

**WEST AMWELL TOWNSHIP BOARD OF HEALTH**  
**March 28, 2019 – Regular Meeting 7:30 PM**

The West Amwell Township Board of Health met on the above date.

The meeting was called to order at 7:30 PM. Chairman Hart declared the meeting in compliance with the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 28, 2019, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Present: Stephen Bergenfeld, Jim Cally, John Dale, Ken Hart, Gary Hoyer, Zach Rich (*arrived at 8:23 PM*), Brian Mundhenk, Denise Balog and BOH Secretary Maria Andrews. Richard Kropp were excused.

**PRESENTATION OF MINUTES**

A motion by Hoyer, seconded by Dale to approve the Board's 1/24/19 meeting minutes with no revisions noted, was approved with Denise Balog abstaining.

A motion by Dale, seconded by Hoyer to approve the Board's 2/6/19 meeting minutes with no revisions noted was approved with Brian Mundhenk abstaining.

**AGENDA REVIEW**

It was noted for the record that no review was provided.

**OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA**

Chairman Hart opened the floor to public comment. Seeing no members of the public come forward, he closed the floor to public comment.

**INTRODUCTION OF ORDINANCES AND/OR PUBLIC HEARING AND/OR SPECIAL PRESENTATION**

It was noted for the record that no ordinances were listed on the agenda for discussion.

**NEW BUSINESS**

**Septic System "Flow Determination" – 36 Rocktown-Lambertville Road – B: 8 L: 38**

Present for the discussion was Engineer Doug Fine and property owner Phil Muller. It was noted for the record that this application was carried from the Board's 1/24/19 meeting as well as from a special meeting held on 2/6/19.

Mr. Muller is seeking approval to get a flow determination from the NJDEP in order to establish a "Class C" Boarding Home on the property. Engineer Fine has calculated the flow to be 1910 gpd whereas, the Board's Engineer Bill Burr has calculated the flow to be in excess of 2000 gpd. Engineer Fine explained that he and Mr. Muller spoke with NJDEP representatives who indicated they could create an 11 bedroom facility and the flow would be under 2000 gpd. He noted that NJDEP had assisted with the calculations to ensure they were below the 2000 gpd threshold.

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The areas of discrepancy between the two engineer's calculations were with potential laundry facilities and proposed bathroom usage. Mr. Muller testified that he will be contracting with a laundry service and provided the Board with documentation which consisted of a quote for laundry service from "The Laundry Room" in Lambertville, a letter from the project architect Frank Joseph Bell stating, "...there is no laundry room or washer/dryer hook-ups in the renovation plan..." and a page from the New Jersey Department of Community Affairs Chapter 27 (5:27-9.5) which states, "...laundry services may be provided on or off the premises."

With regard to the bathroom usage, Engineer Fine explained that with congregate living facilities, 130 gpd is the standard calculation which includes bathroom use. He remarked that Engineer Burr's proposed shower and private bathroom calculations are irrelevant. He further clarified that the septic systems for private residential houses are calculated on the number of bedrooms, not the number of bathrooms because it is based on the number of "people" using/living in the facilities. Engineer Burr commented that the code says you must include the volume associated with the number of bedrooms along with the ancillary uses.

Mr. Bergenfeld asked if the property could be deed restricted to prohibit laundry facilities. Mr. Muller indicated he was not opposed to a deed restriction if the Board requested one. He also added that the Department of Community Affairs (DCA) conducts an annual inspection of Boarding Houses and could easily verify that there is no laundry facility on the site.

Engineer Fine referred to section 7.4 of the code and noted that anytime there is a question on design flow the authority (*Board of Health*) shall direct the applicant to apply for flow determination from NJDEP. Engineer Burr noted his recommendation to the Board is to not sign the application because doing so implies the Board agrees with the applicant's calculations which is not the case.

Chairman Hart commented that the Board needs to ensure the NJDEP is aware they are questioning the calculations and suggested the Board prepare a detailed memo to be submitted to NJDEP along with the TWA permit application. Engineer Burr stated the language on the actual application must be modified to reflect the Board's concerns.

It was noted for the record that Engineer Burr and Engineer Fine will work together and agree on the language modification to be incorporated into the TWA permit application. The Board granted Engineer Burr the authority to sign the permit application and forward it to NJDEP once the application language was agreed upon.

Since it was noted the design is not in full conformance with 7:9A, a motion was made by Hoyer and seconded by Dale granting the following waivers from the Township Board of Health:

1. The Board agreed that the flow determination for the total gallons per day must be made by the NJDEP with Engineer Fine and Engineer Burr collaborating to draft the appropriate language on the TWA permit application in order to capture the concerns expressed by the Board. The Board gave Engineer Burr the authority to sign the TWA permit application on their behalf; and

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2. It was noted the proposed disposal bed was discussed at a previous meeting and the Board acknowledged it will be 86 feet from the existing well which does not meet the minimum 100 foot setback requirement per 7:9A-4.3. The 100 foot distance may be reduced to 50 feet provided there is 50 feet of casing in the well. Engineer Fine testified the well was drilled in 1990 and has 53 feet of steel casing. The Board waived the 100 foot setback requirement.

The motion was unanimously approved by voice vote.

The Board noted that proof of the maintenance contract and any required reports on monitoring be provided to the West Amwell Township Board of Health and the Hunterdon County Division of Health and that a maintenance agreement be provided by the owner and kept with the house as maintenance will be required by a service provider for the life of the system. They also indicated that deed notice and NEHA certification for the installer as well as auto dialer certification be filed with the County and copies provided to the West Amwell Township Board of Health.

**UNFINISHED BUSINESS**

Secretary Andrews updated the Board on the septic malfunction on the Quick Chek site noting the County has advised Mr. Tetterman of Finelli Engineering is in the process of providing a corrective action plan. Meanwhile, the system is being pumped regularly so no breakout is currently occurring.

**ADMINISTRATIVE REPORTS:**

**Bill List for 3/28/19**

**John Luyber – Soil Witnessing**

Block 23 Lot 15	\$600.00
Block 10 Lot 2	\$600.00

<b>Home Depot – Pearson Filters</b>	<b>\$83.86</b>
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<b>Hunterdon County – 4<sup>th</sup> Quarter Inspection Fees</b>	<b>\$400.00</b>
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A motion by Bergenfeld, seconded by Cally to approve the Board's 3/28/19 bill list was unanimously approved by voice vote.

**ADJOURNMENT:**

There being no further business before the Board, the meeting was unanimously adjourned at 8:25 PM on motion by Cally and seconded by Hoyer.

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Maria Andrews, Secretary

APPROVED: 7/25/19