

TOWNSHIP OF EVESHAM

ORDINANCE NO. 21-8-2004

**AMENDING LAND DEVELOPMENT ORDINANCE TO
IMPLEMENT THE PINELANDS COMMISSION'S
PILOT PROGRAM FOR ALTERNATE DESIGN
WASTEWATER TREATMENT SYSTEMS**

WHEREAS, the Township Council of the Township of Evesham desires to implement the Pilot Program for Alternate Design Wastewater Treatment Systems established by the Pinelands Commission pursuant to N.J.A.C. 7:50-10, Part IV.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Evesham, in the County of Burlington, State of New Jersey, as follows:

SECTION ONE: Chapter 160 (Zoning) of the Land Development Ordinance shall be amended and supplemented as follows:

§ 160-5.B Word usage; definitions. Replace the definition of "Alternate Sewage Disposal System" with the following:

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM – An individual on site wastewater treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater, limited to the following systems authorized for use for residential development by the pilot program established in N.J.A.C. 7:50-10, Part IV:

- a. Ashco RFS III;
- b. FAST;
- c. Cromaglass;
- d. Bioclere; and
- e. Amphidrome.

§ 160-50.B Water quality in the Pinelands. Replace § 160-50.B4 with the following:

- 4. Alternate Design Pilot Program Treatment Systems shall be permitted, provided that:
 - a. The proposed development to be served by the system is residential and is otherwise permitted pursuant to the provisions of this Ordinance;
 - b. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million

nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of subsection B.4.c below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of way or any contiguous lands that have been deed restricted pursuant to Sections 160-38 or N.J.A.C. 7:50-5.47;

- c. Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution proposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, non-residential development on a lot of five (5) acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;
- d. The depth to seasonal high water table is at least five (5) feet;
- e. Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least fifty (50) feet;
- f. No more that ten (10) alternate design pilot program treatment systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one single family dwelling;
- g. Each system shall be equipped with automatic dialing capability to the manufacturer, or its agent, in the event of a mechanical malfunction;
- h. Each system shall be designed and constructed so that samples of effluent leaving the alternate design pilot program septic system can be readily taken to confirm the performance of the technology;
- i. The manufacturer or its agent shall provide to each owner an operation and maintenance manual approved pursuant to N.J.A.C. 7:50-10.22(a)2iv;
- j. Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C.7:50-10.22(a)2v that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;
- k. The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that

identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in subsection B.4.i above, and grants access, with reasonable notice, to the local board of health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system;

- l. No system shall be installed after August 5, 2007; and
- m. The permitted residential densities and minimum lot size requirements set forth in §160-55 through §160-62 shall continue to apply. No increase in such densities or reduction in such minimum lot size requirements shall be permitted to occur as a result of the use of an Alternate Design Pilot Program Treatment System.

SECTION TWO. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION THREE. This Ordinance shall take effect upon final adoption, publication, the filing of a copy of said ordinance with the Burlington County Planning Board and approval by the Pinelands Commission, all in accordance with the law.

Adopted on second and final reading on

August 17, 2007

August J. Jamburo
Mayor

Attest *Carmela Borfusco*
Clerk

