

1
Franklin Twp. Board of Health
Thursday, September 23, 2010

MINUTES
FRANKLIN TOWNSHIP BOARD OF HEALTH
THURSDAY, SEPTEMBER 23, 2010
8:00 P.M.

Upon recessing the Township Committee meeting, the Franklin Township Board of Health convened at **8:00 P.M., Thursday, September 23, 2010**. This meeting has been properly noticed in accordance with the Open Public Meetings Act.

Chairperson Linda Jacukowicz called the meeting to order.

Present: Members Scott Bauman, Robert Shockley, Steven Tarshis,
Vice Chair Robert McGeary, Chair Linda Jacukowicz

Absent: None

Also present: Anthony E. Koester, Esq., Municipal Attorney
William Burr, P.E., Maser Consulting
David & Carolyn Davis, Board of Health Applicant
Stephen E. Parker, P.E. for the applicant Davis
Douglas Cole, Esq., Attorney for TPA of Pittstown, LLC
Joseph Perricone, applicant

ADOPTION OF MINUTES

Motion to adopt minutes of September 9, 2010.

Moved McGeary Second Bauman

AYES:	Bauman, Tarshis, McGeary, Jacukowicz	NAYS:	None
ABSTAIN:	Shockley	ABSENT:	None

Motion carried.

DAVID DAVIS (continuation) - BLOCK 34 LOT 6

Mr. Koester updated the Board: at the last meeting, the Board of Health indicated it's inclination for approval of the septic system waivers subject to the applicant meeting the requirement regarding public notice. An affidavit was provided to the Board of Health Secretary which she deemed adequate. Mr. Koester provided the applicant with assistance in this regard.

Stephen Parker, P.E. and David Davis were sworn in by Mr. Koester prior to providing testimony.

Mr. Parker addressed the issue regarding another soil log being done in the area of the proposed septic field. Since the first two soil logs were so different in depth to groundwater, another was required by the Municipal Engineer to see if there was something more consistent and the possibility of lowering the mound and changing the height and alter the configuration of the system.

Mr. Parker said they did another soil log and unfortunately found it was exactly similar to soil log #1 – a higher groundwater indication which means they are unable to lower the height of the mound and change the design. What's driving the design is the elevation of groundwater. The design is staying the same.

Mr. Parker commented on the waivers requested: mostly setback distances requested at the September 9 hearing which Mr. Koester asked him to reiterate:

Franklin Twp. Board of Health
Thursday, September 23, 2010

- Depth of groundwater is only 6 inches. State code requires 24 inches. There is no expansion and the system is closer to compliance than what is out there now.
- Septic field will be 30 feet from the brook and not the required 50 feet because of shape of the property and the location of well on this property and the neighboring/adjacent property which restricts space available.
- Toe of the mound – 10 feet required and the applicant is asking for 7 feet. Because of the height of the mound it has to be raised up above the highest groundwater elevation. They are providing a 4 foot zone of treatment above that highest groundwater level.

Mr. Parker also commenting on their need to get a general wetland permit and they can’t go forward until they get something from the Board of Health indicating the design has been approved.

Bill Burr was asked if he had any questions. He commented on having discussed this matter with Rick Roseberry and they reviewed the soil log results submitted and they have no issues. Their recommendation is the granting of the waivers.

Mr. Koester asked if there were any questions or comments from the public. There were none.

Motion to grant waivers as requested by the applicant.

Moved McGeary Second Bauman

Roll Call Vote: Bauman AYE Shockley ABSTAIN Tarshis ABSTAIN
McGeary AYE Jacukowicz AYE

Motion carried.

TPA OF PITTSSTOWN, LLC, BLOCK 26 LOT 10

Douglas Cole, Esq. represented the applicant. He commented on the 3/29/2010 resolution of the Board of Health in which TPA was given 6 months to comply with the terms. At that time, one of the conditions was that they go to the Land Use Board. The septic system itself presented no issues; however, the engineer had a concern about parking. Mr. Cole commented on researching the historical use of the property – Mr. Perricone and Dr. Testa recollect back to the early 1980s. Mr. Cole also commented on past surveys done on the property.

Mr. Cole disagrees with the engineer’s contention that there is an issue with parking. This Board wanted them to go the Land Use Board to sort the issue out. Mr. Cole would like the Board to rescind that condition tonight. The parking is non-conforming and as far as he is concerned it’s not changing.

However, Mr. Cole said they did decide to apply to the Land Use Board for a site plan waiver to interpret there is no variance required.

Mr. Cole said the applicant is looking to upgrade the septic system – nothing is really changing. He also commented on getting an approval from the Board of Health in February and one of the things discussed at that time was the location of the dumpster, ingress and egress.

Mr. Cole commented on 1979 and 1988 surveys in his possession. The Board did not receive copies of this information but Mr. Cole said they were supplied to the Land Use Board.

The Board of Health reviewed the resolution adopted on 2/11/2010 which included 7 conditions for approval.

4

Franklin Twp. Board of Health
Thursday, September 23, 2010

ADJOURNMENT

Motion to adjourn at 8:43 P.M. in order to reconvene the Township Committee work session.

Moved McGeary Second Bauman All in favor. Motion carried.

Respectfully submitted,

Ursula V. Stryker
Secretary

DATE OF ADOPTION: _____