



ORDINANCE 2018-28

**Amending and Supplementing Chapter 62, Land Use, to
Require Certain Water and Sewer Engineering Reports as
Part of Development Application Checklist Requirements
(Revised August 15, 2018)**

WHEREAS, the Municipal Land Use Law permits a municipality to indicate in a checklist adopted by ordinance all those requirements necessary for inclusion with a development application in order to be considered a complete application pursuant to N.J.S.A. 40:55D-10.3; and

WHEREAS, the Township of South Brunswick maintains such checklists for preliminary approval of major subdivisions and preliminary approval of site plans; and

WHEREAS, the Director of Planning, in consultation with the Township Engineer and Department of Law, has recommended that the current checklist be amended to require the submission of certain sanitary sewer and water system design reports with all applications for either preliminary or final major subdivision or site plan approvals; and

WHEREAS, it is appropriate to amend the sections of the Land Use Code related to preliminary and final approval of major subdivisions and site plans to include submission of certain sanitary sewer and water system design reports on the checklist so that these sections of the Code are consistent with N.J.S.A. 40:55D-10.3 and to ensure the protection of the health, safety and welfare of the residents of South Brunswick;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. Chapter 62, Land Use, of the Code of the Township of South Brunswick shall be and is hereby amended and supplemented as follows, with additions in underline and deletions in strikethrough:

Sec. 62-153. Preliminary Approval of Major Subdivision.

(a) *Application requirements.* At least ten days and no more than twenty days prior to a regular meeting of a municipal agency, the applicant for preliminary approval of a major subdivision shall file the following documents with the secretary of the municipal agency:

(2) *Detailed engineering report.* A detailed engineering report shall be filed which contains the following:

a. Where the proposed development is intended to connect to the public sanitary sewer system, a detailed sanitary sewer design report that provides an estimate of the proposed sewage flows to be generated by the project.

b. In addition, the report must contain the results of an engineering study that demonstrates, to the satisfaction of the Township Engineer, the ability of the

existing downstream sanitary sewer system to handle the increased sewage flows expected from the proposed project. If the downstream sanitary sewer system does not have sufficient capacity, the report must include proposed modifications/improvements to the existing system that would achieve sufficient capacity for the proposed development. In carrying out the engineering study of the existing system, the applicant shall:

1. establish an escrow account with South Brunswick Township, in an amount to be determined by the Township Engineer, for professional reviews and inspections;
- submit all proposed studies and modification/ improvement proposals for review and approval by the Township Engineer and Sewer Division;
3. enter into a Developer's Agreement with the Township that sets forth the rights, duties and obligations of the parties related to the study;
4. enter into a separate Right of Entry Agreement, the form and content of which must be approved by the Township Engineer and Township Attorney, that sets forth the rights, duties and obligations of the parties related to the applicant's access to the public utility system in order to conduct the proposed study;
5. obtain clearance from the Sewer Division before conducting any studies on, in or around any Township-owned sanitary sewer facilities;
6. conduct all such studies under the guidance and direction of the Township Engineer and Sewer Division and in compliance with all OSHA, PEOSHA, federal, state, county and local safety requirements and regulations as well as the Township's Confined Space Entry Program, where applicable;
7. include in the study an inspection of the public sanitary sewer system via CCTV and/or Electro-Scan technology as directed by the Township Engineer and Sewer Division.
8. submit with the results of the study the applicant's certification that it will:
 - i. perform or cause to be performed, to the satisfaction of the Township Engineer and Sewer Division, all approved modifications/improvements to the existing sanitary sewer system as a condition of any approval by a municipal land use board;
 - ii. once any modifications/improvements have been completed, conduct additional studies to verify that the modifications/improvements have actually eliminated, at a minimum, an amount of daily wastewater flow equal to the project's projected daily wastewater flows into the system; and

iii. after verification that the modifications/improvements have resulted in sufficient capacity in the system to accommodate the project's projected daily wastewater flows into the system, post a two (2) year maintenance bond in the amount determined by the Township Engineer.

c. Where immediate connection to a public sanitary sewer is not planned, or where the proposed development is intended to be serviced by an individual water supply or sewage disposal system, a detailed soils evaluation and report, prepared in accordance with N.J.A.C. 7:9 et seq., that addresses the suitability of the site for construction and operation of an individual subsurface sewage disposal (septic) system. The soils evaluation shall be witnessed by the Health Department, and the location of the evaluation shall be indicated on the plans, design plans for any proposed individual water supply or sewage disposal system, which plans must be approved by the appropriate local, county or state health agency.

~~d. b.~~ In either case, One percolation test, plus one for each lot of the tract to be subdivided, unless immediate connection to a public sewer is planned.

e. *Water system design report.* A detailed water system design report that provides an estimate of the projected domestic water usage and the needed fire flows required by the project. In addition, the report must verify the ability of the existing municipal water system to satisfy the domestic flow, fire flow and minimum residual pressure requirements. The methods used for determination of needed fire flows and for analysis of the existing municipal water system must be approved by the Township Engineer and Water Division.

(12) *Overall subdivision plan.* Twenty-five copies of an overall subdivision plan on one sheet no larger than 11 inches by 17 inches, including parcel boundaries and general locations of all improvements.

Sec. 62-154. Final Approval of Major Subdivision.

(a) *Application requirements.* The applicant for final approval of a major subdivision shall file the following documents with the secretary of the municipal agency:

(14) *Detailed engineering report.* An Engineering Report in compliance with the requirements of Section 62-153(a)(2). In the event such an Engineering Report was submitted as part of the application for Preliminary Approval, if more than two (2) years have passed between the grant of Preliminary Approval and the application for Final Approval, a revised and/or updated Engineering Report that complies with the requirements of Section 62-153(a)(2) shall be submitted.

Sec. 62-155. Preliminary Approval of Site Plans.

(b) *Application requirements.* The applicant shall file the following documents with the secretary of the municipal agency:

(4) *Engineering report.* Five copies of a detailed engineering report, signed, sealed and prepared by a licensed engineer, which contains the following:

a. Sanitary sewer design report. A detailed sanitary sewer design report that provides an estimate of the proposed sewage flows to be generated by the project. In addition, the report should verify the ability of the existing downstream sanitary sewer system to handle the increased sewage flows.

Where the proposed development is intended to connect to the public sanitary sewer system, a detailed sanitary sewer design report that provides an estimate of the proposed sewage flows to be generated by the project.

b. In addition, the report must contain the results of an engineering study that demonstrates, to the satisfaction of the Township Engineer, the ability of the existing downstream sanitary sewer system to handle the increased sewage flows expected from the proposed project. If the downstream sanitary sewer system does not have sufficient capacity, the report must include proposed modifications/improvements to the existing system that would achieve sufficient capacity for the proposed development. In carrying out the engineering study of the existing system, the applicant shall:

1. establish an escrow account with South Brunswick Township, in an amount to be determined by the Township Engineer, for professional reviews and inspections;

submit all proposed studies and modification/ improvement proposals for review and approval by the Township Engineer and Sewer Division;

3. enter into a Developer's Agreement with the Township that sets forth the rights, duties and obligations of the parties related to the study;

4. enter into a separate Right of Entry Agreement, the form and content of which must be approved by the Township Engineer and Township Attorney, that sets forth the rights, duties and obligations of the parties related to the applicant's access to the public utility system in order to conduct the proposed study;

5. obtain clearance from the Sewer Division before conducting any studies on, in or around any Township-owned sanitary sewer facilities;

6. conduct all such studies under the guidance and direction of the Township Engineer and Sewer Division and in compliance with all OSHA, PEOSHA, federal, state, county and local safety requirements and regulations as well as the Township's Confined Space Entry Program, where applicable;

7. include in the study an inspection of the public sanitary sewer system via CCTV and/or Electro-Scan technology as directed by the Township Engineer and Sewer Division;

8. submit with the results of the study the applicant's certification that it will:

i. perform or cause to be performed, to the satisfaction of the Township Engineer and Sewer Division, all approved modifications/improvements to the existing sanitary sewer system as a condition of any approval by a municipal land use board;

ii. once any modifications/improvements have been completed, conduct additional studies to verify that the modifications/improvements have actually eliminated, at a minimum, an amount of daily wastewater flow equal to the project's projected daily wastewater flows into the system; and

iii. after verification that the modifications/improvements have resulted in sufficient capacity in the system to accommodate the project's projected daily wastewater flows into the system, post a two (2) year maintenance bond in the amount determined by the Township Engineer.

~~e.~~ b. Water system design report. A detailed water system design report that provides an estimate of the projected domestic water usage and the needed fire flows required by the project. In addition, the report ~~should~~ must verify the ability of the existing municipal water system to satisfy the domestic flow, fire flow and minimum residual pressure requirements. The methods used for determination of needed fire flows and for analysis of the existing municipal water system ~~shall~~ must be approved by the Township Engineer and Water Division.

~~d.~~ e. Individual subsurface sewage disposal (septic) system report. Where immediate connection to a public sewer is not planned, or where the proposed development is intended to be serviced by an individual water supply or sewage disposal system, a detailed soils evaluation and report, prepared in accordance with N.J.A.C. 7:9 et seq., that addresses the suitability of the site for construction and operation of an individual subsurface sewage disposal (septic) system. The soils evaluation shall be witnessed by the Health Department, and the location of the evaluation shall be indicated on the site plans, which plans must be approved by the appropriate local, county or state health agency.

Sec. 62-156. Final Approval of Site Plans.

(b) *Application requirements.* The applicant shall file the following documents with the secretary of the municipal agency:

(9) Detailed engineering report. An Engineering Report in compliance with the requirements of Section 62-155(b)(4). In the event such an Engineering Report was submitted as part of the application for Preliminary Approval, if more than two (2) years have passed between the grant of Preliminary Approval and the application for Final Approval, a revised and/or updated Engineering Report that complies with the requirements of Section 62-155(b)(4) shall be submitted.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be

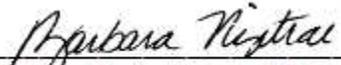
confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on August 28, 2018 and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on September 25, 2018, at which time and place any person having an interest therein will be given an opportunity to be heard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Deputy Mayor
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Joseph Camarota, Archana "Ann" Grover, Josephine "Jo" Hochman, Charlie Carley
ABSENT:	Ken Bierman

This is to certify that the foregoing is a true copy of a Ordinance Adopted at the South Brunswick Township Council meeting held on September 25, 2018.


Barbara Nyitrai, Township Clerk