

**HARDING TOWNSHIP
BOARD OF HEALTH
THURSDAY, APRIL 14, 2022**

Meeting Minutes

Dr. Cervone, Chair, called the regular meeting of the Harding Township Board of Health to order on April 14, 2022, at 7:30 p.m., and announced the meeting was called in accordance with the laws of the State of New Jersey.

ROLL CALL:

Secretary Sharp called the following Board of Health members in attendance.

BOH Attendance: Dr. Cervone, Mrs. DiTosto, Mrs. McKittrick, Mr. DeNave, and, Mr. Platt
(via phone)

Absent: Dr. Kao and Dr. Lacz

Health Department Attendance: Mrs. Lisa Sharp and Mr. George Byrnes

County of Morris Attendance: Miss Jessica Freer and Miss Shelby Meyers

BOH Counsel: Joseph Sordillo, Esq. (via phone)

Public: 4

Let the record show that we lost Mr. Platt's call at 7:35 pm.

BOH WAIVER REQUEST – FRANCIS GRATHER, 10 MILLBROOK ROAD, BLOCK 17, LOT 2:

Let the record show that Mrs. McKittrick recused herself from this application.

Mr. Sordillo, BOH Attorney, administered the swearing in of Mr. Richard Schommer, Engineer from H2M and Mr. Grather, Owner of 10 Millbrook Road. Mr. Schommer explained that Mr. Grather is looking to subdivide his property and the applicant is requesting waivers from setbacks from the Board of Health. Mr. Schommer explained Harding Township requires a 25 foot setback from a property line to a septic system and a 50 foot setback between septic systems. Due to the width of the lots and the existing septic system on Mr. Grather's property, which is an advanced treatment system, it would be less than 25 feet from the new lot line. In order to provide a 50 foot separation between the two septic systems, Mr. Schommer mentioned they will place the septic system on the new lot within 10 feet of the northerly lot line. North of this is the Municipal property with a driveway that accesses the DPW site. There are no septic systems within this area to the north. A discussion ensued regarding the location of the DPW site and Tunis Ellick's house to Mr. Grather's property.

Dr. Cervone asked what the lot to the south is. Mr. Schommer explained there are residences to the south. Dr. Cervone asked if there is a well on the south side. Mr. Schommer reported the well on Mr. Grather's property and the new well meet all setbacks. All criteria has been met except for the two side yard setbacks. Mr. Byrnes explained that the applicant meets the State's minimum standards and the reason for the 25 foot setback to the property line is to keep the 50 foot distance from neighboring

septic systems. Mr. Byrnes explained with the new lot, there is no issue as there is no septic system due to the neighboring lot is Municipal property.

Mr. DeNave asked if this would be a conforming subdivision. Mr. Schommer responded it is but they have not been before the Planning Board as of yet as the applicant requires approval for a minor subdivision from the Board of Health. Mr. DeNave asked if the septic system would be a mounded system. Mr. Schommer explained that additional soil tests were conducted and they seem good but he is not sure if a mounded system would be required. Mr. DeNave suggested for aesthetic purposes and since the applicant's property faces Municipal property (Tunis Ellicks) could some type of screening such as landscaping or shrubbery be put in. Mr. Schommer responded when the design is completed and Mr. Byrnes reviews it, there can be some shrubbery added. Mr. DeNave stated he is agreeable to have "subject to Mr. Byrnes discretion" added. Mr. Sordillo, Board of Health Attorney, mentioned if the Board would like this provision, it can be part of the deed restriction.

Mrs. DiTosto asked if there is a fence. Mr. Schommer responded there is a split rail fence which is inside Mr. Grather's property line. The fence is there right now because there is a pool, however, the pool will go away due to the new septic. A discussion ensued regarding the split rail fence. Mrs. DiTosto recommended if the split rail fence could stay it should.

Mr. DeNave commented to maximize the lot as construction will be conducted for the new septic 10 feet or so off the property line, with much of the natural buffer will need to be removed, Mr. DeNave suggested a provision be included that the applicant will agree to put the buffer back that is aesthetically necessary. Mr. Schommer responded this can be done.

Dr. Cervone explained the Board's proposal would be to include in this waiver the aesthetic shrubbery (not trees). Mr. Sordillo, BOH Attorney, explained that the waiver request is technically two waivers under one provision.

- Distance from property line, 10 feet is required with 10 feet being proposed for both properties.
- Proposed Condition from the Board of Health – upon design submission, if the septic requires to be mounted for aesthetic purposes a landscape buffer will be provided and subject to reasonable discretion of the Township Official (Mr. Byrnes).

Mr. Schommer was in agreement with what Mr. Sordillo stated. Dr. Cervone opened the meeting to any members of the public who wish to be heard at 7:48 pm.

Mr. Brian McKittrick, Millbrook Road – commented he heard some interesting items this evening. Mr. McKittrick mentioned Mr. DeNave brought up several good questions with regards to whether the mound would be raised. Mr. McKittrick explained as a neighbor this is his primary concern and did not believe an answer was received with regard to if the septic mound would be raised. Mr. McKittrick stated if he was on the Board, the final septic plans should be seen to see if the mound would be raised and if it is, the Board should be sure there is the appropriate screening for the set location. Mr. McKittrick commented unless the Board see's if the mound is going to be raised, he would not vote to approve this. Mr. McKittrick reported that this section of New Vernon is the most densely populated section with regards to septic.

The Board thanked Mr. McKittrick for his comments. Dr. Cervone asked for a motion to approve the waiver request along with the condition as stated by Mr. Sordillo. Upon a motion made by Mrs. DiTosto, seconded by Mr. DeNave, and with a roll call vote of all ayes, none opposed, the Board approved the waiver request along with the provision requested by the Board as described above.

Let the record show that Mr. Schommer and Mr. Grather left the meeting at 7:52 pm.

BOH WAIVER REQUEST – CHARLES GATES, 31 MEYERSVILLE ROAD, BLOCK 55, LOT 9:

Mr. Sordillo, BOH Attorney, administered the swearing in of Mr. Steve Parker, Engineer, Parker Engineering. Mr. Parker explained that this is an application for a septic alteration. The lot is very constrained. It is a little over a ½ acre in size with a well on it. There is a limited area in the backyard where the septic system would be placed. The property is impacted by the wetlands on the adjoining property.

Mr. Parker explained the applicant is requesting a waiver from the Board from the setback to the property line. Mr. Parker reported the proposal is 15 feet to the rear property line where 25 feet is required by the Harding Township code. The reason for the waiver is the well is located in the front of the house and the septic system is right on the 100 foot well distance. Therefore, the proposal of the septic is 15 feet to the rear. The size of the driveway is being reduced. There is a studio building in the back which has a septic system for the property located on the right hand side of that studio building, which eliminates this area from being used. The septic system being proposed is an advance treatment unit in the system which allows the reduction of the footprint of the field to the maximum extent possible. Mr. Parker reported there are no septic systems behind this lot or wells that are less than 100 feet away. Mr. Parker explained the State Health code allows 10 feet, this waiver is requesting 15 feet from the rear property line.

Dr. Cervone questioned the septic system for the studio looks as if it is less than 100 feet from the well. Will this be abandoned or will it be used? Mr. Parker explained he is not sure if it is being used now but the plan is to leave it as is. Mr. Parker is not familiar with the history of the studio, when it was installed or how it was installed but yes it is less than 100 feet from the well. Mrs. DiTosto asked what it would take to connect the studio to the septic. Mr. Parker explained a pump tank by the studio could be installed to pump it over to the field or the septic tank. This would not increase the size of the field. There is not a bedroom in the studio, there is nothing that would require an increase to the flow. A discussion ensued regarding the studio building and the well.

Mr. Parker explained a well water test could be provided or an ultra-violet light provided can be installed. Mr. Byrnes explained the applicant is not looking to touch the studio septic, they are fixing the main houses septic as a pre-existing septic system. Dr. Cervone asked if the main house septic system is a failing system. Mr. Parker responded with it is.

Mrs. DiTosto asked what is on the adjacent property. Mr. Parker responded with wetlands with about 150 feet buffer. Mr. Parker mentioned as part of an approval here, the next step would be to apply for a NJDEP wetlands permit (GP24). Mrs. DiTosto asked if a septic system could be placed in the wetlands area. Mr. Byrnes responded that you can never say never but it is highly unlikely an approval

from NJDEP would be provided. Mr. Sordillo, BOH Attorney, agreed with Mr. Byrnes. A discussion ensued regarding the wetlands.

Mr. DeNave asked if the failing septic system is leaching into the wetlands. Mr. Parker responded with yes. Mr. DeNave asked if Mr. Parker was inside the studio and what is in it. Mr. Parker stated he has not been inside but it has a sink and a toilet. Mr. DeNave asked Mr. Byrnes if there were any records for the studio building. Mr. Byrnes reviewed the Health Department files and there are no records for the studio building or the main house. Mr. DeNave asked Mr. Sordillo if the Board could prohibit the applicant from doing anything in the studio as part of this approval. Mr. Sordillo responded with absolutely. There is a concern if the studio started to be used as a rental property. Mr. Parker explained that this application has to go to NJDEP for approval and the septic cannot have an expansion to the system. The current house is a three bedroom dwelling and can only be a three bedroom dwelling. Mr. Parker commented if that is a condition that would be fine. A discussion ensued regarding the provision of prohibiting the use of the studio and well water testing.

Mr. Sordillo, BOH Attorney, explained the two conditions as follows could be done through a deed restriction:

- No expansion of the studio use without further approval by the Municipality; and
- Annual well water testing; and
- Annual well water testing can be lifted if the studio is connected to the main house septic.

Mr. Sordillo, summarized the waiver being requested is:

- 15 feet from rear property line is proposed where 25 feet is required from Harding Township code.

Dr. Cervone asked for a motion to approve the waiver request along with the Boards requested conditions listed above. Upon a motion made by Mrs. DiTosto, seconded by Mr. DeNave, and with a roll call vote of all ayes, none opposed the waiver request along with the conditions was approved.

MINUTES OF MARCH 10, 2022:

Dr. Cervone asked if there were any questions with regard to the March 10, 2022 minutes. Mrs. McKittrick asked that the minutes remove the "I's" and "They's" throughout and Mrs. DiTosto asked that Mr. DeNave's response to not being a Harding resident be added to page 4, paragraph 2. Mrs. Sharp will make the amendments. Dr. Cervone asked for a motion to accept the amended March 10, 2022 minutes. Upon a motion made by Mrs. McKittrick, seconded by Mrs. DiTosto, Mr. DeNave abstained, and with votes of all ayes, none opposed, the amended minutes for the March 10, 2022 meeting were accepted.

MONTHLY REPORT FOR MARCH 2022:

Dr. Cervone asked if there were any questions regarding the monthly Health Department report for March 2022.

Dr. Cervone asked about the correspondence received from Ever-Green Inspection Services for 17 Village Road. Mrs. Sharp reported this is information the Health Department receives upon a sale of a property. Mr. Byrnes commented the septic will require a repair but it does not stop the sale of the property.

Dr. Cervone asked if there were any further comments. With no further comments, Dr. Cervone asked for a motion to accept the March 2022 monthly Health Department report. Upon a motion made by Mrs. McKittrick, seconded by Mrs. DiTosto, and with a vote of all ayes, none opposed, the monthly Health Department report for March 2022 was accepted.

COUNTY OF MORRIS MONTHLY REPORT OF ACTIVITIES FOR THE TOWNSHIP OF HARDING – MARCH 2022:

Dr. Cervone asked if there were any comments or questions with regard to the Morris County Monthly Report.

Miss Freer reported that zero COVID case were reported for Harding Township for the month of March 2022. Miss Freer reported there was a milk recall and Miss Myers conducted an investigation at the Harding Township School but they had disposed all of their milk.

With no further comments, a motion was made to accept the March 2022 Monthly County of Morris report by Mrs. DiTosto, seconded by Mrs. McKittrick, and with a vote of all ayes, none opposed the monthly Morris County report for March 2022 was accepted.

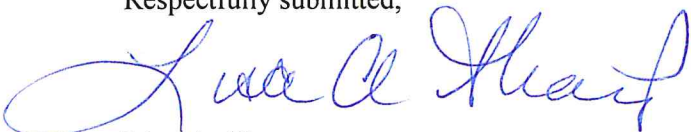
OTHER MATTERS AND HEARING PERSONS PRESENT:

There were no other matters to be discussed or hearing persons present.

ADJOURNEMENT:

With no further comments, a motion was made by Mrs. DiTosto, seconded by Mrs. McKittrick, and with a vote of all ayes, none opposed, the meeting adjourned at 8:20 pm.

Respectfully submitted,



Lisa A. Sharp
Secretary, Board of Health