

HONEY BROOK TOWNSHIP

Resolution 10-2004

Marginal Soil Conditions for On-lot Sewage Facility Planning Modules

A Resolution of the Board of Supervisors of Honey Brook Township setting forth policy to assure compliance with Chapter 71 of the Sewage Facilities Act; to facilitate action on Department of Environmental Protection (DEP) Sewage Facilities Planning Modules; to provide for the long-term sewage disposal needs of the community, to provide consistency of sewage planning with land use regulations, and to properly manage the available sewage disposal resources in the community.

WHEREAS, the Sewage Facilities Act invests the Township with the responsibility of planning, monitoring and managing for the sewage disposal needs within the municipality, and

WHEREAS, the Township has chosen to provide for long-term sewage disposal by a combination of public treatment, private community on-lot and private individual on-lot systems as allowed under the Act, and

WHEREAS, the Township must, from time to time, take action on Sewage Facilities Planning Modules proposing on-lot sewage disposal, and

WHEREAS, on-lot sewage disposal systems, by their very nature, have a finite life span that even under the most effective maintenance process will require replacement prior to the likely redevelopment of land, and

WHEREAS, specific criterion established by the DEP leads, from time to time, to a finding of 'marginal soils conditions' in the submission of a Sewage Facilities Planning Module, and

WHEREAS, the Township is obligated to indicate its choice from a menu of remedies to mitigate the finding of 'marginal soils conditions', and

WHEREAS, the Township desires to choose the remedy or mix of remedies that will provide the best opportunity for continued long-term on-lot sewage disposal,

WHEREAS, one of the remedies offered by DEP is a reduction of density to one dwelling unit per acre, which the Township's zoning typically exceeds,

BE IT RESOLVED by the Board of Supervisors of Honey Brook Township that the following policy shall be implemented when a finding of 'marginal soils conditions' is made in a Sewage Facilities Planning Module on which the Township must act:

1. The Township shall require an operations and maintenance agreement in a form satisfactory to the Township Solicitor and Township Engineer in every case. This requirement shall be suspended upon adoption of a Township wide on-lot sewage

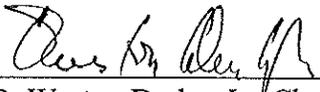
system maintenance and inspection ordinance. The Township considers this requirement necessary for the most effective life span of an on-lot system; however, there are some circumstances under which the physical condition of the soil precludes an exclusively administrative remedy.

2. The Township shall require replacement area testing in every case, except when the following conditions are met:
 - a. The reason for the marginal condition finding is solely because of the inclusion of 'steep slopes' as defined under DEP policy for the proposed system design.
 - b. The applicant can demonstrate to the satisfaction of the Township Engineer each lot contributing to the finding of 'marginal soils conditions' has at least one (1) acre of lot area free of marginal conditions.
3. The Township may, at the discretion of the Board following a recommendation by the Township Engineer, waive the requirement for replacement area testing if the lots in question are within a public sewer district contained in the Township's approved Act 537 Sewage Facilities Plan, even if the extension of public sewerage facilities is beyond the 5 year window contemplated by DEP.

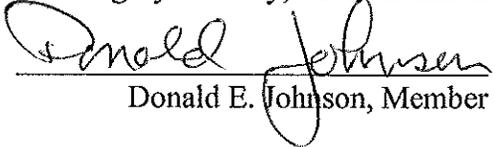
RESOLVED, this 13th day of October, 2004.

Attest:

Michael J. Brown, Township Manager



D. Weston Darby, Jr., Chairman

Gregory M. Cary, Vice Chairman


Donald E. Johnson, Member