

**EAST AMWELL BOARD OF HEALTH MINUTES**

**7:30 p.m. <http://Zoom.us/j/7106754155> and 646-558-8656 ID 710 675 4155 - DRAFT  
April Regular Meeting postponed to April 28, 2020**

**Statement of Compliance**

The regular meeting of the East Amwell Board of Health was opened on April 28, 2020 at 7:30 PM. The following notice was read, “In compliance with the Open Public Meetings Act, this meeting was advertised in the December 12, 2019 issue of the Hunterdon County Democrat and a revised notice with the location change to a virtual Zoom meeting in accordance with the open public meetings act was advertised on April 23, 2020. Notice of this meeting was posted on the Township website and bulletin board, and sent to the Hunterdon County Democrat.”

**Present:** Tracy Carluccio  
Larry Tatsch  
Pauline Serafin  
Janis Grover  
Leonardo DeCandia, Alt. 1  
Chris Sobieski  
Tara Ramsey arrived 7:45 p.m.

**Absent:** Jennifer O’Sullivan - Hunterdon County Division of Public Health

**Agenda Review** – no items.

**Presentation of Minutes** –

February 25, 2020 **A motion by Mr. Sobieski seconded by Ms. Tatsch, to approve minutes with minor edits was carried with no objections or abstentions.**

April 14, 2020 **A motion by Mr. Tatsch seconded by Mr. Sobieski, to approve minutes with minor edits was carried with no objections or abstentions.**

**Open to the Public** –

With no members of the public coming forward a **motion by Mr. Tatsch, seconded by Ms. Serafin, to close to the public was unanimously carried with no objections or abstentions.**

**Unfinished and New Business**

**Hunterdon County Division of Public Health Inspector’s Report**

Ms. Georgett said that Ms. O’Sullivan was unable to attend the meeting and no report had been submitted.

**Unfinished Business** –

**Preview Committee**

**Kevin Beck, 53 John Ringo Road, Block 36 Lot 13 Septic Application**

Mr. Doug Fine of Fine Engineering introduced himself as the professional engineer for this septic application. Ms. Carluccio said this is an existing two bedroom home with no expansion. Mr. Fine said the existing cesspool is approximately 15 feet from the well on a very small lot in Ringoes. He continued that they did some permeability testing to find a spot for the system and were able to complete two soil logs and a pit bail test because there was no more room on the lot. Mr. Fine said a Hoot pressure dose aerobic system is recommended to minimize the footprint of the septic system disposal field. Mr. Fine said he designed a system that is oversized by approximately 44% using New Jersey State sizing criteria but it is still less than East Amwell Ordinance requirements for distances to property lines and the well which is in the center of the property. Ms. Carluccio asked what the acreage of the lot is, and Mr. Tatsch said he calculated the footage at around one quarter acre. Ms. Carluccio asked why an ATU is being used, and Mr. Fine said because there will be cleaner effluent coming from the system and also it allows for a reduction in the size and height of the septic system disposal field. He continued that because the system is only 58 feet from the well, they want the discharge to be as clean as possible.

Ms. Carluccio asked why the system could not be further from the property line, and Mr. Fine said from the rear property line it moves the system closer to the well and from the side it moves closer to the garage and driveway. He said the 10 foot distance to the property line required by New Jersey State code has been met. Ms. Carluccio said neither the Hoot nor pump tank meets the distance requirement of 100 feet, and Mr. Fine said this was due to property size constraints. Ms. Carluccio asked what the mound height is, and Mr. Fine continued that it is only 6 inches. Ms. Carluccio said that the septic line will only be 9 feet from the existing well and this is concerning because if there is a leak, which could happen and particularly with the line running under the driveway, effluent could reach the well pretty quickly. Mr. Sobieski said two ideas discussed in preview committee were to move the line to the right side of the house or hugging the left side of the property to get further away from the well and asked Mr. Fine to explain his design choices. Mr. Fine said they went into the basement where there is an old stone foundation, which would make it very difficult to relocate the line internally. They also considered these other options but the proposed location around the apron of the driveway where there will be primarily parked cars versus cars driving back and forth, is the least likely location for the line to break.

Mr. DeCandia asked if the well has a casing, and Mr. Fine said they were unable to get this information, it is old, there is a cesspool within 15 feet and everything in the design is an improvement over the current situation. Ms. Carluccio asked if the sleeve over the septic pipe that is under the driveway can be expanded to cover the entire pipe, and Mr. Fine agreed that was a good suggestion. Mr. Tatsch asked if the sleeve is a rigid PVC pipe, and Mr. Fine said it is a 4 inch, schedule 40 which is the next size up PVC pipe that will be wrapped in stone for minimal wiggle room. Ms. Carluccio asked how deep the line is, and Mr. Fine said normally its 18 inches deep but it has been raised to just below grade at the house and is pitched downward the entire 59 foot distance to the tank.

Ms. Carluccio said without evidence of required casing on the well, installation of an ultra violet system on the well and a coliform test after installation are required. She continued by asking how many feet from the septic field is the soil log located toward the front of the property. Mr. Fine said from the center of the soil test it is 8 feet to the septic field which meets the

requirement to be less than 15 feet. Ms. Carluccio said the map indicates there is contradicting information regarding wells on adjoining properties, and Mr. Fine said to strike note #2 on the plot plan and that they don't know the location of the wells on those properties. He continued that the neighbors did not know the location and it is highly unlikely those well are further than 100 feet away. Mr. Tatsch suggested a waiver for distance to neighboring wells be added because there is nothing that can be done to meet the requirement for this exiting property. He continued that this system is superior to the existing cesspool and conditions would be improved. Ms. Carluccio agreed this waiver should be added stating the distance of the proposed ATU system to neighboring wells is unknown and was unable to be obtained, and the size of the lot precludes other options for placement of the system, which is far superior to the existing cesspool.

Mr. Fine said it could also be added that the tanks are being tested for water tightness and will replace the existing cesspool. It is also noted that the existing cesspool is being replaced by a system that is far superior. Mr. Tatsch asked that on the plot map note #2 be changed to indicate that although attempted, the location of neighboring wells could not be obtained.

**A motion by Mr. Tatsch, seconded by Ms. Serafin to approve the Septic System with nine waivers, three conditions (UV system/coliform test, full sleeve on pipe & change map note #2 on sheet 2) and all requirements for an ATU was carried with no objections or abstentions.**

### **Items of Discussion**

#### **Laura Berger, Burd Lane, Block 36 Lot 13**

Ms. Carluccio said that she and Ms. Berger have spoken several times and that Ms. Berger is trying to sell the property and has a prospective buyer. She continued that due to the age of the soil testing, Ms. Berger had new soil testing done but back in 2000 a well was drilled on the property which gets 14 gallons per minute which is unusually good for the Mountain District. Ms. Carluccio said when the recent soil testing was done, Walt Wolf said it didn't look like there was 200 feet from the well to where testing was being performed and may not meet the East Amwell separation distance requirement. Ms. Carluccio recommended that Ms. Berger engage a professional to determine the location of and distances to the well on property as well as neighboring wells. She also explained that a professional would also be able to help Ms. Berger learn of other requirements that need to be met before making further investments and presenting a formal design to the Board. Ms. Laura Loreco Berger introduced herself and said her family has been in East Amwell since 1948. She said those who want to buy the property are also residents, and that the percolation test went well. Ms. Carluccio asked what the distance is from the well to the property line, and Ms. Berger said they are waiting to get confirmed data from the engineer but it's probably less than 200 feet.

Ms. Carluccio said there is not an existing house on this property, and as the Board is aware, a waiver has not been given for a new construction regarding separation distances between the septic system/field and the well since the Ordinance was adopted in 1995. She continued that Ms. Berger was advised of this when invited to come speak with the Board, and invited questions from Board members. Ms. Berger said what would be the reason not to give a waiver for this,

and Ms. Carluccio said there are provisions in the Ordinance for waivers where there is an existing house on a property and described several scenarios when waivers have been approved in those situation. She continued that one remedy in the past was that the property owner drill a new well that would meet separation distances requirements. Ms. Berger said that this lot has been identified for building a home for many years and financial constraints prevented this being done earlier. She continued that there is now a buyer ready to build a house and move in but the only thing stopping this is needing this waiver.

Mr. Tatsch asked where is existing well located on the property, and Ms. Berger said in the middle of the property which is around 160 feet away. Mr. Ben Nicolson introduced himself as the potential buyer of the property. Mr. Tatsch asked if they know why the well was placed in the middle and Mr. Nicolson explained that previously a home was going to be built on the left side of the property around 150 feet from the road and 50 feet from the next property line. Mr. Tatsch said the Ordinance was in place when the well was drilled without considering the required separation distance. Ms. Carluccio said the Ordinance and separation distance requirement was in place for 15 years when the well was drilled, and whomever was in charge should have been aware of this. She asked if either Ms. Berger or Mr. Nicolson knows whether the separation distance can be met if the well is moved toward the front of the property. Mr. Nicolson said the lot is fairly small and even if the well is furthest from where the septic would be, the possibility of meeting the requirement is slim. Ms. Carluccio asked if they had a professional measure these distances and Mr. Nicolson said he is waiting for the final soil tests. Mr. Nicolson continued that even if a new well were drilled he doesn't believe that the separation distance could be achieved for a primary and secondary location on the property.

There was discussion regarding the need to obtain information from an engineer regarding other options for placement of a well that would then allow the required separation distance. Ms. Berger said that a relative owns an adjacent property and could that be attached to allow the distance required without losing the "grandfather" status of this nonconforming lot size. Ms. Carluccio said land use questions would need to be addressed by the Zoning Officer, and not the Board of Health. Mr. Nicolson said he spoke with the Zoning Officer and was told that if lots were combined, it would be considered a new deed and no longer be grandfathered. There was further discussion regarding an old building plan and related soil tests from 1979 when Ms. Berger's brother owned the property, and that plan was not approved by the County. Ms. Carluccio said she had informed Ms. Berger when they spoke around 5 years ago that the State Code had changed since then, and a new plan would need to be determined. Ms. Berger confirmed that there are no wells on adjoining properties within 200 feet of the proposed septic system and well. Ms. Carluccio said that would need to be certified by an engineer and the Board needs to know if there is a remedy that gets 200 feet separation distance from a well and the proposed septic field area. She continued that Ms. Berger could have an engineer send a letter with the distances measured out and the Board would consider next steps which could include them attending a Board meeting to request a waiver or drill a new well that meets the distance.

Ms. Carluccio thanked Ms. Berger and Mr. Nicolson for attending.

## **Education and Health Issues**

**Board Secretary's Report:**

Ms. Georgett asked Ms. Carluccio to share the results of her research regarding Board of Health Ordinances including that Ms. Parsons had agreed the Board had been properly adopting Ordinances. Ms. Carluccio said that the Board Attorney Tara St. Anglo researched the fee Ordinance and confirmed that since 1990 the Board of Health has been approving Ordinances. She continued that at the same time Ms. Parsons had done additional research and found that the Township had adopted an enabling statute stating the Board of Health does indeed have Ordinance and regulatory powers and does not have to go to the Township Committee for approval of its ordinances. Ms. Carluccio said this has been settled and was just a misunderstanding.

**Correspondence:** There were no comments.

**Bills of the Evening:**

**A motion by Mr. Tatsch, seconded by Ms. Serafin, to approve three bills was unanimously carried with no objections or abstentions.**

**Open to the Public:**

Seeing no members of the public present, **a motion by Mr. Sobieski, seconded by Mr. Tatsch, to close to the public was unanimously carried with no objections or abstentions.**

**Adjournment:**

There being no further business, **a motion by Mr. Sobieski, and seconded by Mr. Tatsch, to adjourn the meeting at 8:30 p.m. was unanimously carried with no objections or abstentions.**

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Rosemary Georgett, Board of Health Secretary