

BOARD OF HEALTH - TOWNSHIP OF MENDHAM
MEETING MINUTES
April 29, 2019 – 7:30 p.m.

CALL TO ORDER

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 January 29, 2019. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

SALUTE TO THE FLAG

ROLL CALL: *Mrs. Reale, Mr. Weber, Mr. Smith, Mr. West*

APPROVAL OF JANUARY 28, 2019 MINUTES.

Mr. Smith motioned to accept the minutes; Mr. West had some comments on changing specific wording, and Mr. Weber questioned the distance to the well and additional grammatical changes. Ms. Politi stated she would make requested changes.

Mr. Smith motioned to accept the minutes. Mr. Weber Seconded.

ROLL CALL: *Mrs. Reale, Mr. Weber, Mr. Smith, Mr. West*

NEW BUSINESS:

A. BLOCK 130 LOT 8.06 – 8 Buddy Lane
APPLICANT: Page Mueller Engineering
APPLICATION: New Construction

- Katherine Mueller, from Page Mueller engineering consultants on behalf of the owner as well as the builder. This is the remaining vacant lot in the Buddy Lane subdivision, they are proposing a single-family house, serviced by a private well and septic in between two existing developed properties.
- Jay Grant (the builder) went to the BOH and looked at the as-builts for the adjacent properties. The septic and wells shown are as per the as-builts received. The property to the North behind them, has been developed with frontage along Buddy Lane and behind that is all wooded with no concern of any septic or well conflict there.
- The property slopes from Northbound to South on Buddy Lane, there is an existing dry well that was built as part of the subdivision for Stormwater Management in the right of way. When they applied the locations of the septic and wells on both sides in addition to the distance to the dry well, they were able to fit the septic in front yard to service the house by gravity. If they put it in the rear like the adjacent property it would be a pump system. They saw benefit to put it in the front; have to be 100 feet to the well, which would then put the well behind the house.

- It's a slightly pie shaped lot, it gets narrower as they go back. One waiver requested is for the required 75 feet, which is proposed at 50ft: they need a waiver for the distance from the proposed well to the neighbor to the East. They have provided proof of notification to the neighbor for that waiver; they put the 100 ft radius on it and would still have sufficient area on the property to the east for the reserve area. They would have appropriate distance from the proposed septic, and also the reserve area in the Northwest corner of the property.
- The second item Ms. Mueller is requesting a waiver for is from the 'strict requirements' in the code of 25 ft from septic to property line; they are requesting 10ft for the reserve area.
- The soil testing was done during the time of subdivision; those are the logs they are utilizing for the reserve area in the back. The logs taken in the front were taken in a location they cannot use due to the distance to the drywell. They did additional testing for the new system.
- Ms. Meller stated she could reconfigure, which would require additional testing, they would rather ask for the waiver at this time. The soils were great and they don't anticipate any issues with the standard system.
- Ms. Mueller recapped; it is the last vacant lot between two existing lots, they are respecting state setbacks, they need 50ft to the property line for the well, and the 10ft for the reserve area. The proposed septic is located the required 25ft from the property line.
- Mr. Weber asked what the plan is in terms of sleeving the well. Ms. Mueller stated they have a well driller, but she did not know the level of detail for the installation of the well. Mr. Grant interjected that state requirement is 75 feet of steel for the well.
- Mr. Weber asked because in these instances the Board will use that to offset the fact that they are 50ft in the boundary instead of 75, and frankly, would we better off with more sleeving than having the reserve further away from the boundary.
- Mr. West stated the first thing he thought of when he looked at is the plan is it is arranged for their convenience and not according to the ordinance. He added that if you put the well in the front of the house and the beds in the back, you wouldn't be in front of the Board.
- Ms. Mueller said they saw the benefit of the gravity fed septic. Mr. West pointed out the neighbor on one side has a pump system. Ms. Mueller said the neighbor to the West has a pump, the neighbor to the East has gravity. Mr. West said if the well is in the front, the well could practically be in the road. Ms. Mueller replied when they do design, they opt for gravity systems.
- Mr. West stated since it is new construction it should not violate any more ordinances than it needs to, because that's the one time when you have more choice about location.
- Mr. Grant added they sent notices to three neighbors; none had any objection.
- Mr. Smith asked about an adjoining lot accessible through Michael Road that this affects; Mr. Grant responded that that Michael Road is not affected by this lot.
- Mr. Weber said there are configurations that would meet code; their policy has been to grant waivers when physical circumstances just won't do anything else.
- Mr. Mills added that although not a voting member of the Board, anytime a pump can be avoided, that's a good thing.
- Mr. Grant added that anything that works on gravity is a better system; a reserve being needed in the next 25yrs with regular maintenance on a new system is slim to none, as

long as the tanks are pumped regularly. While it is an open lot, it is challenging given the neighbors and existing conditions, and the new owner intends in the future to build a pool in his backyard.

- Mr. West interjected that although you may want to, we don't have to; what we have to do is to abide by the regulation.
- Mr. Grant stated we are asking for an exception with no detriment to the town or neighbors that they are aware of.
- Mr. Mills asked if the 15ft noted on the plan was to the garage. Ms. Mueller confirmed.
- Mr. West stated they are asking for three exemptions here; we typically have one there is a serious building problem.
- Mr. Mills added one is the well, two are for the reserve bed to the property line.
- Discussion ensued about the details of the adjoining lots on the proposed plan.
- Ms. Mueller added it is heavily wooded in the rear; she provided the Board with an aerial photo, which was reviewed.
- Mr. West said its an open lot; he hates to see an exception made for convenience although sometimes convenience is important.
- Discussion ensued about the different options to avoid variances on the proposed plan.
- Mr. West suggested moving the house back and Ms. Mueller said the home would not be in line with neighboring homes. Ms. Mueller stated the front door of the home would be looking at the back of the neighbor's houses. She said there is a provision that can reduce the reserve area distance to 10ft.
- Mr. Mills asked about the setback per ordinance for the front yard; Ms. Mueller replied the front yard setback is 60ft the house is at 89ft. Mr. Mills added that you could then come forward and put the well in the front yard, and maximize the flexibility for the pool in the back.
- Mr. West replied you would not need to move the house could stay where it is designed, you could put the well in the front you could have the main bed 25ft from the back line. Ms. Mueller added that she would still need 50ft from the reserve and the septic, and the property is only 130ft and it is squeezed in the back.
- Mr. Weber asked if there is a requirement between the new bed and the reserve bed. Ms. Freer clarified there is no distance requirement from proposed to the reserve; it is possible to put the reserve next to the reserve. Ms. Mueller said she would be overlapping the proposed septic, and pointed out on the plan where it would not fit in the front.
- Mr. Weber summed up that it appears to the Board, they could put the septic and bed in the rear of the property, and keep the well in the front which would not be according to the plan for having it gravity-fed but it would meet their plan. Ms. Mueller pointed out that the driving force of the plan is to have it gravity fed.
- Mr. Weber added that there are viable options in this instance, and is more of a question of convenience.
- Mr. Smith said he feels that there is no hardship and moving the field to the back would be his recommendation.
- Mr. West said this had to have been subdivision approved and he doesn't believe that their intention was to have violations and exceptions.

- Ms. Mueller said the original subdivision plans had conceptual houses and had done soil logs in the front; which was prior to the drywell being added to the front. It collects runoff from the road and is located in the right-of-way.
- Mr. West stated sensible planning would have put everything in place and there would not have been a need to come before the Board. He added it becomes a policy issue to grant an exception when they don't need to. As Mr. Weber has said very nicely, we in general has exceptions when there is no alternative.
- Mr. Grant replied it is a better system that drains by gravity and not by pump.
- Mr. Smith added he does not believe it to be a hardship since the applicant can have the pump system.
- **Mr. West moved to deny the application; Mr. Weber seconded the motion.**
Mr. West called for any further discussion, and Mr. Grant said he'd like to have some discussion on that before the vote. Mr. Mills said that was out of order, the discussion was on the motion not from the applicant. Mr. West allowed Mr. Grant to speak:
- Mr. Grant stated that there are various conditions to get to this point, in order to start over it puts them behind their schedule. Mr. O'Keefe has spent \$400,000 to become a resident of this town, and will be paying \$20,000 in taxes as does Mr. Grant. He implored them to consider there is no negative impact to the neighbors, including himself. There is benefit to gravity fed system. He has spoken to many politicians in own who encourage development in Mendham; there are nine Construction permits in this town, and now they will have to start over with septic plans with no detriment to the town or the neighbors. He asked the Board to reconsider since there is no harm in this application.
- Mr. Weber responded; Mr. Grant is trying to use a proposal on a difficult lot to change the rule on effectively an empty lot. The Board would take that seriously as precedent.
- Mr. Grant added the house is an attribute to Buddy Lane; Mr. Weber said the house will not be affected it would be a question of pump versus gravity. Ms. Mueller stated they fully understand the solutions presented; they do want to use the gravity fed septic.
- Ms. Mueller again looked at the plan with Mr. Grant to see if the possibility was there to be 100ft from the bed on the right if they were to move the well. They approach the deiss to further discuss.
- Mr. West stepped in to state the floor is now closed. He called for Ms. Politi to proceed with the vote.

ROLL CALL *Application denied: YES Mrs. Reale, Mr. Weber, Mr. Smith, Mr. West*

HEALTH OFFICER'S MONTHLY REPORT

January, February, March 2019

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

ROLL CALL: *Mrs. Reale, Mr. Weber, Mr. Smith, Mr. West*

**SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD
GENERAL CORRESPONDENCE**

ADJOURNMENT approximately 9:00pm