

**WARREN BOARD OF HEALTH  
MINUTES  
MARCH 12, 2014 – 7:00 P.M.  
2<sup>ND</sup> FLOOR CONFERENCE ROOM – MUNICIPAL BUILDING  
46 MOUNTAIN BOULEVARD, WARREN**

**Call to Order:** The regular public meeting of the Warren Township Board of Health was called to order at 7:03 p.m. by Greg Riley, Vice- President

**Flag Salute**

***The Opening Statement: Adequate notice of this meeting was given on January 14, 2014 by posting a copy on the Township Bulletin Board sending a copy to the Township Clerk, Echoes Sentinel and Courier News as required by the Open Public Meetings Act. We plan to adjourn no later than 10:00 P.M.***

**Roll Call:**

Dr. DeMarco	-Absent	<u>Alternate #1</u>	
Mrs. Cooper	-Present	Mr. Rosenman	-Absent
Mr. Morlino	-Absent	<u>Alternate #2</u>	
Dr. Sarraf	-Present		
Mr. Lazo	-Present		
Mr. Riley	-Present	Mr. Plager	-Absent

**Silvia F. Courtney, Esq. was present on behalf of Fredi Pearlmutter, Esq., Board of Health Counsel.**

**Counsel for the Board, administered the oath to Mr. Lazo.**

**Privilege of the Floor:           None**

**Correspondence:               Please See Correspondence File**

**Case #1 – March 12, 2014**

Warren Crossing, 29 Dubois Road  
Block 79, Lot 6.01

Application:	Site Plan
Owner:	Kitting Mill Investors, LLC
Applicant:	29 Dubois Road Urban Renewal, LLC
Attorney:	David A. Checchio, Esq.
Engineer:	W. Leland Titus, PE

Applicant is returning to the Board of Health with a proposal to construct 35 townhouse style residential units on this 8.64 acres site per Warren Township Ordinance No. 13-03. The development is proposed to be served by public water and public sewer. Warren Township Sewerage Authority granted preliminary approval by Resolution 11-140. New Jersey American Water has acknowledged receipt of a water main extension application. NJDEP has issued a Letter of Interpretation/ Line Verification dated July 30, 2010.

**Case 1- Continued**

Mr. David Checchio, Esq. of Elite Properties, and W. Leland Titus, PE of Titus Survey and Engineering, Tom Powers, Principal of Applicant, and Craig Hopkin, CTM Environmental Services, Inc. LSRP, were present and sworn in to testify.

Mr. Riley also requested that Mr. Sumner, Health Officer be sworn in since he will be giving testimony. Mr. Sumner was sworn in.

Mr. Checchio stated that since the last time this application was before the Board, the density of the site has been reduced from 50 units to 35 units and the sewer stage has been moved from stage 1 to stage 4. The applicant is just waiting on final approval from the Sewage Authority. The applicant has entered into a redeveloper's agreement and financial agreement with the Township. Prior to the execution of the redevelopment agreement, there was an amendment to the redevelopment plan for this area. This parcel is in a redevelopment zone. Mr. Checchio stated that the applicant has appeared before the Planning Board and has received site plan approval.

Mr. Checchio addressed the concerns the Board raised at the last meeting. The applicant has obtained an RAO. The remediation has been completed. More sidewalks have been incorporated in the site, including one to connect to Dubois Road adjacent to the East County Park. This will encourage more pedestrian use and circulation.

Mr. Titus, testified that the site will have a mall type entrance into the site off of Dubois Road. The site will consist of eight buildings. Some will have five units and some three. Each unit will have a driveway and a two car garage. There will be plenty of room for parking. Each unit will have a patio in the back or a deck depending on the topography. The road will slope upwards towards the cul de sac. Mrs. Cooper was concerned about a fire truck being able to turn around. Mr. Titus testified that the Fire Department reviewed the plans and had no problem with the design.

Mrs. Cooper asked how close the entrance to this property will be to the sports fields. Mr. Titus testified the entrance to the fields is on the other side of the bridge.

Mr. Titus testified that the wetlands noted on the plan are the wetlands filed map with the DEP and are reflected in the LOI.

Mr. Titus testified that the units will be serviced by public water, gas, electric and sewer. The sewer will be a gravity flow in the road towards Dubois to a pump station which is in the north easterly corner of the property. From there, an ejector pump will pump behind buildings 1, 2, 3 and 4 out to Mount Bethel Road to stage 4 sewer system. Mr. Titus testified that a Homeowner's association would be responsible for the detention basin, road, the sidewalks, the pumping station and everything else on the site. Mr. Titus testified that a blanket easement will be on the property in case the Homeowners Association doesn't maintain the property as required.

**Case 1- Continued**

Mr. Titus entered into the record, the "Lighting and Landscaping Plan" marked exhibit 1A, Case 1. Mr. Titus testified that this sheet was revised 2/27/2014 based on Mr. Chadwick's, Township Planner, comments. The plan shows a tree buffer area on the northerly side of the property, a fence around the detention basin, and trees around the site.

Mr. Titus testified that each unit will have garbage cans for trash to be kept in the unit's garage. Mr. Riley asked Mr. Titus about the progress of the final approval for the transition area of wetlands and the development. Mr. Titus testified that they are going to be submitting a transition area averaging plan to the DEP for their approval. Mr. Titus is confident that the plan will be accepted. He has been working with a private wetlands consultant, Ed Cooke.

Mr. Checchio stated that the DEP has been out to the site and has met with Mr. Cooke at the time the LOI was issued.

Mr. Hopkins testified that the original knitting mill was classified under ISRA (Industrial Site Recovery Act). When the property changed hands it triggered ISRA. This meant that an LSRP had to be hired to do a preliminary assessment of the property. At the time of the assessment a house, garage, mill, shed and barn were still on site. They have since been removed. Mr. Hopkins conducted a phase 1 environmental assessment of the property, and found several areas of concern. Those areas have since been remediated and an RAO was issued. Mr. Hopkins testified that in his professional opinion, this site currently complies with environmental standards. He sees no need to test this site further.

Mr. Checchio stated that the current house on the property still has a septic and a well that will both be abandoned in accordance with Township and State rules. When the house is demolished all proper caution will be taken in in the demolition and testing for lead and asbestos sampling will be done for the house.

Mr. Hopkins testified that the Burroughs property continues to investigate their site. They have recently done a receptor evaluation and a well search and plume mapping to determine if their site would affect the applicant's property. The receptor evaluation showed the plume has no impact on the applicant's property.

Mr. Sumner stated that the conditions in the resolution would be: abandonment of the well and septic in accordance with regulations, receipt of the final Sewerage Authority resolution, approval from the DEP for the wetlands transition averaging plan, and the submission of a "Can Serve" letter from the Water Company.

**Motion was made by Mrs. Cooper, second by Mr. Lazo to approve the application subject to the following conditions: abandonment of the well and septic in accordance with regulations, receipt of the final Sewerage Authority resolution, approval from the DEP for the wetlands transition averaging plan, and the submission of a "Can Serve" letter from the Water Company.**

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**Roll Call:**

**Mrs. Cooper- Yes**  
**Dr. Sarraf- Yes**  
**Mr. Lazo- Yes**  
**Mr. Riley- Yes**

**Case# 2 - March 12, 2014**

116 Mt. Horeb Road

Block 55, Lot 8

Application: Variance from Warren Septic Ordinance  
Owner: David Myers  
Applicant: Rafal Imiolek  
Engineer: Steve Parker, PE

Mr. Steve Parker, PE, Parker Engineering and Surveying, and Rafal Imiolek, Applicant, were present and sworn in.

Mr. Parker testified that the property currently has an existing dwelling to be demolished and the Applicant proposes to construct a new on-site sewage disposal system to provide service to a new 5 bedroom residence. The property is also proposed to be served by public water. The proposed on-site sewage disposal system complies with the State law but requires variances from Warren Township Board of Health.

Mr. Parker testified that the soil testing was completed back in the fall, and the results were successful. Tests were conducted in both the front and back yard of the property. The front yard showed slightly better soils and this is where they are proposing the Black Water/ Grey Water System. The back yard will be used for the reserve area. There was no ground water in the soil logs. Mr. Parker testified that he has since monitored the stand pipes for ground water during the wet season. The results were entered into evidence as exhibit 1A, Case 2.

Mr. Parker testified that the systems he designed are completely below grade and are not mounded or raised. They are going to use new suitable fill material because the native soil will be excavated. The top portion of the soil is not good for septic system designs. The depth of the system will extend down into the ground 8 feet for both systems.

Mr. Parker testified that he is requesting the following three variances from the Warren Township Code:

1. Warren Township Ordinance 7:9A-6.1a requires testing at the level of infiltration. Mr. Parker testified that the level of infiltration was not tested because that level of soil will be removed and replaced with suitable fill. Testing was actually done at the depth of the system where the effluent will be going.
2. Warren Ordinance 7:9A-6.1.1(5) requires the system be designed based on the slowest permeability rate of the native soil. Mr. Parker testified that the system was designed based on the rate of the suitable fill material.

**Case# 2 - (Continued)**

3. Warren Ordinance 7:9A-4.3 requires a minimum distance of 35 feet between disposal beds serving the same property (split system). Mr. Parker testified that the systems will be 10 feet apart, so that the house can be kept in line with the rest of the street. Mrs. Cooper asked why the bed couldn't be moved closer to the driveway to give more separation. Mr. Parker testified that they are trying to maintain the separation distance for the tank to the driveway which is 10 feet. Mr. Sumner stated that he doesn't see the need for the beds to be moved to increase the distance.

**Motion was made by Dr. Sarraf, second by Mrs. Cooper to approve the plan as submitted and grant the variances requested for the application.**

**Roll Call:**

**Mrs. Cooper- Yes**

**Dr. Sarraf- Yes**

**Mr. Lazo- Yes**

**Mr. Riley- Yes, but doesn't like to grant variances from our ordinances for new construction, however in this case, the Health Officer has testified that he sees no meaningful reason to have a 35 foot separation between the beds. That being the case, he accepts his testimony and will vote in favor of the application.**

Mr. Parker asked the Board if they can send a letter to the construction department, so that the applicant can begin to submit plans for review and permits. Mr. Sumner stated that the Board of Health requires that the excavation of the beds be done prior to the building of the house. The Board saw no reason as to why a letter couldn't be sent informing the Construction Department that the application was approved and is now pending a resolution. Mr. Sumner stated that he sees no reason why excavation cannot begin. If the Health Department notices any problems with excavation of the fields, a stop work order will be issued.

**Case# 3- March 12, 2014 (For Discussion Only)**

Wagner Farm

Block 86, Lot 4

Application: On-Sire Sewage Disposal System

Owner/ Applicant: Township of Warren

Engineer: Stephen E. Parker, PE

Mr. Sumner stated that this is an application by the Township to the Township. This septic design is to correct a malfunctioning septic connected to the apartment, which currently has an old clay septic pipe that runs from the apartment down past the barn and towards the river. In the fall, there was a breakout of the pipe which was excavated and repaired. The new system is being designed as an alteration proposed to correct the existing malfunctioning septic system, and in addition, the system is being designed to provide service to a new multi-purpose building, with limited plumbing improvements. The system is proposed to be a mounded soil replacement system and is over designed by approximately 600 square feet based on the requirements of the overall site.

**Case# 3 Discussion - (Continued)**

Mr. Sumner stated that the current houses on the site have their own systems and will not be a part of the design. The Township will try to upgrade the existing septic tanks to install risers if possible for easier pumping.

Mr. Riley asked Mr. Lazo if this was green acres property, Mr. Lazo stated yes. Mr. Riley wanted to know how it was possible to build on green acres. Mr. Lazo stated he is not aware of a reason you can't build. The septic for the new structure will only support the offices in that structure, but is designed for the full structure. The events held at the facility will be serviced by port-a-johns. The use of the septic will be limited. The building will support the Wagner Farm Arboretum that runs all the events at the Farm.

Mr. Parker is present to describe to the Board the design of the system. It is a little different design since it is not based on bedrooms as the Board is used to seeing. Mr. Sumner will do the final reviews and approvals of the plans.

Mr. Lazo stated that this building is not intended for any recreation use. The septic use of the building will be for the building offices. The building will be used as a welcoming center for the events being hosted.

Mr. Parker stated that the new septic designed will be placed behind the barn that just collapsed. There are two wells in the area of the septic: one in the barn and one behind the barn. The new septic will be 100 feet away from these wells. The plan is to tie in the apartment building and the new building. The system is a gravity flow downhill. The field has been over designed and oversized for the calculated flow as a factor of safety. The calculations are in accordance with code. Soil log testing showed fractured rock, and not much clay. Mr. Sumner stated that before Mr. Parker was involved in this site, soil logs were done up by Mountain Ave. in the area of the silos. As soon as the holes were excavated 7-8 feet, the water started to rise and flow out of the hole. Yet, behind the barn in the back, there was little to no ground water found.

Mrs. Cooper stated that she has seen this whole area under water and is concerned about how far back the septic is deigned to go. Mr. Parker stated that the system is out of the flood zone.

Mr. Parker stated that the system is designed to be raised above grade. On the lower side of the field it will be about 3.5 feet above grade. Mr. Riley asked why it will be a mounded system. Mr. Parker stated that they need to provide a 4 foot zone of disposal and a four foot zone of treatment above the rock, and the depth on the soil logs weren't a full 10 feet which creates the mounded system.

Mrs. Cooper asked where the reserve beds are designed to go? Mr. Parker stated that there was no design or testing for reserve areas. Based upon the reason for failure, the beds could be raised higher or replaced. Mr. Parker stated that the proposed location is the best spot for soil permeability.

**Case# 3 Discussion - (Continued)**

Mr. Sumner stated that no mottling was found in any of the soil logs on the site, which indicated the water isn't sitting there long even if it does flood.

Mr. Parker stated that the State Code does permit you to put a septic in a flood zone. It is not a permanent situation and will not negatively impact the system.

Mr. Sumner stated that he doesn't know where a reserve area could be placed on the property. Mrs. Cooper asked if a variance would be needed. Mr. Sumner stated there is no application to the Board and it is in compliance with State law.

Mr. Riley stated that if they are not an applicant it is a moot point. Mr. Sumner stated that if this was viewed as an application for new construction, then there are four variances needed. The system is designed based on suitable fill, it is not a split system, it's a mounded system, and the reserve area.

Mr. Parker stated that the design was based on a formula. The one bedroom apartment is 350 gallons per day, the first floor of the building is commercial space of 1315 square feet with a multiplier of .125 square feet per gallon per day and the new building, 3 gallons per person per day times the maximum number of 378 people in the space. The numbers came out to be a total requirement of 2655 square feet. The system was designed a little bigger at 3240 square foot, 600 square feet over design to provide a factor of safety.

Mr. Riley is concerned about a big event night. Mr. Lazo stated that port-a-johns will be brought in and restrooms will be locked, the same way they are on the East County Reserve (Pop Warner Fields).

Mrs. Cooper asked if showers are being designed in the plans so that the building could be used as an emergency shelter. Mr. Parker stated that the septic requirements would be greater than what he designed it for. Mr. Lazo stated that the public would not be paraded through the building.

Mr. Sumner stated that at the time of construction, test holes could be dug closer to the barn to see how the soils are for reserve fields. Mr. Sumner asked Mr. Parker to indicate that on the plans as a reserve area, and with construction, test it to see if it could support a septic. This might eliminate some concern the Board has.

Mr. Sumner stated that if the Board is comfortable he will ask Mr. Parker to make the changes of adding a reserve area on the plans and Mr. Sumner will do a final review to make sure there is nothing else. The fields have been changed from a 3 to 1 slope to a 4 to 1 slope to be more compliant with the Township ordinance. If the final plans are in compliance with State Law, Mr.

Sumner stated he will approve the plans once the reserve area is marked on the plans. The reserve area will then be tested when construction starts.

Mrs. Cooper stated that she has full confidence in Mr. Sumner.

**Case# 3 Discussion - (Continued)**

Mr. Riley stated that as an attorney he has reservations on how a town can approve an application made to themselves to approve a design that departs somewhat from an ordinance in effect. Mr. Lazo stated that he would have a conversation with the Township Attorney and will ask him to comment on this. Mr. Sumner stated he will not approve it until he hears back from Mr. Lehrer, Township Attorney, and he reviews the final plans with revisions from Mr. Parker.

Mr. Riley asked the Board if they consent with that procedure. Mrs. Cooper, Mr. Lazo, Dr. Sarraf and Mr. Riley all agreed.

**Approval of Minutes:            January 8, 2014**

**Motion was made to Mrs. Cooper, Second by Dr. Sarraf to approve the January 8, 2014 minutes as amended.**

**Voice Vote:**

**In Favor:**                        Mrs. Cooper, Dr. Sarraf, Mr. Riley

**Opposed:**                        None

**Abstentions:**                    Mr. Lazo

**Mr. Lazo left the meeting at 8:48pm**

**New Business:**

- **Waverly Vending World Letter**  
Submitted request for reimbursement of late fee

Mr. Riley noted the absence of a quorum due to Mr. Lazo's departure.

The Board tabled the letter until the next meeting due to lack of quorum.

**Old Business:                    None:**

**Middle-Brook Regional Health Commission Report**

Mr. Riley stated that at the reorganization meeting, Jon Fourre was elected President, Greg Riley was elected Vice President, Jean Mazet was elected Treasurer, and Dr. Frank was appointed the Physician for the Commission.

The next Commission meeting will be March 24, 2014

**Reports of Employees/Health Officer Report**

Nothing to report

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**Financial Reports:**

**Motion was made by Dr. Sarraf second by Mrs. Cooper to table the Financial Reports of January and February 2014 until the next meeting.**

**Voice Vote:**

**In Favor:** Mrs. Cooper, Dr. Sarraf, Mr. Riley

**Opposed:** None

**Abstentions:** None

**Adjournment:**

**Motion was made by Mrs. Cooper second by Dr. Sarraf to adjourn the meeting at 8:58pm.**  
**Motion carried by unanimous voice vote.**

**Respectfully submitted,**

**Barbara Streker, Clerk, Warren  
Township Board of Health**