

WEST AMWELL TOWNSHIP BOARD OF HEALTH
March 15, 2023 – Regular Meeting 7:00 PM

The West Amwell Township Board of Health met on the above date.

The meeting was called to order at 7:00 PM. Chairman Hart declared the meeting in compliance with the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 26, 2023 and was posted on the bulletin board at the Municipal Building on this date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Present: Stephen Bergenfeld, Jim Cally, John Dale, Ken Hart, Gary Hoyer, Meghan Hudson and John Cronic along with BOH Secretary Maria Andrews and Board of Health Attorney William Pandos.

PRESENTATION OF MINUTES

A motion by Dale, seconded by Hudson to approve the Board's 1/18/23 meeting minutes as revised, was unanimously approved by voice vote.

AGENDA REVIEW

It was noted for the record that there were no changes made to the posted agenda.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Chairman Hart opened the floor to public comment. Seeing no members of the public wish to speak at this time, he closed the floor to public comment.

INTRODUCTION OF ORDINANCES AND/OR PUBLIC HEARING AND/OR SPECIAL PRESENTATION

It was noted for the record that no ordinances were listed on the agenda for discussion.

NEW BUSINESS

Septic Alteration – B: 21 L: 14 – 420 Route 31 North

Present for the discussion was Engineer Casey Wood of Bayer-Risse Engineering.

Engineer Wood explained the septic alteration is to correct a malfunctioning system to an existing 3 bedroom dwelling with no proposed expansion. Since the design is not in full conformance with the code, the Board was asked to consider the following waivers:

1. The highest regional water table is at 15 inches, which is less than the maximum allowed by code of 24 inches from the existing grade. It was noted that the design would still have a minimum of 48 inches of separation from the water table and proposed level of filtration.
2. The proposed septic system will be located within a wetlands or transition area which requires a GP24 permit from NJDEP.

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Mr. Bergenfeld questioned whether or not the monitoring well is still being used. Engineer Wood stated she did not know. There was also some question raised over the residential use since several board members were aware that grain and feed were being sold off of the property.

Mr. Bergenfeld remarked that the septic system should be located in the gravel area. Engineer Wood commented that that location would likely require some parking spaces to be removed. Mr. Bergenfeld indicated that parking on this location is not a concern of the Board.

Ms. Hudson questioned the why the application is considered an alteration and not the category new system (existing structure) and if there are different triggers regarding regulations based on category. Engineer Wood explained that the regulations wouldn't change and that if there is an existing system it is considered an alteration.

The Board did not take any action on the requested waivers due to the following concerns:

1. The monitoring well
2. Wetlands
3. The location of the proposed septic system
4. The suspected commercial use of the property

A motion was made by Bergenfeld and seconded by Hoyer to table the application until additional information is received. The motion was unanimously approved by voice vote.

Request for TWA Extension: Block 26 Lot 17 – 1872 River Road

Present for the discussion was Engineer Casey Wood of Bayer-Risse Engineering.

Engineer Wood explained that the property owner is seeking an extension of the original Treatment Works Approval (TWA) granted to them by NJDEP in November of 2016 for what was proposed at that time which included a 16 seat restaurant and a 10 room hotel. She noted the Zoning Board recently granted site plan approval for a 10 room hotel and 17 seat restaurant on the property and clarified the Board of Health needs to acknowledge the following items in order for them to be able to submit their application to NJDEP:

1. The determination for the total gallons per day of sewage for the site will fall under the jurisdiction of the NJDEP through the issuance of a TWA permit
2. For restaurants a high strength waste water component is required but the Engineer is proposing a grease trap without the high speed component which will need to be reviewed and approved by the NJDEP through the issuance of a TWA permit

Engineer Wood explained they are requesting the Board authorize the County to sign off on the TWA form as their lead agent so the property owner can submit his TWA application to the NJDEP.

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Engineer Wood noted there are no design changes from their 2016 submission. Mr. Bergenfeld asked Attorney Pandos if the Board needed the final resolution from the Zoning Board prior to taking any action. Attorney Pandos indicated that would be the proper course of action.

Chairman Hart opened the floor to public comment.

Harry Gordon of 17 Old River Road came forward and stated the project recently approved by the Zoning Board is not the same project that was proposed in 2016. He commented the current approval is a much more intense use of the site including an unlimited number of events with up to 70 people at each one.

Joel Coyne of 3 Old River Road came forward and expressed concern over the potential stormwater runoff, the possibility that grease traps could flood, the volume of garbage and food on the site and the unlimited number of special events that may occur. He expressed concern for the aquifer and suggested a study be done.

Mr. Cronic asked Engineer Wood if the applicant could bring in port-a-potties to exceed the number of people allowed to attend events on the site. Engineer Wood explained the owner is allowed to bring in port-a-potties but not to intentionally circumvent the conditions in the Zoning Board's resolution of approval.

Guia Martorana of 34 Old River Road came forward and noted the following deficiencies with the application the Zoning Board approved:

1. There were no occupancy numbers provided for any of the hotel rooms shown on the plans
2. The restaurant is 1240 sq. ft. which is extremely large for a 17 seat eatery
3. The kitchen for the restaurant has 5 sinks which presumes they will be doing catering
4. There are only 2 bathrooms for potentially 70 guests at a special event
5. A new large septic system was just installed on the adjoining "Big Bear Gear" property which may cause unintended consequences if another large system is constructed so close

Mr. Cronic asked about maintenance of the septic system. Engineer Wood noted the owner is required to have a service contract for the life of the proposed Advanced Treatment Unit (ATU) that would be installed on the site.

A motion was made by Hoyer and seconded by Hudson to deny the request for the property owner to seek an extension of their 2016 TWA from NJDEP pending receipt of the approved resolution from the Zoning Board and as well as additional information/clarification on the concerns raised by the residents. The motion was unanimously approved by voice vote.

UNFINISHED BUSINESS

It was noted for the record that there were no unfinished business matters listed on the agenda.

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CORRESPONDENCE

Chairman Hart acknowledged the 1/23/23 email from NJDEP regarding the potable well sampling within the Township and suggested NJDEP provide a map of where they intend to sample. Secretary Andrews stated she would follow up with a request for a map of the sampling sites.

ADJOURNMENT:

There being no further business before the Board, the meeting was unanimously adjourned at 7:42 PM on motion by Cally and seconded by Dale.

Maria Andrews, Board of Health Secretary

APPROVED: 5/17/23