

Resolution 14-087

RESOLUTION AUTHORIZING ENDORSEMENT OF
APPLICATION FOR TREATMENT WORKS APPROVAL (TWA-1)

Morris Commons, LLC.
600 and 700 Commons Way
Block 22401, Lots 3.06 & 3.07
Township of Rockaway

WHEREAS, an application for Treatment Works Approval has been submitted by the Township of Rockaway which proposes the extension of sewers for new residential development including 204 townhouses (2 & 3 bedrooms), 96 rental apartments (1, 2 & 3 bedrooms) and a 5,200 sf club house, located at 600 and 700 Commons Way, Rockaway Township, New Jersey for review by the Rockaway Valley Regional Sewerage Authority (RVRSA), which extension project is more particularly described in the Treatment Works Approvals Permit Application Form (TWA-1), attached hereto and made a part hereof; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) presently requires the certification of the 201 Sewerage Agency, as well as the certification of the owner of the sewerage treatment facility, that its treatment system contains sufficient capacity to accept the additional flow, which would emanate from the sewer extension proposed in the said application; and

WHEREAS, the project site contains delineated wetlands on Lot 3.07, which is currently unimproved, and proposes construction through a portion of the wetlands, pursuant to a freshwater wetlands permit was issued by the NJDEP on March 7, 2013. John Filippelli, Director, Clean Air and Sustainability Division, USEPA Region 2, by letter dated August 25, 2014 (See Attachment A) has determined that a partial waiver of the Environmentally Sensitive Area Special Condition No. 4, Construction Grant #C340389-04-02 (“ESA Special Grant Condition No. 4”) is appropriate for the project. Based upon the information submitted, except for the NJDEP authorized wetland disturbance, no other wetlands will be impacted by the project. Therefore, USEPA approved a partial waiver of the ESA grant condition. A partial waiver has been issued as there are additional wetlands and wetland transitional acres throughout the site that remain subject to ESA Special Grant Condition No. 4. USEPA further urges the usage of alternative/green building materials and energy and water efficient products; and

WHEREAS, pursuant to RVRSA's planning estimates the gallonage required to service the proposed project is in the amount of 50,472 GPD; and

WHEREAS, the gallonage required to service the project pursuant to the calculation of the NJDEP is 78,570 GPD; and

WHEREAS, the Township of Rockaway is required to endorse the project; which it has done by Township of Rockaway Resolution R-14-84 dated April 22, 2014 and Township of Rockaway Resolution R-14-86 dated April 22, 2014; and

WHEREAS, RVRSA is desirous of facilitating Rockaway's application for sewer service extension.

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority as follows:

1. There shall be allocated from RVRSA's "First Come/First Serve" category, gallonage in the amount of 50,472 GPD.
2. JoAnn Mondini, Executive Director of the RVRSA is authorized and directed to execute the Treatment Works Approval (TWA-1 Application) Form WQM-003 entitled Endorsements at subsection C subject to the following conditions:
 - A. That subsection C Certification by Wastewater Treatment Facility Owner shall not be executed, however, a notation shall be inserted to refer to an addendum attached which includes a revised certification which provides as follows:

I (we) certify that the treatment plant is currently complying with its conventional and non-conventional NJPDES permit requirements (see N.J.A.C. 7:14A-22.17 (b)-(d), flow percent removal and toxicity requirements excluded from this certification) as determined by a rolling average of the three most recent monthly discharge monitoring reports that were required to be submitted to the Department as of this date, and based upon my (our) assessment of all information pertinent to

this permit request, is anticipated to continue to do so with the additional flow from this project.

- B. That this approval explicitly excludes connection of vacant lot(s), which encroach upon any environmentally sensitive areas (ESA) pursuant to Special Grant Condition No. 4, federal project C340389-04-2, effective November 29, 1983. The sewer connection restriction of the grant condition remains in effect for any future construction. Any modifications to the project proposing disturbance to wetlands or floodplains shall require submission of an application to the RVRSA to thereafter be submitted to USEPA for a revised determination.
- C. This approval is expressly conditioned upon compliance, by the Applicant, with any relevant provisions of the Highlands Preservation and Planning Act, or any rules or regulations issued pursuant thereto, including obtaining all relevant approvals and consistency determinations, if any.
- D. That any connection from a non-domestic source is subject to the RVRSA's industrial pretreatment program regulations. The applicant shall first obtain a clearance form the RVRSA's pretreatment program prior to seeking for obtaining the necessary permit(s) for connection to the RVRSA's local/regional conveyance system.
- E. That the qualified property owner(s) shall obtain the necessary permit(s) for sewer connection(s) to the RVRSA system, in connection therewith and shall comply with the requirements of other governmental entities having jurisdiction.
- F. That the sewer mainline and each of the building lateral to be installed in connection with the project shall be subject to inspection(s) by the RVRSA.
- G. That this endorsement shall expire automatically unless the attached application is filed with the NJDEP within 60 days of the day of the adoption of this Resolution. Evidence of submission shall be submitted by the Applicant to RVRSA in order to satisfy this requirement.

- H. This approval is subject to compliance with revised Service Rules of the RVRSA, and the payment of the appropriate fees and/or charges of the RVRSA including, but not limited to those set forth at Section 4.03 (3) Revised Service Rules of the RVRSA, and payment of the appropriate fees of any other governmental authority having jurisdiction.
- I. In the event that the allocation remains unconnected to the RVRSA System for longer than eighteen (18) months from the date of this resolution, then payments shall be made to the RVRSA representing the debt service and capital cost funded by the users for the prior year—calculated on the number of gallons per day allocated but unconnected. Such payment shall be made each year until the allocated gallonage is connected or terminated.
- J. The approval of the use of NJDEP’s gallonage determination is made under protest and for the sole purpose of approving the TWA-1 sewer extension application and shall not affect in any way gallonage allocated for RVRSA’s planning purposes.
- K. This endorsement is further conditioned upon the submission, to the RVRSA, of the NJDEP issued Treatment Works Approval. A permit to connect to the RVRSA may not be issued until such time as a copy of the Treatment Works Approval is submitted to RVRSA.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on October 09, 2014

On motion Michael Guadagno

Second by Robert Schaefer


And a Roll Call Vote as Follows:

Yeas: (6) Guadagno, Lowell, Schaefer, Schorno, Secco, Vincitore

Nays: (0) None

Abstain: (1) Andes

Absent: (3) Cegelka, Corbett, Recchia


Michael Guadagno
Board Secretary

FACT SHEET
Morris Commons – Township of Rockaway

Action Request: WQM-003 Part C Endorsement for Treatment Works Approval

Project Location: Township of Rockaway
600 and 700 Commons Way
Block 22401, Lots 3.06 & 3.07

Applicant: Morris Commons, LLC.
570 Commerce Blvd.
Carlstadt, NJ

Project: New residential development including 204 townhouses (2 & 3 bedrooms), 96 rental apartments (1, 2 & 3 bedrooms) and a 5,200 sf club house

Service Area: The property is located within the currently approved RVRSA Service Area maps of the 1980's as confirmed by the New Jersey Highlands Council. A small portion of the proposed project is not in the currently drafted and revised sewer service area mapping.

Wetlands: The project site contains delineated wetlands on Lot 3.07, which is currently unimproved. Although the proposed plan includes construction through a portion of the wetlands, an NJDEP freshwater wetlands permit was issued 3/7/13. A USEPA wetlands waiver was issued 8/25/14.

Gallage (FC/FS): NJDEP criteria 78,570 gpd
RVRSA gallage 50,472 gpd

Flow Metered at: MC: RT-5

Local Approval: Township of Rockaway Board of Adjustment Applic. #10-05, dated 2/4/14
Township of Rockaway Resolution R-14-84, dated 4/22/14 for wetlands
Township of Rockaway Resolution R-14-86, dated 4/22/14 for TWA

Ownership Disclosure Statement: Morris Commons LLC/Edward Russo

Engineer: Douglas Bartels, PE
Russo Development
Carlstadt, NJ
201-487-5657

RESOLUTION NO. R-14-86

**RESOLUTION AUTHORIZING THE ENDORSEMENT OF A
TREATMENT WORKS APPROVAL PERMIT APPLICATION FOR
THE CONSTRUCTION OF CERTAIN SANITARY SEWER FACILITIES
AND IMPROVEMENTS RELATED TO THE DEVELOPMENT OF
PROPERTY LOCATED ON BLOCK 22401, LOTS 3.06 AND 3.07 ON THE
OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY
(MORRIS COMMONS)**

WHEREAS, Morris Commons, LLC ("Applicant") received preliminary and final site plan approval from the Township of Rockaway Board of Adjustment in connection with the development of three hundred residential units on property located on Block 22401, Lots 3.06 and 3.07 on the Official Tax Map of the Township of Rockaway ("Project"); and

WHEREAS, in order to provide sanitary sewer service to the Project, it is necessary that certain sanitary sewer improvements be constructed on-site, including the extension of the sanitary sewer lines consisting of mains, manholes and other connections in order to serve the Project ("Sanitary Sewer Facilities"); and

WHEREAS, pursuant to the regulations adopted by the New Jersey Department of Environmental Protection ("NJDEP"), a Treatment Works Approval Permit for the construction of the Sanitary Sewer Facilities must be obtained; and

WHEREAS, the Township Engineer and the Utility Superintendent have reviewed the applications and plans, together with all other accompanying documents, and have recommended the approval thereof by the Township; and

WHEREAS, the Township of Rockaway desires to endorse the Treatment Works Approval Permit Applications and authorize the execution of the appropriate Statements of Consent by the appropriate officials.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey as follows:

1. The Township hereby endorses for approval a certain Treatment Works Approval Permit Application submitted by Morris Commons, LLC in connection with the construction of certain Sanitary Sewer Facilities in connection with the development of the Project on Block 22401, Lots 3.06 and 3.07 on the Official Tax Map of the Township of Rockaway.

2. The Mayor and Township Clerk, together with the Township Business Administrator, are hereby authorized and directed to execute the Treatment Works Approval Permit Application.

3. The Mayor, Township Clerk and Township Business Administrator, together with all other appropriate officials, employees, and professional staff are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this resolution.

4. The Township hereby endorses and recommends for approval to the RVRSA an allocation of gallonage for the Project in accordance with the applicable rules and regulations of the RVRSA.

5. All construction of the Sanitary Sewer Facilities are subject to inspection and approval by the appropriate entities having jurisdiction thereover.

6. The Applicant acknowledges that there may be insufficient firm water capacity at the present time to accommodate the connection of this Project to the Township water system and the foregoing endorsement in no way constitutes any representation as to the capacity of the Rockaway water system to accommodate the needs of the Project.

7. All application fees for this submission shall be paid by the applicant and no fees or costs shall be paid or incurred by the Township,

8. This Resolution shall take effect immediately.

CERTIFICATION

I, Susan Best, RMC, Township Clerk of the Township of Rockaway hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on April 22, 2014.



Susan Best, RMC, Township Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

RECEIVED

SEP 02 2014

R.V.R.S.A.

AUG 25 2014

Carrie D. Feuer, P.E.
Manager of Engineering
Rockaway Valley Regional Sewerage Authority
R.D. #1
99 Greenbank Road
Boonton, New Jersey 07005-9602

RE: Morris Commons – Waiver Request, Morris County, NJ

Dear Ms. Feuer:

This is in response to your request to the U.S. Environmental Protection Agency for a waiver from the Environmentally Sensitive Area (ESA) special grant condition placed on the Rockaway Valley Regional Sewerage Authority construction grant projects. The special condition restricts sewer connections from new development on lots containing environmentally sensitive areas. Specifically, your request pertains to providing sewer connections to the proposed residential housing development consisting of 204 two- and three-bedroom townhouses, 96 one-, two-, and three-bedroom rental apartments, and a 5,200 square-foot club house at the "Morris Commons." The development would be constructed on Block 22401, Lots 3.06 and 3.07 at 600 and 700 Commons Way in Rockaway Township, Morris County, New Jersey.

We have carefully evaluated the information that you provided in support of your request. The New Jersey Department of Environmental Protection's Division of Land Use Regulation (DLUR) issued a Freshwater Wetlands Letter of Interpretation/Line Verification for the project site on February 8, 2012. Engineering drawing WP1, "Wetlands Permitting Plan," as prepared by Russo Development, LLC for this project, which was last revised on October 22, 2012, reflects the wetlands boundaries and wetlands transition areas as delineated in accordance with the NJDEP wetlands protection requirements.

We also note that the NJDEP DLUR issued Freshwater Wetlands General Permit (GP) Numbers (Nos.) 10A and 11, as well as the Transition Area Waiver (TAW) Averaging Plan for approval of the project on March 7, 2013. Under GP No. 10A, the NJDEP has authorized disturbance of 0.01 acre of freshwater wetlands and 0.08 acre of freshwater wetland transition area to construct a minor road crossing. GP No. 11 authorizes disturbance of 0.01 acre of freshwater wetlands to construct an outfall structure and 0.03 acre of freshwater wetland transition area to construct stormwater piping to connect to an existing manhole. The TAW Averaging Plan allows 0.348 acre of forested freshwater wetland transition to be compensated by the same amount of forested freshwater transition wetland transition area for grading of the parking area, stormwater basins, and townhouses.

As noted in the NJDEP permit, there is a special condition to protect the known Indiana bat (*Myotis sodalis*) hibernacula near the project site and potential roosting habitat on-site. **No clearing of any trees with 6" diameter breast height or greater from April 1 through November 15 is permitted at any year.**

Based on our review of the information provided on the Engineering drawing WP1, except for the authorized wetland disturbance, no other wetlands will be impacted by the project. Therefore, I approve a partial waiver of the ESA special grant condition for this project as there are additional wetlands and wetland transitional areas throughout the site.


Any modification to this project resulting in disturbance to wetlands or floodplains will require a resubmittal of this application to the EPA for a revised determination, and the sewer connection restriction of the special grant condition remains in effect for any future construction. Moreover, this waiver does not relieve the property owner from compliance with any other federal, state, or local requirements.

EPA encourages your community to continue to ensure that the planning and design of new developments incorporate appropriate site-specific management practices to protect wetlands and minimize stormwater runoff impacts. Careful site planning can reduce negative environmental impacts by limiting overall site disturbance, conserving vegetation and soil, maintaining natural drainage patterns, and minimizing creation of impervious surfaces which significantly increase stormwater runoff.

In addition, as part of a national effort to sustain healthier families, cleaner communities, and a stronger America, EPA would like you to inform the developers and their consultants/contractors about green building materials and practices, as well as energy-efficient and water-efficient products. In previous correspondence with you, we have provided a copy of the *U.S. EPA Region 2 Green Recommendations*. Please share this information with project proponents as appropriate. We encourage and commend efforts to use green building/energy efficient/ water-saving products and would appreciate being made aware of examples of their utilization.

If you have any questions concerning this matter or would like additional information about our Green Recommendations, please feel free to contact Nikolaus Wirth of my staff at (212) 637-3902.

Sincerely,


John Filippelli, Director
Clean Air and Sustainability Division