

**BOARD OF HEALTH – TOWNSHIP OF MENDHAM**  
**MEETING MINUTES**  
**April 26, 2022 – 7:30 P.M.**

**CALL TO ORDER:** *Wendy Parrinello, Board Secretary*

**STATEMENT OF ADEQUATE NOTICE**

Adequate Notice of this meeting of the Board of Health of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Observer Tribune and Daily Record on February 3, 2022. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

**SALUTE TO THE FLAG:** *Led by Mr. Benjamin Weber*

**THOSE IN ATTENDANCE:**

Dr. Trishna Goswami  
Ms. Ann Reale  
Mr. Jesse Smith  
Mr. Benjamin Weber  
Mr. Ken West  
Mr. John Atkins, Alternate 1

**APPROVAL OF MARCH 22, 2022 MEETING MINUTES**

Mr. West makes a motion to approve the minutes as presented. Mr. Weber seconds the motion.

**ROLL CALL: YES**

Dr. Goswami  
Ms. Reale  
Mr. Smith  
Mr. Weber  
Mr. West

**NEW BUSINESS**

**BLOCK 147 LOT 42.03**

**APPLICANT: Bobby Sidiropoulos**

**APPLICATION:** New Septic Construction – Exmoor Drive – Ferriero Engineering, LLC (septic); Hiland Hall Turner Associates (architecture)

- Mr. Joe Kosinski is in attendance and is representing the Sidiropoulos Residents on behalf of Paul Ferriero Engineering, LLC.
- Mr. Kosinski explains that this property was created by way of a subdivision that was finalized prior to 2005. The initial soil testing for the subdivision was completed by Yannaccone, Villa & Aldrich, LLC in 2002. The application proposes a septic system

that is designed to accommodate a 6-bedroom home. In addition, a connection to the septic system will be put in place for a pool house that will have a changing room and a convenience bathroom. The system contains two septic tanks in series for the main residence, primarily to protect the effluent filter that's in the last compartment of the second tank.

- There is an existing well on the property, which will likely be repurposed for irrigation. The applicant proposes to drill a new well.
- Mr. West asks if the existing well is too close to the house? Mr. Kosinski replies that it's approximately 21ft. from the garage, which meets the minimum requirements for the set-backs.
- Mr. West states that when a well is repurposed for irrigation it still must meet all requirements for potable water and that it will still need to be tested and approved for potable water standards. It will also need to be re-permitted as an irrigation well.
- Mr. Weber states that Ms. Freer's memo indicates that new soil testing will be required. Ms. Freer, however, states that she has been out to the property to do soil logs and that the soil logs closer to the Exmoor property are very good. On this basis, Ms. Freer withdraws the recommendation for new soil logs.
- Mr. Weber states that Mr. Korshalla is supportive in his memo of the septic design for this property.
- Mr. Weber asks if there are any questions from the Board or from the public.
- Mr. Weber makes a motion to approve the application as presented with the one qualification that the existing well will be tested and confirmed for potable water and if it meets the requirements for an irrigation well that it will be marked as such, otherwise it will be closed in place. Mr. West seconds the motion.

ROLL CALL: YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

### **BLOCK 139 LOT 43**

**APPLICANT: John Tedesco**

**APPLICATION:** Septic Alteration with Deviation from Standards – 192 Mendham Road East – Parker Engineering & Surveying P.C., Steve Parker

- Mr. Steve Parker of Parker Engineering & Surveying is in attendance and is representing the owner of 192 Mendham Road East. Mr. Parker is requesting waivers, for the locations of the septic system drainage field and the location of a new well.
- Mr. Parker explains that this is a three-bedroom home that is being completely renovated – there are no plans to increase the number of bedrooms in the home. Mr. Parker states that there is very limited area available on the property for placement of a septic system. There's a pond in the backyard, a stream on the right-hand side of

the property and wetlands, as well. Soil testing completed in the front yard proved to be suitable, however, in order to meet the set-back distances to the home, a waiver is necessary – septic field to the property line. Proposing 10ft. where Mendham Township code requires 25ft.

- The existing well is to be abandoned.
- A new well is being proposed, however, the current plan does not reflect the required 75ft. distance from the property line. Mr. Parker explains that the well location can be moved to an area that would conform and meet the distance requirements, but it would be in the field of the existing septic system, adjacent to the pond. The limitation is that it has to be 100ft. from the septic systems of the subject property and of the adjacent property.
- Dr. Goswami asks if the existing septic system is within the appropriate borders, and if so, can the proposed septic system be located there. Mr. Parker responds that the current system meets the 25ft. set-backs from the property line, however, it does not meet the set-backs from the existing well or from the pond that's in the back of the property. The location of the existing system is not compliant with Mendham Township code.
- Mr. Parker states that the proposed location of the well can be moved so that it's 75ft. from the side and back of lot 44 (the adjacent property) and placed where the existing septic field is illustrated on the plan.
- Mr. West responds that notice with regards to the well should have been given to the adjacent property owner. Mr. Mills confirms that only notice for the septic system was given to the neighbor and continues that notice for the well location will also have to be sent to the neighbor.
- Mr. Weber asks Ms. Freer if she has any concern about locating the well any closer to the pond than it already is, as illustrated on the plans. Ms. Freer states that her concern with moving the well any closer to the pond would be the drilling required for the well. Ms. Freer does not recommend moving the well closer to the pond nor does she recommend the location of the existing septic field as usable space for the new well.
- Mr. Mills and Ms. Freer concur that moving the location of the well closer to the subject home would be further from the back property line and would likely pose no possibility of impacting the neighboring property.
- Mr. Weber states that the Board cannot approve the application as presented because notice to the neighboring property with regards to the well has not been issued.
- Mr. Parker agrees to make some of the recommended changes, address the comments in the review memos, submit updated plans and provide updated notice to the neighboring property.
- Mr. Mills states to Mr. Parker that the certified letter to the neighbor should include both the notice of the purposed new well and a 're-notice' of the septic.
- Mr. West moves that the Board table the application until the next meeting. Mr. Weber seconds the motion.

ROLL CALL: YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

## **BLOCK 146 LOT 12**

**APPLICANT: Allan Fallone, Fallone Homes, LLC**

**APPLICATION:** Septic Alteration/Expansion – 47 Tempe Wick Road – James J. Mantz, PE&LS

- Mr. Alan Fallone is in attendance and is the owner of the property at 47 Tempe Wick Road. Mr. Fallone explains that this a three-bedroom home that requires a new septic system. For purposes of marketing and future resale, the intention is to expand the septic system so that it accommodates up to five-bedrooms.
- Mr. West asks about the architecture of the home. Mr. Fallone states that architectural have not be completed yet.
- Mr. Weber explains that one of the tasks of Board is to reconcile the design plans for the dwelling to the number of bedrooms illustrated on architectural drawings. When a septic is being altered to accommodate for additional bedrooms, architectural designs are required.
- Mr. Weber states that because Board of Health consultants have confirmed that soils are suitable and property size is adequate, that the Board can process this application.
- Memos provided by Mr. Korshalla and Ms. Freer are reviewed.
- Mr. Weber proposes that the application is approved, subject to the following clarifications or changes:
  - a. Plans will be labeled to indicate a five-bedroom home and architectural will be developed and presented to the Board of Health consultants for verification.
  - b. Show soil logs on the septic design plan and include soil conservation measures.
  - c. Designate a clean-out within 5ft. of the building and remove trees within 10ft. of the bed.
- Mr. West seconds the motion.

ROLL CALL: YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

## **HEALTH OFFICER'S MONTHLY REPORT**

Reviewed by Ms. Freer. Full reports available in the Board of Health Office

***March, 2022***

- Dr. Carlos Perez, Health Officer has been working with Atlantic Health System to promote Covid-19 vaccination and booster shots.
- Morris County contract has been renewed with the City of Paterson for childhood lead poisoning case management.
- Brookside Elementary School is compliant with their immunization audit.
- 2 Communicable disease case investigations – diagnosis is not indicated.
- Irene Spring Tree Farms subdivision (Exmoor Drive) received approval for 5 acre lots. Soil logs are being conducted for 25 lots.
- Mr. Weber makes a motion to accept the Health Officer's Report for the month of March. Ms. Reale seconds the motion.

ROLL CALL: YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

### **SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD**

Resolution 22-5 – Subsurface Sewerage Disposal System Suitable for the Support of a Proposed Farm Based Brewery at Backer Farm.

- Mr. Weber explains that Resolution 22-5 has been prepared. The conditions of the original application have been included in the current resolution. The requirements of the resolution were discussed with Mike Roth, so as to ensure that they are consistent with what the applicant understands.
- Mr. Weber discusses the contents of the Resolution 22-5 and addresses, in particular, item numbers 2, 3 and 4.
- Mr. Weber invites Peter Banos to take a few moments to express his views to the Board of Health.
- Mr. Banos is concerned with Portable toilets and states his view that, as per DEP regulations, portable toilets are not permitted. Mr. Banos bases his understanding on language, which he reads to the Board, from N.J.A.C. 7:9A STANDARDS FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS. Mr. Banos would like to know how Resolution 22-5 can be appealed.
- Mr. Weber states that the Board acted last month and that the extension for the septic permit has been granted. Today the Board is approving Resolution 22-5, which merely outline the conditions that were set for the extension. The Board does not have a process in place that allows for reconsideration or appealing the decision that has been already approved.
- Mr. Weber states that the applicant provided the Board with email correspondence memorializing the substance of a conversation that occurred between the applicant and the State, which confirmed that the applicant did not have to assume flow from pick-your-own farm activities when calculating design flow configurations. The

portable toilets at Backer Farm are strictly for farm-based activities such as pumpkin picking.

- Mr. Weber further explains that the language of the resolution requires, and the applicant has assured the Board, that the portable toilets will be separated by a fence and will not be in the immediate vicinity of the brewery.
- Mr. Banos requests an amendment to Resolution 22-5 to provide that if the applicant changes the practice of disposing of the non-sanitary waste by way of pump-and-haul to spraying waste on the field, residents within 200ft. of the Backer Farm property must be notified. Mr. Weber responds that he recognizes Mr. Banos's request and explains that if it's decided that the plans change for the holding tank and waste is no longer discharged off property, the Backers must first come before the Board of Health for approval of the new disposal method.
- Mr. Banos states that he would like to know the front-end process of the brewery – the beer brewing practice, i.e., odors, ingredients, permits required.
- Mr. Dereck Backer of Backer Farm is in attendance. Mr. Backer thanks the Board, Mr. Mills and Ms. Freer for their work on the Backer Farm application.
- Ms. Terrill Doyle is in attendance and is at the Board of Health meeting to express her views.
- Ms. Doyle is concerned with capacity and the size of the septic system as it relates to the brewery. Ms. Doyle would like the Board to consider an addition to the Resolution that would include noticing neighbors of how the 8,000g of non-sanitary waste will be disposed of.
- Ms. Doyle asks how the conditions of a resolution are enforced. Mr. Weber responds that, in terms of enforcements to a resolution, approval will not be given without meeting each of the conditions given in a resolution. Septic plans and septic construction will always be evaluated and inspected by the Board's consultants.
- Ms. Doyle is concerned that there have been changes in the existing brewery plan that do not align with the current septic plan capacity. Portable toilets, parking and sinks are not part of the septic plan. Ms. Doyle points out letters from Ms. Voight to the Mendham Township Committee that indicate multiple revisions to the preliminary major site plan between 2021 and 2022. Mr. Weber states that the letter referred to, from Ms. Voight, addresses the site-specific AMP (agricultural management practice) – this is a requirement of the County. Evolutions in that plan are not recognized as changes in the original septic application, but rather, the natural process that Backer Farm is going through in order to develop a design that satisfies the County and the other regulators involved. The applicant has not asked the Board to make any changes to the original septic application submitted in March of 2021.
- Ms. Doyle would like to know the process for the affidavit and how it relates to the various changes noted above.
- Mr. Weber addresses the process of the affidavit and explains that the applicant is required to deliver the affidavit as a condition of its approval. The affidavit confirms three items as noted on page 2, item 2(a) of Resolution 22-5, and the applicant will be required to sign and abide by the affidavit.
- Mr. Weber closes the public comment portion of the meeting.

- Mr. Weber asks the Board if they have any questions or concerns they would like to discuss.
- Mr. Weber states that Resolution 22-5 provides the protections the Board told the applicant the Board needed when it voted to approve the extension of the permit. Mr. Weber makes a motion to approve Resolution 22-5 as presented. Mr. West seconds the motion.

ROLL CALL: YES

Dr. Goswami

Ms. Reale

Mr. Smith

Mr. Weber

Mr. West

Mr. Weber briefly discusses the correspondence, by mail, that he and Mr. Robert Fox had with regards to more conservative measures of ground water monitoring. Mr. Weber states that all correspondence (email and postal mail) is always available to the public, in the Board of Health office files.

Mr. Smith asks if there are any updates on the Shores Road development? Ms. Freer states that there have been no updates.

**AJOURNMENT**

**9:22PM**