussion regarding whether it was indeed a composting toilet and Ms. Carluccio showed a picture provided by Mr. Wyckoff saying "this is not a composting toilet". Ms. Carluccio stated that composting toilets are a contained unit using chemicals, typically permanent, and this is an out-house. Mr. Tatsch commented that the last inspector's report was not complete and Ms. Carluccio stated that Mr. Wyckoff went back out to confirm it fits the definition of a portable sanitation unit and whether the trailer should be considered another bedroom. Mr. Wang-Iverson said we should refer this back to the zoning officer. Ms. Carluccio agreed stating that the Board could prepare a letter to the Zoning Officer including the inspectors report and minutes from last meeting as well as any other documentation we have.

Ms. Carluccio invited comment from the public and Ms. Darlene Scheffmeyer introduced herself as living next door to this property. Ms. Scheffmeyer said she visited Mr. Wyckoff at his office and they discussed the first inspector and his report. She continued that the other issue is the slaughtering of animals on the property. Ms. Scheffmeyer said they lost a sale on their home because of the information on the internet. Ms. Carluccio thanked Ms. Scheffmeyer and said we will advise her when a reply from the Zoning Officer is received.

#### PREVIEW COMMITTEE

Ken Polhemus Blk 16 Lot 4 Septic Alteration. Steve Parker of Parker Engineering introduced himself and stated this is a straight alteration with no expansion. Mr. Parker said they are requesting two waivers as noted in the Hunterdon County letter, and it is a long but narrow lot, with a stream at the back of property and not a lot of room. They have designed a raised bed pump system.

Mr. Parker stated they are locating the system in the middle of the property with a 4:1 slope because otherwise they could not fit it on the lot. Further he stated the toe of the slope is close to the property line for the same reason. The existing shape and size of the property are restricting and confine the location to this one spot. Ms. Carluccio asked what is the lot size and Mr. Parker said it is 0.8 acres. Ms. Carluccio stated it is a very undersized lot, and because the current system is failing for this 3 bedroom home we could consider giving waivers. Mr. Wang-Iverson asked who did the review and testing of the system, and Mr. Parker said they did not do the test - he doesn't know who did it. There was some discussion regarding the kind of testing that could have been used, and it was agreed that the State has not yet codified testing standards.

Mr. Wang-Iverson asked about the mound at the side of the house. There was discussion regarding the height of the mound from various neighboring views, what the State looks for regarding height, and the requirement for the zone of disposal. Ms. Carluccio asked Mr. Parker if he was concerned about break out due to height and Mr. Parker said no, because there is plenty of clay rich material. Mr. Wang-Iverson

asked if they considered an advanced treatment system (ATS) to make the mound smaller. Mr. Parker said they use ATS when appropriate but it is not the best solution for this property considering the trade offs. Mr. Parker confirmed the design meets State code and there are no adjoining septic systems within 100 feet. Mr. Wang-Iverson asked that this distance be spelled out unless it is in the notes already. Mr. Parker said there will be a swale around the sides of the system and storm water will flow from the front to back of the property as it does now. Ms. Carluccio stated they need to inspect the grading and provide a letter stating it will not lead to any offsite runoff. Mr. Parker agreed. Ms. Carluccio invited questions from the Board. Mr. Wang-Iverson said the toe of the slope goes right to the property line and he is uncomfortable with it but sees they have no choice. Mr. Parker said they could go to a 3:1 slope but already need a waiver at 4 to 1, and Ms. Carluccio stated they should have as much grading as possible rather than focus on meeting separation distance.

Ms. Carluccio said we have a malfunctioning system for an existing 3 bedroom dwelling with no expansion, and because it is improving the system, we could allow waivers. The mound will have a 4:1 slope compared with our 5:1 requirement and the toe of slope is right on the property line instead of the 25 feet required by the Ordinance. She continued that a condition of approval should be a letter in the file from the engineer, after the grading is inspected, stating that the completed grading will not lead to any erosion or off-site water problems.

Mr. Tatsch moved to approve the application with the two waivers as noted in the county letter, including the requirement of a letter stating that the grading will not lead to any off-site water problems. Mr. Wang-Iverson seconded with all in favor – no abstentions.

Dwight Paul – Blk 26 Lot 8 – Mr. Steve Parker reintroduced himself stating this is an alteration related to the sale of a home. He continued that the existing system was flooded and filled with water and during testing the entire northwest section of the property was wet. Mr. Parker stated that his design is a raised system to provide separation and they have tested on the northeast part of the property. He continued stating that this is a pump-up system and positioned to be more 100 feet from the well. Mr. Parker stated they are providing a 5:1 slope on the mound of the berm, and are looking for a waiver for the 25 foot distance from property line.

Mr. Parker referred to the Hunterdon County letter and said that he will provide a letter stating that the grading will be inspected and will not lead to any off-site water drainage problems. Further, there is a swale designed to go around the system and the design provides a 2% slope in a grass area where water will flow nicely. Mr. Parker referenced soil log 4 which is more than 15 feet from the bed. Soil log 4 had ground water of 18 inches, is the worst case of all soil logs, and the system was placed in the corner where the soil log results are the best.

Mr. Parker addressed the pit bail test being less than 48 inches, stating that State code requires zone of disposable 4 feet thick, and they did get this. The only soil log that doesn't have the proper zone of disposal is soil log 1, and the system will work with the water treated before it goes into the ground water. This system will be closer to conforming to requirements than the existing system. There was discussion about the height of this mound and its location. Mr. Wang-Iverson asked if an alternative treatment system (ATS) was considered and Mr. Parker stated his client didn't want an ATS and prefers a mound. Mr. Tatsch asked if the existing system is an aerobic system and Mr. Parker said he doesn't believe so.

Mr. Wang-Iverson asked the size of the property and Mr. Parker said it is 1.3 acres with adjacent lots four and five being similar in size. Ms. Carluccio asked that the lot size and distance of the system to other properties be included on the map in the future.

There was discussion regarding why the existing system was failing and whether moving the system to another location on the property would be detrimental. Mr. Parker confirmed that the system will run toward back of property. Ms. Carluccio invited additional questions from the Board, and there were none.

Ms. Carluccio said waivers needed are: 1) The toe of the slope will be along the property line with 3 feet on one side and 5 feet on the other side rather than the 25 feet from the property line as required. 2) Soil log 4 is greater than 15 feet from the disposal bed, which requires a waiver from the State Code. 3) The regional water table is 18 inches rather than the minimum of 24 inches as required by the State Code. However the system does have the 48 inches of separation from the highest water table and proposed level of infiltration so it will get that treatment. 4) The thickness of the soil horizons from where the pit bail test were done is less than the required 48 inches in soil log 1 which is being used, but they went down as far as possible due to a massive rock layer.

Mr. Wang-Iverson moved to approve with 4 waivers and a letter to be provided stating that the grading doesn't lead to any off site water issues. Mr. Tatsch seconded with all in favor – no abstentions.

Vanessa Perzacki Block 41 Lot 8 – Mr. Steve Parker reintroduced himself stating that this was triggered by a home sale where a septic system test failed, so the new property owners have not moved in yet. He continued that if there wasn't an existing home they wouldn't be considering this because so many exceptions are needed and there are complications including wetlands. The total lot is 3.8 acres but most is unusable, and so they designed using an advanced treatment system – a Coco Filter unit. Mr. Parker explained how this unit works, that it is approved by the State of NJ, is a raised system, and all the required ATS reporting & monitoring requirements would apply. It's a two bedroom home with no expansion, and they believe this is the best solution.

Mr. Parker said there is a requirement for a permit from the State because they are in a wetland area. Ms. Carluccio asked if they have the permit and Mr. Parker said they need approval of the design by this Board before they can apply. He continued that it would be a GP24, and the State would not do technical review of the plans, only look at wetlands. Ms. Carluccio said this condition would need to be added and the ATS requirements are standard and would be included in the approval letter.

Mr. Parker stated that the proposed distance of 100 feet to the existing well meets state requirements but not East Amwell's 200 feet requirement in the Mountain District. Further, their well record reflects 42 feet of casing on the existing well. He explained that pushing the system further away from the well goes into soil logs that are worse. Mr. Parker continued that the disposal area is 125 feet from Stony Brook which is as far away as they could go, and stated they have sufficient water from the pit bail test. There was discussion regarding why basin flood and perc tests weren't performed, the difficult site conditions and that a 6 inch water table is very high. There was discussion regarding the existing system which is a tank with laterals. Mr. Tatsch asked if it will be a drip disposal system, and Mr. Parker said it will be a gravity dose system, which is simpler. The coconut fibers have slightly better results than peat, are more available and need to be replaced approximately every 10 years. Ms. Carluccio asked that with the water

table that high, why does he think this will work? Mr. Parker said having an ATS and raising it up will provide a zone of treatment. There was discussion regarding the larger bed providing a margin of safety.

Ms. Carluccio stated that waivers are needed for: 1) The disposal bed is less than 200 feet from the well but still meets the state code. 2) The proposed disposal area is less than 200 feet to Stony Brook. 3) They could not do a basin flood, pit bail or percolation test. So instead, a permeability test was done which would not normally be accepted by itself. 4) The highest regional water table is 6 inches rather than 24 inches. Because this is an existing home the Board can consider waivers, and approval would be conditional on receiving a GP24 wetlands permit.

Mr. Wang moved for conditional approval with standard maintenance agreements, four waivers, and receipt of the GP 24. Ms. Serafin seconded with all in favor – no abstentions.

King Construction – Block 38 Lot 16, 1 Ridge Rd. – Mr. David Mansor and Mr. William F. King III introduced themselves as present for this discussion. Ms. Carluccio stated that we are not considering the application tonight formally but Mr. Ingram, the septic system design engineer, had asked for some guidance after our last meeting. She continued that before getting back to him we wanted to discuss at this public meeting as to what our response to Mr. Ingram will be. Ms. Carluccio said the application is for a new construction, we didn't have permeability testing and the testing performed did not include basin flood, pit bail or tube permeameter tests. Further we were concerned that we didn't have enough information with the soil testing that was done, and concerned that the soil class permeability test was being used as the basis of the system. She continued by reviewing how soil suitability is determined, and shared that we were successful in getting copies of and reviewing the soil test witness report prepared by Walt Wolfe. Ms. Carluccio stated that the witness notes from these 16 year old tests were found in the township files, which introduced new information regarding the test holes that were dug and not used. Ms. Carluccio continued that the witness notes show that there were 8 soil logs done but not all were reported, and the tests are noted by location and some had water right to the top, which is good information.

Ms. Carluccio also spoke with NJ DEP and reviewed requirements for soil suitability and permeability testing that would show percolation and the zone of disposal. Further we need a letter of wetlands interpretation (LOI) and identification of the transition area from NJ DEP. Mr. King stated he has authorized these items, and Mr. Mansor said they had a wetlands representative from Engineering and Land Planning come to the property and the engineer indicated conditions are the same. Ms. Carluccio said once the LOI is done we'll know how much of the property is considered wetlands by the State, as well as the transition area.

Ms. Carluccio stated that standard protocol in the Code for soil testing wasn't followed with two grab samples taken. State code requires that there are representative samples and the administrative authority can require more. Ms. Carluccio continued that the other issue discussed with NJ DEP was regarding perched water, as Mr. Ingram considered it to be perched water, not an area of saturation. Ms. Carluccio said that we don't have a report showing that testing was done to determine whether it is a perched water table per NJ State code, and we will need to have that as well. She continued that all requirements under Section 5 of the NJ State code NJAC 7:9A to determine soil suitability will need to be met for us to consider the soil testing.

Ms. Carluccio stated that regarding permeability testing, our code requires in-place percolation testing and the State code requirements were discussed with Mr. Ingram. Mr. Ingram had asked how many tests need to be done and Ms. Carluccio said that state code should be followed and further clarified that the administrative authority can require more, depending on what is found when the tests are done. Ms. Carluccio continued that the East Amwell Code requires two percolation tests for this system, and there were insufficient soil logs. Another issue that we don't have information about is whether a septic system design engineer carried out or supervised all soil testing, as is required.

Mr. Carluccio summarized that we have a deficiency in soil testing, perc testing, and need an analysis of perched water as well as a wetlands LOI from NJDEP. Further there could be additional requirements but we don't know without the soil log results. Mr. Mansor asked who reviews the information for regulations and Ms. Carluccio confirmed the County reviews both State and Township requirements. Mr. Tatsch said we had an issue previously that the well is required to be installed before the septic system can be approved and agreed we should proceed with septic design problems first. There was discussion regarding well requirements and difficulties on this site.

Ms. Carluccio stated that the State pointed out that a permeability test could be done and a two permeameter test or perc tests could also be done. There was some discussion about these tests, the information they will provide, and whether they could be done safely according to the State. Ms. Carluccio stated we need to have new soil tests done meeting all the requirements of the code and the two parameter or percolation tests would need to be done to ensure the native soil will move the effluent away from the system. Mr. King said that he found tests from 1991 in their files and those tests also stated that they couldn't do the perc tests for the same reason Mr. Ingram stated. He continued that the locations were different but this gives him thoughts that they will be able to satisfy the requirements.

Mr. Tatsch asked about the failed basin flood and Ms. Carluccio reported that Walt Wolfe thought that not having an engineer on site could have been a factor. Mr. Wang-Iverson said we need an LOI, new testing that meets all the code requirements including a perc test or permeability test, and an evaluation for perched water. Mr. King said he understands and asked for clarification regarding the well requirement. Mr. Wang-Iverson replied that we can approve the septic design before the well is drilled but the permit will not be issued for the septic system until the well is certified, and Mr. Tatsch stated why we have this requirement and that the final permit to begin construction would not be issued until the well is drilled.

**New Business:** None

**Items of Discussion:**

Monitoring Report for Ground Water Remedial Action Permit - Mr. Tatsch reported that the monitoring report was done according to State requirements, and he provided background information for the Board regarding how this issue began when tanks under the Township parking area were removed and gasoline had leaked, contaminating upper levels of the ground water. Mr. Tatsch continued that this monitoring has been ongoing for more than 20 years and during this time sampling and analyses have been performed. Mr. Tatsch said all hydrocarbon levels have dropped below the State requirements except for well MW5, where the benzene level goes up and down as shown on the graph that was distributed. He

continued that the Township attempted active remediation several years ago and this disturbed the soil causing the benzene level to increase substantially.

Mr. Tatsch reported that the trend line for those data suggest that benzene levels may not get below the State MCL required level until 2060 and recommended that the Township continue passive monitoring. There was discussion regarding why the levels vary and remain high during which Mr. Tatsch shared some hypotheses regarding why this may be happening. Mr. Tatsch confirmed that this is not the Township water well. Ms. Carluccio thanked Mr. Tatsch.

Hunterdon County Bathing Facilities Notice Recreations Bathing – Ms. Georgett stated that during our April meeting a letter from Hunterdon County regarding this was discussed and not recalling that we have two bathing facilities in the Township, no action was taken. She continued that there are two public bathing facilities in East Amwell - Rambling Pines and the Sportsman Club. Ms. Carluccio asked Ms. Georgett to contact Hunterdon County to confirm the inspections were completed and determine if there are reports they will share with us.

NJ DEP letter to Mr. Kenneth Benditt, 7 Mountain Rd, Hopewell, NJ – Ms. Carluccio referenced this letter regarding release from fuel lines from an aboveground oil storage tank dated June 19, 2018, and that there is no further action needed.

Annual Sodium Testing regarding Road Salt – Ms. Georgett reported that Sodium Testing for road salt contamination has been initiated and asked to confirm the properties to be tested. Mr. Tatsch asked Ms. Georgett to review the addresses which were previously done. Mr. Tatsch said one property we had hoped to keep was 6 John Ringoes Road and we should try to include them next year. There was discussion regarding the quote and cost, which is slightly higher than last year. It was agreed that it is within our budget, and Ms. Carluccio instructed Ms. Georgett to proceed.

Board Secretary's Report – Ms. Georgett asked for feedback on content for the Letters of Commendation for former Board members, and Mr. Tatsch provided feedback regarding Mr. Van Horn being the liaison between the Board of Health and Township Committee. There was some discussion and Ms. Carluccio asked Ms. Georgett to draft letters with information related to Board of Health service and she will review and provide feedback regarding roles and personal attributes.

#### **Correspondence:**

Ms. Carluccio asked if there were any comments. There was discussion regarding the great service and exceptional commitment by Dan Wyckoff including his role in ensuring good communications with Hunterdon County, and his staying for our entire meeting, which wasn't required. Ms. Carluccio asked Ms. Georgett to prepare a letter of thanks to Mr. Wyckoff for his years supporting the Board and she will help fill in details.

#### **Bills of the Evening:**

Ms. Carluccio stated there was one additional bill for Ms. Serafin for Well Witnessing. Mr. Wang-Iverson moved to approve bills of the evening. Mr. Tatsch seconded and all were in favor. Ms. Serafin abstained from her bill.

#### **Open to the Public:**

There being no members of the public present, motion by Mr. Wang-Iverson, and seconded by Mr. Tatsch with all in favor and carried unanimously to close to the public.

**Adjournment**

There being no further business, motion by Mr. Tatsch, and seconded by Mr. Wang-Iverson with all in favor, and carried unanimously to adjourn the meeting at 8:45 p.m.

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Rosemary Georgett, Board of Health Secretary