

**WARREN TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION NO. 14-62**

**RESOLUTION GRANTING PRELIMINARY APPROVAL TO AMERICAN PROPERTIES AT KING GEORGE LLC FOR CONSTRUCTION OF PROPOSED SANITARY SEWERS AND PERMIT TO CONSTRUCT, CONSISTING OF INDIVIDUAL GRINDER PUMP STATIONS AND FORCE MAINS CONNECTING INTO THE EXISTING MANHOLE IN GEIGER LANE AND TWO (2) ASSOCIATED EDUS TO SERVICE BLOCK 72, LOTS 2.12 AND 2.14 ON MILLER LANE IN THE STAGE IV SERVICE AREA**

**WHEREAS**, by way of application for preliminary approval for construction dated May 19, 2014, American Properties at King George LLC, proposed construction of two pumped connections of 1 EDU each from Block 72, Lots 2.12 and 2.14 on Miller Lane into the existing sewer in Geiger Lane in the Stage IV Service area; and

**WHEREAS**, a dry sewer currently exists in Miller Lane fronting the properties which would allow for a gravity connection to the system, however, the dry sewer is not connected to the active Stage IV sewerage system and Article 8.3 of the Authority Rules and Regulations states that installation of a private connection in a public right-of-way is contrary to sound policy; and

**WHEREAS**, in November 2000, in response to an application to provide sewer service to Block 72, Lot 2.12 and Lot 2.14 on Miller Lane, the Authority passed Resolution 00-113, granting conditional preliminary approval for an 8 inch sewer extension from King George Road, extending 1,200 LF to Miller Lane; and

**WHEREAS**, in August 2003, another application was submitted to the Authority for connection of the same properties on Miller Lane, and Lot 2.13, by individual pump stations with 2 inch PVC force mains discharging to an existing manhole in Geiger Lane, which the Authority denied, because the Authority Rules and Regulations state that a pumped connection may only be permitted in cases where the applicant's engineer can demonstrate that there is no feasible gravity outlet, and because of the existence of the dry sewer in Miller Lane, coupled with the previously granted approval by way of Resolution 00-113, the Authority's Engineer determined that a gravity outlet in fact existed; and

**WHEREAS**, in June 2004, a letter was submitted to the Authority stating that the applicant intended to proceed with the sanitary sewer extension as per Resolution 00-113 with some modifications to the original design, which resulted in adoption of Resolution 05-35, which provided conditional preliminary approval for the revised design, which ultimately was never constructed; and

**WHEREAS**, in December 2012, a conceptual plan review application was submitted by the applicant requesting a pumped connection from Block 78, Lots 2.12 and 2.14 on Miller Lane to the manhole in Geiger Lane as previously applied for in August 2003, with drawings prepared by Menlo Engineering dated 10/27/12, which were reviewed by the Authority Engineer, who recommended denial of the proposed pumped connections by memorandum dated January 18, 2013, which cited generally the same reasons for denial as for the August 2003 application, including the existence of an approved gravity outlet as per Resolution No. 05-35; and

**WHEREAS**, the applicants indicated to the Authority that the denial of the pumped connections rendered the lots unusable, and represented a hardship case, in response to which the Authority requested an analysis from the applicants comparing the cost of constructing the approved gravity line vis a vis the proposed pump and force main alternative; and

**WHEREAS**, the applicants provided cost estimates for each alternative, and the Authority's Engineer reviewed and provided estimates, resulting in a conclusion that the cost differential between the two alternatives was at a minimum \$370,000; and

**WHEREAS**, simultaneously with this analysis, the Authority proceeded with a detailed evaluation for the potential construction of a sewer extension in Mt. Horeb Road to connect the dry sewers in Tall Oaks Drive, Miller Lane, Tiffany Way and Geiger Lane to the existing active sewer in King George Road, which ultimately resulted in referral of the project to the Township Committee for consideration as a potential local improvement project, which in turn failed to get the interest of the requisite minimum of 60% of the property owners which would potentially benefit from the improvement, and thus will not be undertaken by the Township; and

**WHEREAS**, the Authority's Engineer has determined that the cost to extend the sewer from Mt. Horeb Road to Miller Lane would be a significant financial burden on the owners of Block 72, Lots 2.12 and 2.14, and believes that the applicant has adequately demonstrated that a gravity connection is not currently feasible, a notified the applicant that pumped connections could be considered by the Authority, but that these properties would be required to connect to the sewer by gravity should such an option become available in the future; and

**WHEREAS**, PS&S, the Authority's Engineer, by memorandum dated June 10, 2014, has reviewed the application, which included design documents prepared by Menlow Engineering Associates, Inc., including: Design Calculations – Sanitary Sewer Service for Lot 2.12, dated May 22, 2014, revised June 5, 2014; Specifications for the Construction of Sanitary Sewers for Lot 2.12, dated May 22, 2014, revised June 5, 2014; Design Calculations – Sanitary Sewer Service for Lot 2.14, dated May 22, 2014, revised June 5, 2014; Sanitary Force Main Profile – 1 dated May 22, 2014, revised June 9, 2014, and Sanitary Force Main Profile - 2 and Detail Sheet – 1 dated May 22, 2014, revised June 5, 2014; and

**WHEREAS**, the applicant proposes to sewer each of the two subject parcels by means of an individual grinder pump stations (Liberty 2484LSGX Series Omnivore Simplex Grinder Package) with a 1.5" diameter SDR-21 PVC force mains, running parallel to each other along the right of way on the west side of Miller Lane and north side of Geiger Lane and discharging into the existing terminal manhole in Geiger Lane. The two lines have been designed to be constructed within a single trench within the road right of way but outside of the roadway as much as possible to avoid existing trees and landscaping. The force mains will be installed with tracing wire to ease in field locating them in the future should the need arise; and

**WHEREAS**, Article 8.3 of the Authority Rules and Regulations states that installation of a private connection in a public right-of-way is contrary to sound policy. In order to reach the closest active sewer, up to five easements would be required across the back and sides of heavily vegetated properties, some of which also currently also contain existing WTSA and Township utility easements for existing dry sanitary and active storm sewers. Generally the right of way along the fronts of these properties, however, is significantly less vegetated; and

**WHEREAS**, because of the unique circumstances associated with the applicant's properties, including the inability to install septic systems, the long history of attempting to make a gravity connection and the minimal apparent obstacles within the road right of way along the proposed force main route, the Authority's Engineer has recommended that the Authority allow installation of the private force mains in the Miller Lane and Geiger Lane rights-of-way for this application, subject to acceptance of this condition by the Township. The lines will remain private and the homeowners will have full responsibility for the maintenance, repair and periodic cleaning or jetting of the lines, and an indemnification and hold harmless agreement should be required; and

**WHEREAS**, the Authority's Engineer has recommended that the Authority provide approval of the Application for Preliminary Approval for Construction of Proposed Sanitary Sewers and Permit to Construct, consisting of individual grinder pump stations and force mains in the right of way and roadways of Miller Lane and Geiger Lane, connecting into the existing manhole in Geiger Lane, for one (1) EDU for each Block 72, Lots 2.12 and 2.14, with certain conditions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Warren Township Sewerage Authority in the County of Somerset, New Jersey to grant preliminary approval for the construction of proposed sanitary sewers, consisting of individual grinder pump stations and force mains running in a shared trench in the right of way and roadways of Miller Lane and Geiger Lane, connecting into the existing manhole in Geiger Lane, for one (1) EDU of capacity for each of Block 72, Lots 2.12 and 2.14, with certain conditions as follows:


1. The applicant shall comply with all of the Authority's Rules and Regulations, and the payment of all fees, including the payment to the Authority of the then applicable connection fees.
2. The applicants shall be required to disconnect the pumping systems and connect into the Stage IV sewerage system, should the dry sewers within Miller Lane become active connected sewers in the future. This includes removal or abandonment of the pumping facilities as per local health department rules and Authority requirements, as applicable.
3. Prior to the start of any construction in the public right of way, the applicant will execute an Indemnification and Hold Harmless Agreement which will be recorded in the County Property Records agreeing to indemnify, defend and hold harmless the Township and the Authority from any loss, damage or injury of any kind, caused in connection with the portions of the force main which will be located in the public right of way. Satisfaction of this condition shall be evidenced by a letter from the Authority's attorney stating that the condition has been satisfied.
4. As provided in the Hold Harmless Agreement, all reaches of the force main, whether in an easement or in the public right of way, shall at all times be owned by and be the sole responsibility of the property owners of Block 72, Lots 2.12 and 2.14, respectively, their successors, heirs and assignees, and neither the Township nor the Authority shall accept dedication of any portion of the force main.
5. The applicant shall be required to formally notify and consult with adjacent property owners regarding anticipated removal or replacement of trees, shrubbery and other facilities located within the road right-of-way. Street trees impacted by the construction are to be replaced in accordance with the Warren Township Ordinance and subject to the approval of the Township Engineer. Driveways are to be repaired in-kind as required. All site restoration work associated with the construction is to be completed to the satisfaction of the Authority and the Township.
6. The applicant must make application to and obtain road opening permits from Warren Township for all work and installation of the force mains within Miller Lane and Geiger Lane and the right of ways.
7. The Applicant shall not commence any construction requiring engineering inspection until it has provided proof to the Authority that the applicant has notified the "One-Call Damage Prevention System" pursuant to the Underground Facility Protection Act, N.J.S.A. 48:2-73, et seq., which proof shall be provided by supplying the Authority with the confirmation number assigned to the notice of intent pursuant to said Act.
8. All new sanitary conveyance facilities construction on the subject parcel is under the jurisdiction of the Local Plumbing Sub-Code Official. The connection to the existing sanitary manhole in Geiger Lane and installation of approximately 1,450 LF of 1-1/2" force main from Lot 2.12 and 1,160 LF of 1-1/2" force main from Lot 2.14, to be constructed in a shared trench within the existing right-of-way and roadways of Miller Lane and Geiger Lane from Lots 2.12 and 2.14 is under the jurisdiction of the Authority. Based on input from the Authority's Engineer, additional escrow in the amount of \$19,000 will be necessary to cover inspection of the force main installations and manhole tie-in.

Moved by Mr. Mosquera  
 Seconded by Mr. Checchio

Roll Call Vote	Yes	No
Chairman Truglio	x _____	_____
Mr. Mosquera	x _____	_____
Ms. Garafola	_____	_____
Mr. Vetter	x _____	_____
Mr. Reeder	_____	_____
Mr. Checchio (Alt 1)	x _____	_____
Mr. Paoella (Alt 2)	x _____	_____

**CERTIFICATION**

I, Deborah Catapano, Secretary of the Warren Township Sewerage Authority in the County of Somerset, New Jersey, do hereby certify that the above resolution is a true and correct copy of a resolution adopted at a meeting of the Warren Township Sewerage Authority on June 18, 2014.

  
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Deborah Catapano, Authority Secretary