

**HOPEWELL TOWNSHIP  
BOARD OF HEALTH ADVISORY COMMITTEE**

Wednesday, August 21, 2013, 7:00 p.m. - 9:00 p.m.  
Hopewell Township Municipal Building main conference Room

If you are unable to attend please contact Gary Guarino  
Ph: (609) 537-0253 or gguarino@hopewelltp.org

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This is an audio recording of the August 21<sup>th</sup> meeting of the Hopewell Township Board of Health Advisory Committee.

Notice of this meeting has been posted on the Municipal Bulletin Board and forwarded to the Hopewell Valley News and Trenton Times (the official newspapers) on December 26, 2-12 P.L. 1975, Chapter 231.

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Call meeting to Order

That August 21, 2013 meeting of the Hopewell Township Health Advisory Committee was held in the Municipal Building Conference Room on the above-mentioned date.

Present: Matt Martin, Jan Bishop Allen Thomas, Michael Rothwell, Dr. Sherwood,  
Absent: Dr. Gertzman, Kathy Hill, Mayor Vanessa Sandom

Also Present: Mr. Gary Guarino, Health Officer  
Bob English, Hopewell Township Health Department

Guests: Alexander Mikos and Eric Rupnarian

The August 21, 2013 meeting of the Hopewell Township Health Advisory Committee was called to order by Allen Thomas at 7:00 p.m.

The first order of business was reading and approval of minutes for April 17, 2013. Correction was noted to minutes reflecting Dr. Sherwood was present at the April 17, 2013 meeting. Mr. Martin moved to approve, Mr. Rothwell seconded.

Next on the agenda was an application for Lot size waiver – Block 61 Lot 50 – 1266 Bear Tavern Road, Titusville. Two representatives from Goldenbaum & Baill Engineering, L.L.C., Alex Mikos and Eric Rupnarian, PE, were present to discuss the waiver for the lot located at 1266 Bear Tavern Road. Mr. Guarino explained the existing lot never perked and was donated to the Lawrenceville School several years ago. Soil evaluation was done this past year and a design was prepared for review. Gary noted several issues which make the lot not approvable at this time without many waivers of both health and zoning ordinances.

Other issues with Block 61 Lot 50 are listed below as they are not in compliance with the current septic ordinance.

- Due to depth of ground water (28") the lot will require a mounded system on 80,000 sq. feet. Use of a peat system lowers and reduces the bed size only.
- Also the R-100 zone requires 80,000 sq. feet for new construction with well and septic systems. **The lot is approximately 35,400 square feet (44%) and does not meet the 80% requirement for consideration of a waiver for lot size.**
- The soils tests for both primary and secondary septic systems were not located within 50 feet per the ordinance. Due to the location of the existing septic systems on both lots 44 & 49 and for the well on lot 49 it was not possible to fit both systems in either the front or rear of the lot.
- For consistency both septic areas should be in front and the well in the rear to follow the existing pattern of adjoining properties. The tests in the front were faster and deeper but too close to the lot line. Additional testing in the front found it was not acceptable because bedrock was encounter at 48" per engineer prohibiting a compliant system there.
- **Base on the 48" to bedrock the reserve area is unacceptable as proposed.**
- Soil tests were not conducted meeting the minimum distance requirements to lot lines. (50 feet for mounds and 30 for conventional systems)
- The well location proposed is just at the minimum of 100 feet to adjoining well on lot 49 and septic system on lot 44 is properly located. It is just about 100+/- feet from the proposed primary and reserve area for this lot. Any shift in either well or septic fields would encroach on proposed and existing.
- Location of wells and septic systems on west side of Bear Tavern Road are not located.
- Lastly, allowing this lot to be developed would severely impact the repair of septic or replacement of a well on both adjoining lots.
- There is no known water information for this or the adjoining lots. The excessively course rock formation could allow bacteria and nitrate contamination. Documentation by a licensed lab would be required for water quality from the adjoining lots.

Mr. Guarino provided the following excerpts from the newly adopted septic code Ordinance pertaining to R-100 zone .5 acre describing the purpose of the ordinance and waiver provision. Mr. Guarino advised Block 61, Lot 50 is an odd, unbuildable lot, which does not meet 80% of the technical requirements of the ordinance.

#### **16-12 INDIVIDUAL SEWAGE DISPOSAL CODE OF HOPEWELL TOWNSHIP.**

- a. Purpose. Due to the environmental characteristics of Hopewell Township, the board of health developed this ordinance in 1978 to address the widespread use of onsite sewage disposal systems and water supply wells. Onsite sewage disposal systems may constitute a potential source of pollution of ground and surface waters, resulting in contamination of potable water supplies, foul odors, nuisance problems and may pose other hazards to public health. It is determined to be in the interest of public health, safety and welfare to develop an ordinance to provide site specific requirements in the conducting of soil testing, specifying lot area, restricting system locations and providing additional design and installation requirements for onsite sewage disposal systems in Hopewell Township. These requirements are in addition to N.J.A.C. 7:9A (Adopted by reference as Ordinance 16-3 on 7/16/1990).

### ***Waivers for Reduction of Lot Area for Preexisting Lots:***

1. Approval of on-site disposal systems on existing lots with less than the minimum net lot area will only be considered by the board if the waiver being requested is for not less than 80 percent of the net area requirements from Table One. The applicant must seek approval of the zoning board of adjustment, only after receiving conditional approval for the design from the board of health. **The board of health will review the design to assure it meets all other township and NJDEP site and technical design conditions.**

### **16-12.6 Location of Systems.**

All individual sewage disposal systems referred to herein shall be located entirely within the limits of a single tax lot, upon which the improvements being serviced by said system shall be located. If more than one tax lot is used, a consolidation is required.

- a. Soil profile pits and soil tests shall be a minimum of 30 feet from any property line, conservation areas and all other environmental easements for conventional system built below original grade. Soil profile pits, logs and soil tests for all systems required to be built above existing grade shall be located a minimum of 50 feet to lot lines, water courses, conservation areas and all other environmental easements. In both cases, additional distance for required grading and/or environmentally sensitive concerns such as the height of mounds and associated swales or berms, excessively coarse soils or fractured bedrock and high water tables, etc., may still be required by the health department.

It is Mr. Guarino's professional opinion, "This office cannot approve this application and recommends the advisory committee deny the request because it fails to meet all design standards with the exception on lot area." The applicant can appeal for a reduction in taxes from the tax assessor due to the fact it is not a buildable lot.

Ms. Jan Bishop entertained a motion to deny the application moving forward based on Mr. Guarino's recommendation the application does not meet 80% of the present requirement. Mr. Rothwell moves to approve, Mr. Thomas seconded.

Mr. Alex Mikos provided soil test data which was done in March of 2012 and argued the lot will accommodate a conventional septic system and meets 80% of the requirement for a one acre lot. Mr. Mikos agrees the undersized lot does not meet zoning requirements and "technical" septic code requirement which is why zoning and septic waivers are necessary.

After lengthy discussion, the motion to deny the application was retracted and Board members Agreed to further research the present "criteria and technical requirements" of the septic code. Mr. Rothwell and Mr. Thomas moved to retract the denied application.

In summary, pending more detailed clarification of the definition and Township interpretation of "technical requirements of the ordinance." A sub-committee including, Allen Thomas, Jan Bishop, Gary Guarino and Bob English will research the definition and numerous issues associated with the application including bedrock and ground water. The committee will report back to the Board on their findings.

The application will be reviewed at a later date.

Further discussion on changes to an autonomous Board of Health vs. the current Board of Health/Township Committee and Advisory Board of health format. Mr. English noted 79% of the boards were autonomous. Title 26 is coming up for review – certification for members of the Board for accreditation.

Mr. Guarino reported on update to state laws on e-cigarettes as relates to banning smoking on public places.

Other items:

Mr. Guarino provided a recap of Hopewell Valley Safe Home Expo and Come Outside and Play Event stating it was a “good day, but not as well received as last year.” Mr. Guarino reported approximately 100 concerned citizens attended and were pleased with the information provided. The Blood Mobile did very well during the event.

Mr. Guarino noted the 2<sup>nd</sup> annual drive through clinic will be held on Wednesday, Oct 16, 2013. The clinic will be held from 2:00 to 6:00 pm. The public is encouraged to pre-register on the Township link, and the fee is \$12.00. Mr. Guarino advised approximately 800 doses of the vaccine should arrive tomorrow.

The Senior Picnic will be held on September 12, 2013.

Mr. Guarino discussed the Board of Health revisions to the Public health Nuisance Code that will be introduced at the regular Board of Health Meeting on August 26, 2013. The public hearing and final reading of Ordinance BOH 2013-1 will be adopted on Monday, September 9<sup>th</sup>, 2013.

Mr. Guarino advised the Great Health Partnership grant has ended. Hospital are taking the lead And United Ways CEO’s are committed to funding future common causes.

There being no further business, Mr. Rothwell moved to adjourn, Ms. Bishop seconded.

Meeting adjourned at 8:30

Respectfully submitted,

Kathy Prassas