

WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 14-75

**RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE APPLICATION OF MICHAEL E. PRESSMAN FOR THE CONSTRUCTION OF A PRIVATELY MAINTAINED SEWER EXTENSION AND THE CONNECTION OF THREE SINGLE FAMILY DWELLINGS AT 158 MT. HOREB ROAD, BLOCK 72, LOT 1.02; 2A 1.02, 2A TALL OAKS DRIVE, BLOCK 72, LOT 2.01, AND 2 TALL OAKS DRIVE, BLOCK 72, LOT 2.02, FOR ONE (1) EDU OF CAPACITY EACH IN THE STAGE IV SEWER SERVICE AREA**

**WHEREAS**, the applicant, Michael E. Pressman, has applied to the Authority for preliminary approval for a proposed privately maintained sewer extension to service the three residential properties in the Stage IV service area: 158 Mt. Horeb Road, Block 72, Lot 1.02; 2A Tall Oaks Drive, Block 72, Lot 2.01; and 2 Tall Oaks Drive, Block 72, Lot 2.02. These properties contain single family homes and are presently served by septic systems which will be abandoned upon connection to the sanitary sewer; and

**WHEREAS**, the applicant, who is the owner of 2 Tall Oaks Drive, has a failing septic system which requires frequent pumping, and had previously submitted a conceptual plan that proposed a public sewer extension from the existing manhole at the intersection of King George Road and Mt. Horeb Road, approximately 226 LF to a terminal manhole in Mt. Horeb Road, into which the applicant as well as the other two properties would connect. The elevation of the proposed sewer extension line would allow for future extension of the sewer to connect to the existing dry sewer in Tall Oaks Drive, but not allow for further extension to Miller Lane, Tiffany Way, and Geiger Lane, which also have existing dry sewers; and

**WHEREAS**, rather than take action on that earlier application, the Authority pursued planning/design of a public sewer extension within Mt. Horeb Road which would have allowed connection of all of the dry lines in Tall Oaks Drive, Miller Lane, Tiffany Way and Geiger Lane, including the applicant's house; and

**WHEREAS**, after thorough investigation by the Authority and eventually by the Township of Warren, the determination was made not to construct a public extension within Mt. Horeb Road at this time; and

**WHEREAS**, the determination having been made not to construct the public sewer extension at this time, the applicant has submitted an application which differs somewhat from the previous conceptual plan. The current application will include a private 257 LF of 8" PVC (SDR 35) sanitary sewer extension, three manholes and a doghouse manhole at the connection to the existing sewer in King George Road. The three lots will connect individual laterals into the proposed private sewer by saddle tap. The lateral from Block 72, Lot 2.02 will be routed through

a private easement obtained from Block 72, Lot 1.02, which will also accommodate a portion of the lateral from Block 72, Lot 1.02; and

**WHEREAS**, the Authority is willing to approve the applicant's proposed private sewer extension and the connection of the three properties provided that the extension does not interfere with the possible future construction of a public sewer extension to serve the existing dry lines in Tall Oaks Drive, Miller Lane, Tiffany Way and Geiger Lane, and provided further that, if such a public sewer extension is constructed so as to activate the dry line in Tall Oaks Drive and to provide a stub for 158 Mt. Horeb Road, Block 72, Lot 1.02, all three properties will connect into the public sewer line and the private sewer extension and associated private laterals will be abandoned; and

**WHEREAS**, by memorandum dated July 9, 2014, the Authority's engineer has advised that he has reviewed the two drawings prepared by Page Engineering entitled "Sanitary Sewer Extension Plan and Profiles" and "Construction Details," dated 03/15/13, last revised 07/09/14, and has recommended preliminary approval subject to the conditions set forth in that memorandum.

**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 a proposed privately owned and privately maintained sanitary sewer extension to service the three residential properties in the Stage IV service area: 158 Mt. Horeb Road, Block 72, Lot 1.02; 2A Tall Oaks Drive, Block 72, Lot 2.01; and 2 Tall Oaks Drive, Block 72, Lot 2.02, and for a total of three (3) EDUs of capacity, 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. If applicable, the applicant prior to any excavation must provide written notice to the Somerset-Union Soil Conservation District.
3. The Applicant shall complete all site restoration work associated with the construction of the sanitary sewer to the satisfaction of the Authority and the Township.
4. 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.
5. The sanitary sewer will remain private and the homeowners will have full responsibility for the maintenance, repair, and periodic cleaning or jetting of the lines, if necessary.
6. The applicant will furnish the Authority with the necessary sanitary sewer easement legal description and easement agreement for the 10-foot wide private easement on Block 72, Lot 1.02.

7. An NJDEP TWA permit will be required for the proposed sanitary sewer construction. The applicant is responsible to obtain the necessary NJDEP TWA permit.
8. The applicant will be responsible to obtain the required Somerset County Road Opening Permit for the sanitary sewer work within the road and right-of-way of Mt. Horeb Road.
9. All new sanitary conveyance facilities constructed on the subject parcels, outside of proposed easement on Block 72, Lot 1.02, is under the jurisdiction of the Local Plumbing Sub-Code Official. The installation of the following is under the jurisdiction of the Authority:
  - a. Installation of 257 LF of 8" PVC (SDR 35) sanitary sewer, three manholes and a doghouse manhole in Mt. Horeb Road.
  - b. Installation of 263 LF of 4-inch PVC lateral in the proposed easement from Lot 2.02 and 125 LF of 4-inch PVC lateral in the proposed easement from Lot 1.02.
  - c. Installation of approximately 58 LF of 4-inch lateral and saddle tap connections in the Mt. Horeb Road/ROW for the three sewer connections.
10. Prior to the start of any construction in the public right of way, the applicant will execute a Declaration of Covenant which will be recorded in the County Property Records agreeing to abandon the sewer extension and connect to the Authority's sewer system should a public sewer extension be constructed within Mt. Horeb Road in the future so as to activate the dry lines in Tall Oaks Drive to allow sewer service of these properties. Satisfaction of this condition shall be evidenced by a letter from the Authority's attorney stating that the condition has been satisfied.
11. 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 sewer extension 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.
12. The construction associated with this application requires significant engineering inspections by the Authority's engineers and the applicant shall be required to pay escrow fees sufficient to cover the costs of inspection of the private sewer extension in the public right of way and its connection to the sewer line. Those inspections have been estimated to cost approximately \$12,000. Therefore, the applicant shall not commence any action requiring professional review or inspection until it has deposited \$12,000 into the applicant's escrow account pursuant to Section 3.15 of the Authority's Rules and Regulations.
13. As will be provided in the Hold Harmless Agreement, all reaches of the private sewer extension, 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, Lot 1.02, Block 72, Lot 2.01, and Block 72, Lot 2.02, their successors, heirs, and assignees, and neither the Township nor the Authority shall accept dedication of any portion of the private sewer extension. Without

limiting the foregoing, the property owners will have full responsibility for the maintenance, repair, and periodic cleaning or jetting of the lines, if necessary.

Moved by M. Truglio  
Seconded by M. Maguerra

| Roll Call Vote       | Yes                                 | No                       |
|----------------------|-------------------------------------|--------------------------|
| Chairman Truglio     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Mosquera         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ms. Garafola         | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mr. Vetter           | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mr. Reeder           | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mr. Checchio (Alt 1) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Paoletta (Alt 2) | <input type="checkbox"/>            | <input type="checkbox"/> |

**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 July 16, 2014.

Deborah Catapano  
Deborah Catapano, Authority Secretary