

**HARDING TOWNSHIP
BOARD OF HEALTH
Thursday, October 10, 2019**

Regular Meeting Minutes

Dr. Cervone, Chairman, called the regular meeting of the Harding Township Board of Health to order on October 10, 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, Dr. Lacz, Mrs. McKittrick, Mr. Platt (via telephone), and Dr. Cervone

Absent: Dr. Kao and Mrs. DiTosto

BOH Attorney: Mr. Ed Purcell, Esq.

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

County of Morris Attendance: Miss Casey Brady, REHS

Members of the Public: 8

BOH WAIVER REQUEST – CPNJ, 1050 MT. KEMBLE AVE, BLOCK 46.01, LOT 7

Mark Gimigliano, Engineer with Dystra Walker Design Group is here this evening to request a waiver from the Board of Health for CPNJ. Mr. Gimigliano explained that they are building a Group Home for the Developing Disabled on Route 202 in which they have previously received approvals from the Board of Health for their septic. The waivers received were for the construction of the disposal field less than 25 feet from the property line and the construction of disposal system without a reserve disposal bed. The construction has commenced. The location of the original septic disposal bed was very close to the front property line which there is a guy wire for a utility pole in that area. The original plan was to move the guy wire. In working with the utility company, it became apparent that it was not possible to relocate the guy wire. The system has been redesigned, the septic bed was moved further away from the road, and the project now complies with Harding Township's 25 foot setback requirement. Therefore, the waiver that was previously granted is no longer necessary.

Mr. Gimigliano explained that the waiver that we are seeking this evening is to move the location of the well. The well was originally behind the home 100 feet from the disposal bed. By moving the disposal bed, the well is closer than 100 feet. Mr. Gimigliano explained that the desire was to move the well closer to the driveway for servicing. The Health ordinance allows a 100 foot setback from disposal bed and well. However, there is a provision that allows the well to be moved closer up to 50 feet provided that additional casing is provided. The plans have been revised, the well is near the driveway so it can be accessed, the well is 60 feet from the disposal bed, and 90 feet of casing has been proposed. This is the waiver being requested from the Board this evening.

Dr. Cervone asked Mr. Byrnes if there were any issues. Mr. Byrnes reported there are no issues as long as they put in the additional casing. Dr. Cervone asked if there were any questions. Mr. Boyan stated that

you cannot put the well 100 feet due to the wetlands transition area. Mr. Gimigliano responded that is corrected. Dr. Cervone asked for a motion to grant the waiver request. Upon a motion made by Mr. Boyan, seconded by Dr. Lacz, and with a roll call vote of all ayes, none opposed, the Waiver request for the well with the additional casing was granted.

BOH REQUEST TO APPEAL HEALTH DEPARTMENT RULING – JOELSON, BLOCK 21, LOT 7.01, 23 SAND SPRING ROAD:

Mr. Steven Azzolini, Attorney, representing Renee/Ron Joelson at 23 Sand Spring Road. Mr. Azzolini explained back in April of 2018 his client went to the Board of Adjustment and obtained an approval for a renovation of their home. Mrs. Joelson needed a side yard setback from the 100 feet. The BOA granted their approval. As part of Mrs. Joelson's plans, they required an art studio, which included a shower in the art studio. During construction there was an issue with regards to the shower and the septic system. We are here this evening to appeal to the Board of Health to maintain the shower in the art studio.

Mr. Azzolini asked Mrs. Renee Joelson to explain the purpose of the art studio to the Board of Health. Mrs. Joelson stated she is a professional sculptor and painter. Mrs. Joelson explained she has worked with Disney, Warner Brothers, and Universal as a sculptor. Mrs. Joelson mentioned that her children live in Harding and they found this home and wanted to build an art studio in it, which the home now has. Mrs. Joelson mentioned that she has had a bathroom in all her art studios. It's a buffer which is necessary due to the incredible mess she gets herself into with sculpting (ceramics, wood, etc). Mr. Azzolini explained that it was Mrs. Joelson's intent to use this as an art studio, never as an apartment, or a residence, or a place where people can sleep or live in. Mrs. Joelson responded with it was always to be an art studio.

Mr. Boyan asked what the Health Department's objection is. Mr. Byrnes explained that the objection is that the art studio is in a somewhat detached area where you have to walk out of the house to get to it. It has a little kitchenette area, a loft which can be considered a sleeping area, and with the shower it has full sanitary facilities. With all these areas, this can be considered an apartment for the septic system. Mr. Boyan mentioned that it is a four bedroom septic with three bedrooms. Mr. Byrnes explained that apartments have different requirements for the septic size. Mr. Boyan mentioned if it was contiguous with the house, it would be okay. Mr. Byrnes explained if there was no separate entrance and it was all part of one house, there would be no issue. Dr. Cervone asked how many acres is the property. Mr. Azzolini responded it is over three acres.

Mr. Peter Dorne, Architect, explained that it is not a detached structure. It is an incredibly beautiful chiseled stone archway. It is an area that you drive through to get to the garage with Mrs. Joelson's art studio there. The home was designed as Mrs. Joelson wanted with an art studio. There was never any intent to make the art studio an apartment or a living area. However, she required a shower so she can clean up after finishing with her sculpting. Mr. Dorne stated that he spoke to the Engineer and the loft inside the art studio cannot be considered a living area as there is no means of egress. The house was attached originally with a stairway that came over by the garage. The idea was that Mrs. Joelson could live in the art studio while renovating the house. Mr. Dorne explained that they did not make it a five bedroom home as that would require Mrs. Joelson to go back to the Board of Adjustment for a variance for a studio. Dr. Lacz asked how involved is the kitchenette. Mr. Byrnes responded for code compliance, you would require some type of appliance. It could be a hot plate. Mr. Dorne mentioned he believes there is a microwave. A discussion ensued.

Mr. Purcell, BOH Attorney, mentioned that it was being used to live in during construction but the intent is not to live there. Mr. Purcell stated that his suggestion is for a Deed Restriction for that portion of the building not to be used as an apartment. Mr. Azzolini, Mrs. Joelson, and Mr. Dorne all stated that they would not be using it as an apartment, so they were in agreement with the Deed Restriction. Mr. Purcell

mentioned that it would be restricted from anyone using the art studio as an apartment or living space and the Township would have standing rules for this part of the building. Mr. Azzolini stated that it would put everyone on notice. As some realtors coming in would say this is an apartment and then they would see the deed restriction. Mr. Azzolini asked that he would want in the deed restriction that any new owner would be allowed to go back to the Board of Adjustment for a variance to use this structure as an apartment. Mr. Byrnes stated that a new owner would need to alter the septic system. Mr. Azzolini responded with yes.

Mrs. McKittrick stated that the Deed Restriction is how the Board of Health will resolve the issue of an apartment. Dr. Lacz stated she would make a motion to allow the shower to stay with the Deed Restriction, Mr. Boyan seconded the motion. Mr. Purcell stated he will prepare the resolution for the November 12, 2019 Board meeting along with the Deed Restriction. Dr. Cervone asked for a vote of all Board members who are in favor to proceed with the authorization of a Deed Restriction for 23 Sand Spring Road. All Board members were unanimously in favor of the Deed Restriction.

BOH – FORMAL REQUEST FOR EXTENSION OF SEPTIC PERMITS:

Mr. Byrnes explained the septic system at 11 Sand Spring Road and the septic system at 16 Pleasant Plains Road. A discussion ensued regarding both properties.

Dr. Cervone asked for a motion to grant the requests to extend the septic permits at 11 Sand Spring and 16 Pleasant Plains Road. Upon a motion made by Dr. Cervone, seconded by Dr. Lacz, and with a vote of all ayes, none opposed, the extensions were granted.

MINUTES OF AUGUST 8, 2019:

Dr. Cervone asked if there were any questions with regard to the August 8, 2019 minutes. Dr. Cervone asked about the rodent concern Mr. Allyn mentioned at the August meeting. Mr. Byrnes explained that a site visit was conducted and the owner was their conducting clean-up of the yard. This house has been under construction for several years and the debris has accumulated over those years. The owner has placed traps and is aware of the rodent concern. Upon a motion made by Dr. Cervone, seconded by Dr. Lacz, Mrs. McKittrick abstained, and with a vote of all ayes, none opposed, the minutes for the August 8, 2019 meeting were accepted.

Mrs. McKittrick asked about the status of 59 Millbrook Road. Mr. Byrnes explained that the Township received notification that the owner has applied to the NJDEP.

MONTHLY REPORT FOR AUGUST/SEPTEMBER 2019:

Dr. Cervone asked if there were any questions regarding the monthly Health Department report for August/September 2019.

Mr. Byrnes provided the Board with the following updates:

- * 6 Village Road -- Ms. Brady and I conducted the startup inspection was conducted and we found that the electrician of the site decided to place all the electrical connections inside the septic tank which is not permitted by the State. Mr. Byrnes explained we are working with the engineer (Mark Patalive) to rectify the situation.

Upon a motion made by Dr. Lacz, seconded by Mrs. McKittrick, and with votes of all ayes, none opposed the monthly Health Department reports for August and September 2019 were accepted.

COUNTY OF MORRIS MONTHLY REPORT OF ACTIVITIES FOR THE TOWNSHIP OF HARDING – AUGUST/SEPTEMBER 2019:

Dr. Cervone asked if there were any comments or questions with regard to the Morris County Monthly August and September 2019 Report.

Upon a motion made by Mrs. McKittrick, seconded by Dr. Lacz, and with votes of all ayes, none opposed the monthly reports for August/September 2019 for Morris County were accepted.

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

A discussion regarding the November 14th Board of Health meeting ensued. It was decided that the regular meeting of the Board of Health will be moved to Tuesday, November 12 2019 at 7:30 pm due to most Board members were unavailable on November 14th. Mrs. Sharp will notice the new date in the Observer Tribune.

Mrs. Sharp mentioned that the influenza clinics are scheduled for October 22nd from 4 to 6 pm and October 23rd from 9 am to 11 am.

ANNOUNCEMENTS/ADJOURNMENT:

Seeing no further business, a motion to adjourn was duly made by Mr. Boyan, seconded by Mrs. McKittrick, and with a vote of all ayes, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Lisa A. Sharp
Secretary, Board of Health