

**BOARD OF HEALTH - TOWNSHIP OF MENDHAM**  
**REORG MEETING MINUTES**  
**January 28, 2019 – 7:30 p.m.**

**CALL TO ORDER:** *Melanie Politi, Board Secretary*

**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 both the OBSERVER TRIBUNE and the DAILY RECORD by mail on January 12, 2018; notice was filed with the Township Clerk, and notice was posted on the bulletin board in Township Hall on January 12, 2018.

**SALUTE TO THE FLAG:** *led by Ms. Politi*

**\*OATH OF OFFICE:** Administered to Mr. Ken West by Luke Wikander in for Mr. Mills, Township Attorney

**ROLL CALL**

Mrs. Desbiens  
Mrs. Reale  
Mr. Smith  
Mr. Weber  
Mr. West

**NOMINATIONS FOR OFFICE OF PRESIDENT FOR 2019**

1. Call for Nominations for President- Mr. Weber nominates Mr. Ken West. Mrs. Reale seconds the motion.
2. Close nominations.
3. Roll call Vote: **YES**  
Mrs. Desbiens  
Mrs. Reale  
Mr. Smith  
Mr. Weber  
Mr. West

**NOMINATIONS FOR OFFICE OF VICE PRESIDENT FOR 2019**

1. Call for Nominations- Mr. West nominates Mr. Benjamin Weber for Vice President. Mrs. Reale seconds the motion.
2. Close nominations.
3. Roll call Vote: **YES**  
Mrs. Desbiens

Mrs. Reale  
Mr. Smith  
Mr. West

Mr. Weber *ABSTAINED*

**\*PRESIDENT KEN WEST PRESIDING:**

**RESOLUTION BH 19-1: OPEN PUBLIC MEETINGS ACT**

**RESOLUTION BH 19-2 SCHEDULING OF MEETINGS**

**RESOLUTION BH 19-3 APPOINTMENT OF BOARD ATTORNEY, JOHN MILLS.**

**RESOLUTION BH 19-4 APPOINTMENT OF CONSULTING ENGINEER**

Mr. West Motions to adopt BH 19-1, BH 19-2, BH 19-3, BH 19-4. Mr. Weber seconds the motion.

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

**APPROVAL OF NOVEMBER 26, 2018 MINUTES.**

- The Board has no requested changes, Mr. West motions to approve. Mr. Weber seconds.

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

**NEW BUSINESS:**

**A. BLOCK 127 LOT 29 –Shores Road Subdivision**

**APPLICANT: E & LP**

**APPLICATION: Septic Feasibility-6 Lots**

- Steve Baum, for Mendham Shores, LLC proposing a 6 lot subdivision at 9 Shores Road at the end of the street bordering Dismal Harmony. The current home is abandoned; they will create a new road which will surround an open space 7<sup>th</sup> lot which will be deed restricted from further development.
- The homes are designed to surround the open space; there are no variances of any kind, and they have done their perc tests.
- Mr. West defers to Ms. Freer for comments. Ms. Freer has no objection but points out the wells are closer to the property lines according to Mendham Township code (code 75ft, actual is 70ft) but not near the disposal field. Since they are new wells, they can add additional casing to the wells if the Board requested.

- Mr. West stated that Mr. Korshalla had the same comment. He added that the wells don't meet the current code, but the septic designs *do* meet Township Code. He also added they will need to come back before the Board for each individual lot.
- Kelly O'Such the engineer introduced himself. He commented that the physical location of the wells is the best spot possible; the septic 100 feet setback is met from the proposed fields as well as all existing lots.
- Mr. Weber asked if there is one lot, or 6 lots. Mr. O'Such added that the configuration meets the R-1 Zone requirement.
- Mr. Smith asked if they went to 5 lots instead of six. Mr. Baum said the plan is to create a neighborhood and preserve the Norway Spruce trees that buffer the property. They are trying to create an enclave which will be attractive to millennials. A homeowner's association will have control and maintain the open space.
- Mr. O'Such said there is a minimal lot frontage of 100ft, there is no possible way to meet the 75ft well requirement. Mr. West stated they are a good distance from the septic field, could they move them closer to the fields.
- Mr. Smith asked if they know if they will have good wells. Mr. Baum said Bryan Drilling has stated they have excellent water since Dismal Harmony is above them and water runs down, and below. Mr. Smith asked if they could get public water; Mr. O'Such said there is a moratorium on Randolph water and they cannot tap into that system.
- The wells are 70ft from the current property line; the suggestion of the board is to reduce the number of lots. Mr. O'Such said they will still not make up the required distance of 150ft for the lots.
- Debate ensued over the possibility of reducing the number of lots, and if that is feasible.
- Ms. Freer said there is no State code that has a distance requirement from well to property lines. It's to protect homeowners from the wells being too close to the disposal fields if a need for construction arises.
- Mr. Weber states his worry is there are too many wells in a small area. Mr. West said the wells are supposed to meet a flow requirement.
- Mr. Smith added Woodland Lakes which has one common well which creates problems. It does seem like there is a lot of wells in a small space.
- Mr. Baum said that they wouldn't build unless they were confident there was enough water; and added that Bryan Drilling who is familiar with the area feels there is plenty of water.
- Mr. West said the circumstance they made that rule for is not likely to occur; there will likely be no need for a newly constructed septic system in the location of the wells.
- Mr. Smith asked if there will be precedent for other builders to go back to 70ft.
- Mr. O'Such added that there lots could be a rectangular lot 100ft wide could not meet the requirement.
- Mrs. Desbiens asked if every other well was moved closer to the road if the wells were staggered; Mr. west added that the one will actually get closer.

- Mr. West said it will not create a hardship for homeowners, but said he feels it would be ok to approve since the septic systems are farther away than 100ft.
- Mr. Weber said the open space in the middle gives him comfort. But his gut says make five lots and be done, but he assumes it will be a buyer beware problem.
- Mr. Weber said he is inclined to grant the waiver. He asks to add on the record that each homeowner will have to come back before the board for approval.

Mr. West asks for additional comments. Additional discussion ensued about the 70ft variance and the closest distance to any of the lot lines. Mr. O'Such stated the closest is 60ft, lot 5.

Mr. West moves to approve with the understanding with the current lot line configuration they cannot meet the sideline requirement, and that they maintain a minimum of 60ft from any sideline. He asks for any further discussion. Called for a vote.

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

**B. BLOCK 12 LOT 167 – 65 Tingley Rd**

**APPLICANT: Parker Engineering**

**APPLICATION: Septic Alteration with Expansion**

- Steve Parker before the Board for an alteration application for one additional bedroom. The homeowner is selling the home, and the realtor has advised them to expand the current system to four bedrooms so future owners can possibly add on to the home.
- Mr. Parker stated they will provide architectural plans if that is the case at a future time. He said the system is very old, seepage pits, and not working properly. Soils are good, proposing a gravity system with reserve area, no waivers requested.
- Existing system will be crushed and abandoned.
- Mr. Weber noted if the rules change at the future time, it is not guaranteed approval.

Mr. West Motions to approve with the three notes to the plan. Mr. Weber seconds the motion.

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

**HEALTH OFFICER'S MONTHLY REPORT**

**November, December.**

Ms. Freer reviews the two health officer's reports.

Mr. West motioned to approve the reports. Mr. Smith seconded the motion.

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

**SUCH MATTERS THAT MAY RIGHTFULLY COME BEFORE THE BOARD.**

**GENERAL CORRESPONDENCE.**

**ADJOURNMENT 9:00pm**