

Project Name

Document Review and Expert Testimony Related to Wastewater Management Plan

Client

Confidential

Services Provided

- Review of Township Wastewater Plan
- Municipal Ordinance Evaluation
- Preparation of Written Testimony
- Testimony in Superior Court

Project Description

A property owner in Northern New Jersey sought expert services regarding the review of several legal and regulatory documents and preparation of expert testimony. The property was under contract for purchase in June of 1999 for development of a one-family residence. Earlier correspondence from the township indicated that the property was eligible for connection to a sanitary sewer extension that ran along the edge of the property. After purchase of the property, the owner submitted an application and appropriate fees for a sewer connection in March 2000. The application was rejected due to inconsistency with a local ordinance passed in July 1999.

Because denial of a sewer connection had a critical impact on the potential use of the property, the owner sought SAI's services for the review of the legality of the 1999 township ordinance.

Approach

SAI provided critical review of legal correspondence and documents including:

- Township Wastewater Management Plan
- Sewer Extension Permit for the adjacent property
- Township Ordinances #97-001 and #99-021
- File of related correspondence dating from 1995 onward

Written testimony was prepared summarizing the review of the above-mentioned materials and oral testimony was presented both in deposition and in the Morris County Superior Court. Re-view of the materials indicated that the 1999 township ordinance was inconsistent with the letter and intent of the Waste Water Management Plan for the township. Adoption of the Waste Water Management Plan was required under law (N.J.A.C. 7:15-3.4) and revisions to the plan could only be made through formal amendment and not through simple passage of a local ordinance. Telephone conversations with DEP officials confirmed these conclusions. SAI also provided critical review of other testimony presented in the case.

The property owner prevailed in the Morris County Superior Court and the denial of the sewer connection permit was reversed.

