

**GREEN TOWNSHIP BOARD OF HEALTH – REGULAR MEETING
JUNE 13, 2016**

CALL TO ORDER

The June 13, 2016, regular meeting of the Green Township Board of Health was called to order at 8:00 p.m. by Mr. Conkling, Board of Health Vice President

Mrs. Peralta read the statement of adequate notice.

OATH OF OFFICE: The Township Clerk, Linda Peralta, administered the oath of office to Mr. Qarmout.

ROLL CALL: Present: Mr. Daniel Conkling, Mr. Steve Kurzeja, Mr. Bader Qarmout, and Mrs. Peg Phillips
Mrs. Phillips motioned to excuse the absent member.

Seconded: Mr. Kurzeja

Discussion: None

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

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

NOMINATIONS FOR PRESIDENT:

Mrs. Phillips nominated Mr. Conkling for President of the Board of Health

Seconded: Mr. Kurzeja

Discussion: None

There being no further nominations for President, Mr. Conkling closed nominations.

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

NOMINATIONS FOR VICE PRESIDENT:

Mr. Kurzeja nominated Mr. Chirip for Vice President of the Board of Health

Seconded: Mrs. Phillips

Discussion: None

There being no further nominations for Vice President, Mr. Conkling closed nominations.

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

APPROVAL OF MINUTES: March 14, 2016, regular minutes

Motion: Mrs. Phillips

Seconded: Mr. Kurzeja

Discussion: None

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

DISCUSSIONS: None

OLD BUSINESS: None

NEW BUSINESS:

Application: BOH2015-002 Escrow Balance: \$2,217.56
 Applicant: Brian Shamy
 Location: Block 47, Lot 19 – Willow Terrace
 Action: Review well and septic disposal system design

Mr. Stein administered the oath to Mr. William Moran of Golden and Moran Engineering, LLC and Mr. Brian Shamy, Applicant.

Mr. Moran provided a brief history of the application for the new member, Mr. Qarmout. The applicant is requesting one variance for a reserve area. The applicant has a valid NJDEP permit for flood hazard encroachment that will expire in November 2016. As part of the application, the permit will have to be amended. Due of the expense of the permit, they are looking for condition of approval. Mr. John Miller clarified that when the County mistakenly gave their approval, they did not look at the additional conditions of the Township. The permit should not have been issued.

At this time, Board of Health Attorney, Mr. Stein addressed the public stating that they meeting will be open to the public and the public will be given a chance to ask questions about any of the testimony that Mr. Moran gives. The public will have the opportunity to offer any comments after the applicant’s testimony.

Mr. Moran reviewed and addressed the comments in Mr. Miller’s report dated June 10, 2016, (attached to and made part of these minutes).

Mr. Miller reviewed the summary of required plan revisions listed in his June 10, 2016, report.

Mr. Moran addressed questions from the Board.

The Board of Health Meeting was opened to the public for comments.

Mr. Bud Hintenach, 37 Sunset Drive asked how much rock will need to come out to make the field for the septic. Mr. Conkling explained that this is part of the testimony and that the Board has some of these questions. Mr. Hintenach has concerns of how the well drilling will affect his well. Mr. Conkling stated that it is difficult to predict.

Mr. James Hintenach has concerns of how deep the proposed well will be and if it will have an effect on his father’s aquifer, blasting rock will have an effect on his father’s leach field. Who will be responsible for the damage to the field in the future? Who will oversee the maintenance agreement? The applicant’s engineer, Mr. Moran suggested a preconstruction survey of the house can be done that can be monitored during installation of the driveway and disposal field. Mr. Conkling stated that a soil log can be done to provide a better idea of where the rock is, and answer the questions about optional dechlorinators which may not be necessary. Discussions will be continued after answers are received.

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Melissa Mitchell, 15 Willow Terrace has concerns on the impact of rock hammer to her home’s foundation. Mr. Moran again stated that a preconstruction survey can be done. Mr. Conkling stated that some of the concerns may be answered when the soil log is completed. If the Board approves the application, more testimony pertaining to the rock will be heard by the Land Use Board.

Board Attorney, Mr. Stein stated for the public that this application is only requesting one variance to show a spot where a reserve septic field can be put on the property.

Patricia Eggleston, 11 Willow Terrace has the same concerns being that close to the applicant’s property.

Josephine Fracasso, 111 Hibler Road asked how the property was sold as a buildable lot. It was commented that it was not.

Board President closed public comments.

Board Attorney stated that the Board is looking for additional information. Mr. Miller would like to see the plans cleaned up so the Board will have to carry the application. After a brief discussion, the applicant will revise plans as requested for the August 8, 2016, Board of Health Meeting.

Mrs. Phillips motioned to carry the application to the August 8, 2016, meeting.

Seconded: Mr. Kurzeja

Discussion: Board Attorney stated for the members of the public present this is notice that the application will be considered again by the Board of Health on August 8, 2016. The time of the meeting will be advertised. No further notice will be received.

A member of the public asked if the lake association should be noticed. Mr. Shamy stated the lake association did receive notification by certified mail.

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

The revised plans will be available for the August 8, 2016, meeting.

Mrs. Phillips motioned to carry the application to the August 8, 2016, meeting.

Seconded: Mr. Kurzeja

Discussion: Mr. Stein stated that for members of the public that are present, this is notice that the application will be considered again by the Board of Health on August 8, 2016. No further notice will be received. A member of the public asked if the lake association should be noticed. Mr. Moran stated that the lake association received notice by certified letter.

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

MATTERS FROM THE SECRETARY: None

PUBLIC COMMENTS AND/OR QUESTIONS: None

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ADJOURNMENT:

Mr. Qarmout motioned to adjourn at 9:11 p.m.

Seconded: Mr. Kurzeja

Discussion: None

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

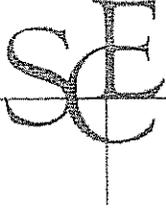
*ALL RESOLUTIONS AND ORDINANCES ARE ATTACHED TO AND MADE PART OF THESE MINUTES



Patty DeClesis
Secretary, Board of Health

8/8/2016

Date Approved



June 10, 2016

Via Electronic Mail (depclerkreg@greentwp.com) and Regular Mail

Township of Green
P.O. Box 65
Tranquility, New Jersey 07879

Attn.: Patty DeClesis
Deputy Clerk

Re: Township of Green, County of Sussex, State of New Jersey
Board of Health Application – BOH 2015-002 – Septic Design
Variance – Shamy
Block 47, Lot 19 – Willow Terrace
Our File No.: SCE-8610

Dear Ms. DeClesis:

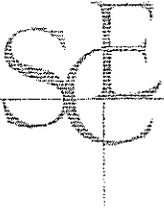
We have received and reviewed the following additional documents and plans in reference to the above-captioned application:

- Golden & Moran Engineering, LLC letter, dated May 10, 2016
- Drainage/Drywell Calculation, dated April 17, 2016
- Survey entitled “Map of Existing Conditions prepared for Gary & Lucy Shamy, H/W – Lot 19, Block 47 – Township of Green, Sussex County, New Jersey.” prepared by Michael A. Catalano, PLS, dated March 5, 2008, last revised April 4, 2016
- Copy of plans entitled “Shamy Residence – Block 47, Lot 19, Tax Sheet 10 – Willow Terrace – Township of Green, Sussex County, New Jersey.” prepared by Golden & Moran Engineering, LLC, dated May 5, 2008, last revised on April 17, 2016, consisting of three (3) sheets as follows:
 - Sheet 1 of 3: Green Township Board of Health Sewage Disposal System Variance Plan
 - Sheet 2 of 3: Permitting Plan, Construction Notes, and Details
 - Sheet 3 of 3: NORWECO – *Singulair* Bio-Kinetic Wastewater System

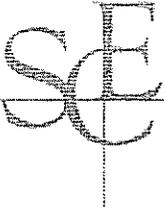
Following *in italics* are comments in my previous review letters showing **in bold** how comments have been addressed:

Comments (in letter dated December 4, 2015)

1. *Applicant has provided a copy of Permit Number 16362. This permit, in my opinion, should not have been issued since only the Township of Green Board of Health can approve variances. (March 4, 2016) A new/modified permit is required should Green Township approve the requested variances from the BOH Code. **Outstanding***
2. *The Township has not been provided with copies of the septic system design or construction details. This information is required. (March 4, 2016) See comments below in this letter.*



3. *Applicant has provided the cover sheet to a Flood Hazard Area Individual permit. It is my experience that in addition to the cover page there are special conditions, standard conditions, Flood Hazard Area and Riparian Zone conditions, list of approved plans, etc. Copies of these are required. (March 4, 2016) See comments below in this letter.*
4. *Copy of signed and sealed current survey is required. See Comment #11 below. (March 4, 2016) See comments below in this letter.*
5. *Plan does not indicate Flood Hazard Area elevation. (March 4, 2016) Not addressed on plan; notes on plan should be added to indicate the FHA elevation (and indicate if the property is impacted or not), due to proximity to Lake Tranquility. **FHA Elevation now provided on plan, but not on survey. The FHA elevation must be determined by a PLS; plan should be revised to indicate same. (In addition, the “elevation conversion” formula should be certified by a PLS, and added on the survey.”***
6. *It has been my experience that Freshwater Wetlands are generally associated with properties on Lake Tranquility. A NJDEP Letter of Interpretation, in my opinion, is necessary. See Comment #11 below. (March 4, 2016) Not addressed – LOI required. **Applicant requested this to be a condition of approval. It is my recommendation that it is acceptable as a condition of approval.***
7. *Plan provided does not show any stormwater management measures which are required for dwelling and driveway. Just directing run-off to the Lake and adjoining property is not acceptable. (March 4, 2016) Not addressed/incomplete – A drywell is depicted now on the revised plan and the Applicant Engineer’s response letter indicates “the pits have been sized to store 3” of stormwater for the entire impervious surface; with storm infiltration, the pits will handle most storm events.” Drywell design calculations (required & proposed capacity) must be provided, along with a construction detail. A list of all impervious areas must be provided. Roof leaders’ connection must be depicted on plan. **Satisfactorily addressed.***
8. *Plan notes that Eggleston Well, Lot 18, is shared with Lot 19. Please explain. (March 4, 2016) Not addressed – Response letter indicates “testimony will be provided.” Testimony required. **Testimony has been provided.***
9. *Vertical Datum is required to be NAVD 1988. (March 4, 2016) A waiver has been requested. We recommend the waiver not be approved by the Board (notes/conversions formulas and calculations must be provided for all elevations/references on plan – FHA elevation, etc.). **A formula has been provided on plan; Applicant continues to request a waiver; it is my recommendation that the plans must be revised to add a note on plan to indicate that Flood Hazard Line (elevation) has been adjusted/calculated accordingly on survey, and certified by a Professional Land Surveyor. Same information and note certification must be provided on plan.***
10. *Driveway is proposed in a cut and at its maximum of about 10-11 feet deep. Cross sections for proposed driveway are required. (March 4, 2016) Not addressed/incomplete. Response letter indicates “the driveway is in cut with proposed slopes of 1:12. This slope is typical for rock cuts.” Cross Sections for proposed driveway required (rock excavation up to approximately 10’ deep at driveway).*

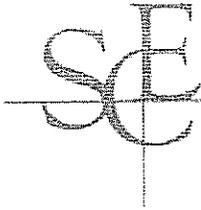


- a. *In addition, a driveway profile must be provided. It should be noted that the driveway, as proposed, is less than 10 feet away from the property line (contrary to the Township Code requirements).*

Provided; however, the driveway centerline profile should be revised to show existing centerline grades/profile. Testimony should be provided in regards to the amount of rock excavation and methods of rock excavation (rock excavation up to approximately 10' deep at driveway – approximate Station 50+00).

11. *On December 3, 2015, a site inspection was conducted and the following observations were made:*

- a. *Survey by Michael A. Catalano, PLS was done March 5, 2008. Survey is about eight years old. Survey shows that there is a fence located on Lot 20 near Lake Tranquility. It was not observed by this writer during inspection. In eight years other things could have also changed, such as new wells on adjoining properties, new septics, etc. It is my recommendation that an updated survey be provided. In notes Engineer states "...makes no claim as to accuracy of information obtained by others." Board should not have to make decision on information Engineer does not know is accurate. (March 4, 2016) Not addressed/not provided. Applicant Engineer's response letter indicates "a copy of the signed and sealed survey will be provided for the Land Use hearing." A recent /update signed and sealed survey should be provided prior to the hearing. **A re-certified survey has been provided. However, the survey does not indicate "rock-outcrop" in the area of the proposed septic disposal bed (as shown on the plan) – this discrepancy should be eliminated. In addition, as noted above in this letter, the "conversion note" and the FHA Elevation determination should be depicted on the survey/certified by the PLS.***
- b. *It is recommended that property corners be flagged so that if Board members want to inspect site, proposed site improvements can be visualized. (March 4, 2016) Applicant Engineer's response letter indicates "The property is well delineated. The Applicant intends to identify the driveway location in advance of the Land Use hearing." Applicant should notify the Township/Board Secretary when the stake-out is completed. **Satisfactorily addressed (prior to previous BOH meeting).***
- c. *In front section of property where home is proposed, there are a number of trees that will require removal. It is recommended that Applicant show all trees on property with a breast height diameter (BHD) greater than six (6) inches with species and indicate trees to be removed. (March 4, 2016) Applicant Engineer's response letter indicates, "trees that will be removed (...) will be approximately located on the plan for Board consideration at the Land Use hearing." Not shown on revised plan (not signed/sealed); a signed and sealed plan revised to depict this information is required. **Not addressed – Outstanding.***
- d. *Survey indicates that there is a gore along the common property line of subject Lot 19 and Lot 18. What is indicated as an "existing shared cased well by owner of Lot 19" may be in gore. If gore is determined to be property of Lot 19, then well for Lot 18 would be on Lot 19. It is recommended that owners of both lots resolve gore issue. (March 4, 2016) Response letter indicates "the gore area represents a very small sliver of excess land with the adjacent property; this area does not represent an overlap, but actually is excess property owned by the adjacent properties (...)." Applicant should provide testimony. A*

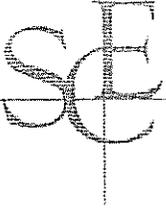


signed and sealed survey is required. A signed and sealed survey has been provided; in addition Applicant Engineer's response letter indicates "agreement" with adjoining lot owners. A copy of agreement should be provided for the Town records.

- e. Site inspection indicated that there is wetland vegetation located on Lot 20 in close proximity to Lot 19. This supports recommendation that an LOI be obtained. (March 4, 2016) LOI required. Outstanding – could be a condition of approval as requested by Applicant's Engineer).*
- 12. Applicant to explain what 50-foot buffer line on plan represents. (March 4, 2016) Not addressed. All environmental constraints must be clearly annotated on plan. Outstanding – the plans should be revised accordingly.*
- 13. Green Township has a Driveway Ordinance. As location of driveway and other proposed improvements affect decision the Board of Health is being asked to make; plan should be revised to be in conformance with Section 17-2 of Township Code. Some items that may impact current plan are:*
- Sight distance required. (March 4, 2016) Addressed*
 - Vertical alignment is not per ordinance. (March 4, 2016) Driveway profile required. A driveway profile has been provided; however, it should be revised to indicate the "existing" profile.*
 - Side slope in rock 1:1. (March 4, 2016) Slope indicated now as 1:12. Driveway typical cross section should be provided. A cross section has been provided – however, not representative (only 20 feet from edge of paved road, where excavation is not as radical). As indicated above, at a minimum, testimony should be provided regarding depth of excavation, topsoil/ rock excavation stopckpiles and methods of rock excavation.*
 - Stormwater management. None is proposed, and it is required. (March 4, 2016) Conceptual drywells are now proposed. See Comment 7, page 2 of this letter.*
- 14. Proposed site grading directs stormwater to Lot 20 which is not acceptable. (March 4, 2016) Addressed now (since 3" stormwater from the entire proposed impervious surface is being collected).*

Comments (in letter dated December 10, 2015)

- 1. Variance Plan provided with application was dated November 17, 2015; Septic Permit was approved May 10, 2015, which may be different than Variance Plan and July 26, 2011 plans associated with permit. It is requested that Applicant provide Board with a detailed list of all plan changes since FHA Permit and Septic Permit were issued. (March 4, 2016) Response letter indicates "de minimis" changes. A list would be helpful to document the "de minimis" changes. Not provided; no longer relevant – new permit approvals will be applied for, as indicated by the Applicant's Engineer.*
- 2. Standard Condition 1 of Permit clearly indicates "...does not indicate that the activity also meets the requirements of any other rule, plan or ordinance." Applicant should list all other required permits and a NJDEP Freshwater Wetlands LOI. (March 4, 2016) Not addressed. All other required approvals must be listed on plan. Not addressed.*



3. *Special Conditions 17 requires disposal of excavated material outside of Flood Hazard Area. I was not able to locate FHA elevation on plan. Please provide. See Comment #5 from previous report. (March 4, 2016) Note on plan must be added in reference to the Flood Hazard Area. **FHA now annotated on plan; however, a note should be added to certify that FHA elevation has been adjusted in accordance with Note on Sheet 1 / NGVD 1929 conversion.***
4. *Sheet 2 includes a Permitting Plan. Plan shows a proposed limit of disturbance that does not include most of the proposed undersized reserve disposal bed location. If disturbance is prohibited beyond limit of disturbance, how could this reserve area be utilized in the future? (March 4, 2016) Note on Sheet 1 of 2 has been revised to read "In case of sewage disposal bed failure, the owner shall install eco-pure pretreatment system, or approved equal. The failing sewage disposal bed shall be re-excavated and reconstructed in place. The pre-treatment unit allows a smaller, less efficient disposal bed."*

Since no reserve area is being provided, the alternate full design should be provided.

Norweco Singular Waste Water Pretreatment Unit now proposed – testimony is required.

(March 4, 2016) In addition, the northern corners of the disposal bed will apparently be located in the rock outcrop area, and will require rock excavation; Applicant should provide testimony, and disposal bed Section A-A on Sheet 2 of 2 should be revised as necessary (to indicate rock limit).

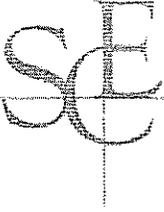
Outstanding; testimony should be provided.

5. *Permitting Plan has very specific limits of disturbance. Please explain how construction will be managed if application is approved since only access allowed by permit is area where new driveway is proposed. (March 4, 2016) Not addressed. **Outstanding – testimony should be provided.***
6. *Permitting Plan does not indicate how stormwater will be addressed, which is a requirement of Green Township. This property has difficult constraints, and drainage needs to be addressed so the Board of Health can make an informed decision. (March 4, 2016) Drywells are now shown on plan conceptually only. Additional information is required (see comments above in this letter).*

*(March 4, 2016) I continue my recommendation: A revised signed and sealed plan is required, and the above requested information should be provided prior to the Board hearing. **Signed and sealed plans now provided.***

(March 4, 2016) Below is a summary of required plan revisions:

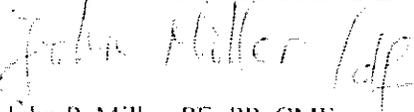
- a. *Provide Survey and revised signed/sealed plan. **Provided***
- b. *Provide a list of all impervious areas. **Provided***
- c. *Provide drywell calculations, construction detail, and depict roof leaders' connection. **Provided** (Applicant Engineer's letter indicates "roof leaders' location shall be as per final architectural plans"; this is acceptable. However, the plans should be revised to indicate the requirement to request drywell "full size excavation" inspection and roof leaders' installation prior to backfill). Also, the plan should be revised to eliminate discrepancy between drywell "lid" (construction detail) and "grate" (depicted on plan view).*



- d. *Provide driveway cross section and driveway profile. Provided; however, driveway profile should be revised to indicate “existing” profile, or at a minimum, testimony should be provided in regards to the extensive rock excavation methods, stockpile, etc.*
- e. *Provide typical cross section for the proposed swale. Outstanding – not provided.*
- f. *Provide copies of all NJDEP permits and provide notes & annotations on plan about same. Add notes on all environmental constraints (include FHA information). Not provided; requested to be accepted as a condition of approval; recommend this is acceptable.*
- g. *Annotate building area so maximum building coverage can be confirmed. (As indicated in the Zoning Table, apparently incorrect.). Add on plan the minimum separation requirement for driveway to property line. Revise Zoning table accordingly. Satisfactorily addressed.*
- h. *Provide design for alternate disposal bed – note on Sheet 1 of 2 (no reserve bed area provided).*
- i. *Since reserve bed area is no longer proposed, revise the plan to eliminate the information pertaining to soil testing for the reserve bed (results and location on plan). Outstanding – not addressed.*
- j. *Revise disposal bed Section A-A to indicate (approximate) rock outcrop/excavation limits, as necessary/existing conditions. Outstanding – not addressed; testimony should be provided.*
- k. *Provide two (2) cross sections shown through the disposal bed (transversal and longitudinal) indicating the expected rock depth. Outstanding – not addressed; testimony should be provided.*
- l. *Provide note on plan to indicate all other permits/approvals required. Outstanding – not addressed.*
- m. *Topsoil stockpile location must be depicted on plan (SE&SC plan should be provided on a separate sheet). Outstanding – not addressed; testimony must be provided.*
- n. *Sequence of construction should be revised, as applicable (see water/well note). Recommend this could be addressed at the time of the SESC Plan Certification Application.*

This concludes my comments at this time. Should there be any questions, please contact me.

Very truly yours,
SUBURBAN CONSULTING ENGINEERS, INC.


John P. Miller, PE, PP, CME
Township Engineer

cc: Linda Peralta
Richard Stein, Esq.
William Moran, PE – Golden & Moran Engineering, LLC – wpmoran@earthlink.net
Sussex County Health Department