

**GREEN TOWNSHIP BOARD OF HEALTH – REGULAR MEETING
APRIL 28, 2014**

CALL TO ORDER

The April 28, 2014, meeting of the Green Township Board of Health was called to order at 7:09 p.m.

Mrs. Peralta read the statement of adequate notice.

ROLL CALL: Present: Mrs. Phillips, Mr. Kurzeja, and Mr. Reinbold

Absent: Mr. Chirip and Mr. Conkling

Mr. Kurzeja motioned to excuse Mr. Chirip and Mr. Conkling

Seconded: Mr. Reinbold

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling				X
Mr. Kurzeja	X			
Mrs. Phillips	X			
Mr. Reinbold	X			

Also Present: Clerk/Administrator, Mrs. Linda Peralta; Township Attorney, Mr. Rich Stein; and Deputy Clerk, Mrs. Patty DeClesis

APPROVAL OF MINUTES: April 14, 2014

Motion: Mr. Kurzeja

Seconded: Mr. Reinbold

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling				X
Mr. Kurzeja	X			
Mrs. Phillips	X			
Mr. Reinbold	X			

OLD BUSINESS:

- 1. Resolution 2014-08 – Application – Septic Design Variance – Alles, 33 Shore Road, Block 45, Lot 18 – Completeness and Technical Review**

Motion: Mr. Reinbold

Seconded: Mr. Kurzeja

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling				X
Mr. Kurzeja	X			
Mrs. Phillips	X			
Mr. Reinbold	X			

MATTERS FROM THE SECRETARY: None

PUBLIC COMMENTS AND/OR QUESTIONS: None

ADJOURNMENT:

Mr. Reinbold made a motion to adjourn at 7:12 p.m.

Seconded: Mr. Kurzeja

**GREEN TOWNSHIP BOARD OF HEALTH – REGULAR MEETING
APRIL 28, 2014**

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				X
Mr. Conkling				X
Mr. Kurzeja	X			
Mrs. Phillips	X			
Mr. Reinbold	X			

*ALL RESOLUTIONS AND ORDINANCES ARE ATTACHED TO AND MADE PART OF THESE MINUTES



Linda Peralta, RMC
Clerk/Administrator

1-5-2015

Date Approved

**TOWNSHIP OF GREEN - BOARD OF HEALTH
RESOLUTION BOH 2014-08
SEPTIC DESIGN WAIVERS
BLOCK 45, LOT 18 - 33 SHORE ROAD
DECIDED: APRIL 14, 2014
MEMORIALIZED: APRIL 28, 2014**

WHEREAS, Charles and Jayne Alles have applied to the Board of Health of the Township of Green for various design waivers for a proposed septic system and stormwater system to be constructed on a presently vacant lot, located at 33 Shore Road and designated as Lot 18, Block 45 on the Tax Maps of the Township of Green; and

WHEREAS, the matter came on to be heard by the Board of Health of the Township of Green on April 14, 2014, at which time the application was deemed complete and proceeded to a public hearing; and

WHEREAS, the following constituted the application and supporting documentation provided by the applicant:

1. Township of Green Board of Health application
2. Septic Design, rev. 2 dated 3/18/14
3. Variance Plan dated 2/26/14 - 4 sheets
4. Variance Application to the Board of Adjustment
5. Sussex County Health Department e-mail requiring to go before the BOH for the variances requested, dated 3/20/14
6. FHA Individual Permit and approved plan
7. Notice of adjoining property owners with certified mail slip

WHEREAS, the Board also received and considered a report from the Board Engineer dated April 7, 2014; and

WHEREAS, the Board Engineer, Mr. Miller and Mr. Everett Seabold, from the Sussex County Health Department both attended the public meeting; and

WHEREAS, testimony was presented to the Board by Mr. & Mr. Alles and their engineer, Jeffery J. Careaga, P.E.; and

WHEREAS, the Board considered the three following waiver requests from the applicant:

- A. A waiver on the 100ft. separation required between all wells and septic systems;
- B. A waiver on a reserve area for a possible future disposal bed;
- C. A waiver for the 50ft. separation requirement from the well and the proposed stormwater management system;

NOW, THEREFORE, the Board of Health of the Township of Green hereby makes the following findings of fact:

1. Mr. & Mrs. Alles are the contract purchaser of the property, who plan to construct a three bedroom single family dwelling on the property, which would be a retirement home.
2. Mr. Careaga testified on behalf of the applicant that he prepared the septic design plan, last revised March 18, 2014. The plan general shows the location of the proposed three bedroom dwelling, the driveway, the septic system, the well and the stormwater management system. The property fronts on Lake Tranquility and is partially in a flood hazard area. Due to NJDEP regulations regarding flood hazard areas, the entire northern portion of the property may not be developed and is required to be left in a natural state and cannot be used for any improvements to be constructed on the property by the applicant. This substantially reduces the land area for development, including the location of the well, septic system and stormwater management system.

Mr. Careaga testified that the applicant suffers a hardship justifying a waiver for the reserve area in that the flood hazard restrictions on the property leave the applicant with no land available for a reserve area that would not encroach on the 100 ft. separation between the septic system and any well.

3. Regarding the proposed 66 ft. separation between the well and the proposed septic system, Mr. Careaga testified that the well-septic separation is a function of the amount of casing that would be required for a well. Mr. Careaga testified that a 66 ft. separation would require casing of 84 ft. He further testified that most wells in the area of the applicant's property reach bedrock at a depth of 20-40 ft. so that the proposed 84 ft. of casing will adequately ensure no cross contamination between any septic system and the applicant's proposed well.
4. Regarding the proposed stormwater management system, Mr. Careaga testified that a 50 ft. separation would normally be required, however a 40 ft. separation is being requested and again would be justified by the small area on the lot actually available for development and the depth of the casing of the proposed well.
5. The Board then considered the report of Board Engineer John P. Miller, dated April 7, 2014, consisting of 9 separate comments. With regard to each comment, Mr. Careaga testified as follows:

Comment #1: A signed and sealed copy of the property survey is required.

Response: The applicant will comply with this comment

Comment #2: The survey should provide topography extending a minimum of 10 feet on each of the adjoining properties; the wall on Lot 19 should be depicted.

Response: The applicant will comply with this comment

Comment #3: Wetlands LOI or “presence/absence” must be provided with the application.

Response: The applicant will provide an LOI for the property.

Comment #4: Applicant should explain how the locations of the wells and of disposal fields have been determined, and now the distances were determined to a hundredth of a foot (ex., well on Lot 36, Lot 19, etc.).

Response: The applicant testified that the well on Lot 19 was located using a metal detector and a line trace. The Board requested and the applicant agreed to make a request to the owner of Lot 19 to uncover the well head to provide verification of its location and the separation between the well and the proposed septic system.

Comment #5: Applicant should explain how the calculation of the 84 foot casing for the well was determined. Based on 7:9A Standards for Individual Subsurface Sewage Disposal System Sub - Section 4.3 Distances, the 100-foot required separation between a disposal field and well “may be decreased by administrative authority to a minimum of 50 feet or more, and where the casing is sealed into a impervious stratum which separates the waterbearing stratum from the layer of soil used for sanitary sewage disposal (...).” Applicant should explain how it was determined that the casing will be sealed into an impervious stratum.

Response: The applicant testified that the amount of casing required for a well was determined by NJDEP regulation, essentially determined by the distance of the well to the proposed septic system. A 66 ft. separation would require 84 ft. of casing, pursuant to NJDEP regulation. Mr. Careaga further testified that most wells in the area are at bedrock, between 20 and 40 feet below the surface.

Comment #6: The plan should be revised to clean up annotation (overprinting).

Response: The applicant agreed to comply with this request.

Comment #7: The drainage design/stormwater system design/capacity must be provided.

Response: The applicant agreed to comply with this request.

Comment #8: The plan must be revised to indicate the square footage of area of riparian disturbance annotated on plan and reference the NJDEP permit approval. The clear understanding of conditions in the NJDEP permit, particularly Conditions 21 and 22, is important. Condition 21 indicated “(...) this approval does not authorized vegetation disturbance beyond the footprint shown on the referenced plan or conversion of these areas to a lawn or landscaped area”; Condition 22 reads “The Department

has determined that the riparian zone required adjacent to Lake Tranquility is 300 feet. This permit allows disturbance of 8,045 sq. ft. (0.185 acres) of riparian zone vegetation for the proposed driveway and residential dwelling. Any additional clearing of trees or other vegetation in the riparian zone is prohibited.

Response: The applicant will indicate the square footage of the riparian disturbance on the plan.

Comment #9: SE&SC Plan certification is required

Response: The applicant agreed that an approval from the Sussex County Soil Conservation District is required and would be provided.

6. During questioning of Mr. Careaga by the Board and its professionals, it was determined that there were two types of aerobic septic disposal systems that would be available for construction on this property. The aerobic system essentially replaces the need for a septic field, as the aerobic system treats the water and the disposal field would then simply recycle the treated water into the ground. Mr. Careaga testified that he would recommend the use of a Norweco-Singulair type aerobic system, which would have numerous beneficial effects, including reducing the size of the area needed to recharge treated septic water into the ground, which would allow for the proposed home to be moved in a southerly direction towards Shore Road, thereby creating a larger backyard for the applicant and also increasing the distance between the septic system and the proposed well and the well on Lot 19.

The use of an aerobic system will result in a disposal bed of less than 750 sq. ft. While this type of system will be an improvement over a traditional septic system, a waiver will now be required for a disposal bed of less than 750 sq. ft.

WHEREAS, the Board has determined that the strict application of the Township's septic code would result in an undue hardship to the applicant's property; and

WHEREAS, the Board has determined that the waivers requested by the applicant can be granted while still protecting the public's health, safety and welfare; and

WHEREAS, the Board hereby grants the following waivers:

1. Septic disposal field reserve area
2. 66 ft. separation between well and septic system
3. 40 ft. separation between well and stormwater management area
4. Septic disposal bed of less than 750 sq. ft.

The above listed relief is contingent upon the following:

1. The applicant shall make a request to the owner of Lot 19 to allow for the underground well head on Lot 19 to be exposed to determine the distance between the well and the proposed septic system.
2. The home shall be equipped with water-saving fixtures and appliances.
3. The septic design plan shall be re-drafted to provide for the use of a Norweco-Singular type aerobic septic system.
4. The applicant shall comply with the testimony presented to the Board regarding the 9 comments in Board Engineer Miller's April 7, 2014 report.
5. The applicant shall provide revised plans and documentation for an aerobic system to the Sussex County Health Department; shall obtain approval for the aerobic system and shall abide by all County Health Department requirements for that approval.

The applicant shall provide revised plans to the Board Engineer, complying with all of the above listed conditions. The Board Engineer may review and approve the revised plans consistent with this resolution, without the need for further Board approval

The relief granted above is further contingent upon the following:

1. Payment of all currently due taxes and professional escrow review fees associated with this application.
2. Obtaining a Letter of Interpretation (LOI) for the property from NJDEP.
3. Green Township Zoning Board of Adjustment approvals.
4. Sussex County Soil Conservation District approvals.

I, Linda Peralta, Secretary of the Board of Health, Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a Resolution adopted by the Board of Health at a meeting held on April 28, 2014.



Linda Peralta, Secretary

Record of Vote:

	AYE	NAY	ABSTAIN	ABSENT
Mr. Reinbold	1st ✓			
Mr. Chirip				✓
Mr. Kurzeja	2nd ✓			
Mrs. Phillips	✓			
Mr. Conkling				✓