

**HARDING TOWNSHIP  
BOARD OF HEALTH  
Thursday, February 14, 2019**

**Regular Meeting Minutes**

Dr. Cervone, Chairman, called the regular meeting of the Harding Township Board of Health to order on February 14, 2019, at 7:30 p.m., and announced the meeting was called in accordance with the laws of the State of New Jersey.

**ROLL CALL:**

Secretary Sharp called the following Board of Health members in attendance.

**BOH Attendance:** Mr. Boyan, Mrs. DiTosto, Dr. Kao, Mrs. McKittrick, Mr. Platt, Dr. Cervone

**BOH Counsel:** Mr. Ed Purcell, Esq.

**Absent:** Dr. Lacz

**Health Department Attendance:** Mrs. Lisa Sharp and Mr. George Byrnes

**County of Morris Attendance:** Miss Jacqueline Bourdony, REHS

**Members of the Public:** 6

**BOH WAIVER APPLICATION – 19 ALPINE TRAIL, BLOCK 44, LOT 5:**

Candice Davis, from Yannaccone Villa/Aldrich is here this evening as the engineer representing Mr. Schwester of 19 Alpine Trail, Block 44, Lot 5. The property is an existing single family dwelling and was found to have a cesspool. We are respectfully asking the Board of Health for waivers to propose a new conforming septic system design on the site to serve the existing building. The home was purchased as a four bedroom home but due to constraints on the site, the septic system has been designed for a three bedroom home. The septic system is being proposed in the rear of the property on the downhill side. There is a walkout basement. The proposed septic tank will use the existing septic line. To aid with making the system as close to conforming as possible, the applicant is proposing pressure dosing and an advanced waste water treatment tank.

Mrs. McKittrick stated that there were two potential sites; one in front and one behind. Ms. Davis explained that four soil test logs were conducted. Soil test 1 and 2 were not ideal for the septic system in that location, however soil test 3 and 4 were better. The rear of the house is the most expansive. Mrs. DiTosto asked how the grade changes. Ms. Davis responded there is not much grade change from the top of the septic system to the bottom. Mrs. DiTosto asked what the expected runoff would be. Ms. Davis responded that we are not proposing any increase in pervious coverage. Mr. Purcell, BOH Counsel asked what the condition of the cesspool is currently. Ms. Davis responding it is not functioning. A question was asked if there would be any other place the septic system would be able to go without waivers. Ms. Davis responded with no.

The waivers being requested are as follows:

1. Septic Tank to Building
  - \* Septic Tank to Basement Slab – Harding Township Code requires a 10 foot minimum and the State Code requires 5 feet; requesting 5 feet.
2. Disposal Bed to Building
  - \* Disposal Bed (Enclosure) – Harding Township Code requires 25 feet from a basement / 15 feet from a basement slab and the State Code requires 25 feet / 15 feet; requesting 6 feet.
3. Disposing Bed to Property Line
  - \* Disposal Bed (Enclosure) to Property Line – Harding Township Code requires 25 feet and the State Code requires 10 feet; requesting 13 feet.
4. Disposal Bed to Adjacent Disposal Bed
  - \* Disposal Bed (Enclosure) to Lot 8 Disposal Bed – Harding Township Code requires 50 feet and the State Code require 50 feet; requesting 27 feet

Mr. Ed Purcell, BOH Counsel read the Harding Township Code Chapter 422-20. “The Board of Health may approve waivers from higher standards established by the Board when conditions indicate that such waivers are desirable or necessary.” Waivers being requested that cannot meet the standards would use this Ordinance. Mr. Purcell explained that the fact that this a cesspool is important and read the State code NJAC 7:9A-3.16(a)1 – “Cesspools--When an administrative authority (Board of Health) discovers a privy, outhouse, latrine, pit toilet or similar sanitary sewage disposal unit, or any cesspool that serves a structure and that is in need of repair or alteration, it must order these units abandoned and a conforming system installed except: 1. If it is not possible to bring the system into conformance with this chapter, the system shall be brought as close to conformance with the requirements of this chapter as the administrative authority determines is possible, provided the system as improved results in a discharge that is protective of human health and the environment.” Mr. Purcell explained that the NJDEP is saying that we want to eliminate nonworking cesspools and we would like a fully conforming septic system but to the extent the existing site would not permit a system to be brought up to code then the Board of Health has the authority to grant the waivers. A discussion ensued between the Board and the Engineer.

Dr. Cervone asked if there were any comments from the audience. Jeannie Tsukamoto, 48 Lake Trail East, Harding Township read a prepared statement to the Board in objection to several of the waivers being requested. A copy of the presentation is appended to these minutes.

Mrs. DiTosto in response to Ms. Tsukamoto explained that the proposed septic system requires waivers for their system. Mrs. McKittrick explained that the advanced system is much cleaner than a cesspool which is a hole in the ground. If we are improving the situation, it is much better. With waivers at the Lake, the Board of Health tries to do the best that can be done. Mr. Platt explained that the mention of a retaining wall is actually a rubble wall. The homeowner replied yes. The Board asked for Mr. Byrnes and Miss Bourdony’s comments. Mr. Byrnes and Miss Bourdony both believe this would be a large improvement from what is currently there. Mr. Byrnes explained that this is a very constrained lot. If there was a mounded system, there would be more runoff. A further discussion ensued



regarding the neighboring lots. Mr. Platt asked if more trees could be placed around the surrounding area. It was decided that hedges would be placed around the area. Mr. Purcell explained that the DEP standards with regards to cesspools, is that if a cesspool is not a conforming system then the system shall be brought as close to conformance with the requirements of NJAC 7:9A-3.16(a)1 as the administrative authority (Board of Health) determines is possible, provided the system as improved results in a discharge that is protective of human health and the environment. Mr. Purcell read the four waivers being requested, Waivers 1 and 3 listed above are waivers being requested from the Harding Township code and Waivers 2 and 4 are waivers being requested from the State code.

Dr. Cervone asked for a motion. Upon a motion made by Mrs. DiTosto, seconded by Mrs. McKittrick and with a vote of all ayes, none opposed, the Board of Health granted the waivers for 19 Alpine Trail.

**MINUTES OF JANUARY 10, 2019:**

Dr. Cervone asked if there were any questions with regard to the January 10, 2019 reorganization minutes. Upon a motion made by Mrs. McKittrick, seconded by Dr. Kao, and with a vote of all ayes, none opposed, the minutes for the January 10, 2019 meeting were accepted.

**MONTHLY REPORT FOR JANUARY 2019:**

Dr. Cervone asked if there were any questions regarding the monthly Health Department report for January 2019. Mr. Byrnes informed the Board regarding the following:

- Spring Valley Road – Mr. Byrnes reported that the Health Department was informed about a failing septic system. It was uncovered that there are three septic systems servicing the dwelling. There was an addition at the property which had its own septic. A site inspection was conducted and the failing system is the system for just the addition.

Dr. Cervone asked if there were any further comments or questions. Upon a motion made by Mrs. McKittrick seconded by Mrs. DiTosto, and with votes of all ayes, none opposed the monthly report for January 2019 was accepted.

**COUNTY OF MORRIS MONTHLY REPORT OF ACTIVITIES FOR THE TOWNSHIP  
OF HARDING – JANUARY 2019:**

Dr. Cervone asked if there were any comments or questions with regard to the Morris County Monthly Report. Upon a motion made by Mrs. McKittrick, seconded by Dr. Kao, and with votes of all ayes, none opposed the monthly report for Morris County for January 2018 was accepted.

**OTHER MATTERS THAT MAY COME BEFORE THE BOARD AND HEARING  
PERSONS PRESENT:**

A discussion regarding the influenza vaccine and who is eligible to receive the vaccine was discussed. Per the Shared Services contract, the following people are eligible to receive the influenza vaccination: Seniors, Active New Vernon Volunteer Fire Fighters, Active New Vernon First Aid Squad Members, Harding Township Police, and employees of Harding Township (not including spouses). A letter will be sent to the New Vernon Volunteer Fire Department and First Aid Department.

**ANNOUNCEMENTS/ADJOURNMENT:**

Seeing no further business, a motion to adjourn was duly made by Mrs. DiTosto, seconded by Dr. Kao, and with a vote of all ayes, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in blue ink, reading "Lisa A. Sharp". The signature is fluid and cursive, with the first name "Lisa" being the most prominent part.

Lisa A. Sharp  
Secretary, Board of Health

## Lisa Sharp

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**From:** Jeannie Tsukamoto <atsukamoto@msn.com>  
**Sent:** Monday, February 18, 2019 8:02 PM  
**To:** Lisa Sharp  
**Subject:** BOH Feb 14th Meeting (19 Alpine Trail)

Lisa,

Per your request, please see statements which I presented at the meeting below.

"Jeannie Tsukamoto  
48 Lake Trail East (which is directly behind the applicant's property)

The setback requirements are there to protect the homeowner. And I also understand that the town's best interest is to have a compliant septic system at every property. However, I hope that you would consider the impact to the neighbors before you waive these requirements. So, I ask that you please put yourself in my position as a homeowner, where your uphill neighbor is putting in a new system outside of those parameters set to protect your property.

I understand from Mr. Byrnes on Tuesday that the new property owner is seeking two waivers which impact my property:

1)A waiver from the required 25' minimum setback, from their new disposal field to my property line. And they also plan to remove the existing retaining wall and extensively re-grade the property to make it possible to install the new septic. Please note that this is a very steep slope. This impacts my property, including my septic system.

The application states no intensified use. This property is going through a major renovation, including the addition of a new story to a section of the house. First, I would like to know the capacity of the existing cesspool and the process you went through to validate what is there now is indeed for a 3-bedroom home. Did you base your findings on BOH records, engineering plans and surveys, assessment records, and the actual excavation of the existing system?

Were there approved additional bedrooms added to the house over the years after the original cesspool was installed?

What other alternatives have you considered without counting on the waivers? Were other types of systems considered? Can this be placed at a different location? Did you consider two separate septic systems at different locations like some of our neighbors have? As an alternative, have you considered a smaller than 3-bedroom system that would fit and would not require any waiver?

As to the removal of the retaining wall and re-grading of the property which will result in major disturbance of the soil, was the town engineer consulted and did they certify that there will be no water run-off issues, environmental issues and other negative impacts to my property, my septic system, my neighbors' properties and the lake during and after the construction?



Before you approve the waivers, I would like to ask that you provide assurance that there will be absolutely no negative impact. If you are able to provide such assurance, I would like to know who is going to be accountable for the assurance.

It appears to me that the size of the lot is too small to accommodate the new size of the house. The applicant is asking the board to solve the problem by disregarding the setbacks for my protection and infringing on my property. And I would like the Board to know that I respectfully object to this waiver, along with my neighbor who sent in a letter to the board.

2)A waiver from the minimum setback, from their new disposal bed to my disposal bed. I was told by Mr. Byrnes that this would restrict the placement of my system if I need changes to my system. Approval of this waiver would cause me to need waivers in the future. I would like the Board to know that I respectfully object to the waiver which would restrict my property rights.

Thank you and I would appreciate answers to my concerns.

I would like to have my own professional engineer review the plan, determine whether there will be any negative impact and share the findings with you."

Thank you.

Jeannie

*Jeannie Tsukamoto*