

Resolution 15-113

RESOLUTION DENYING CONSENT TO THE PROPOSED AMENDMENT OF THE NORTHEAST WATER QUALITY MANAGEMENT PLAN AND MORRIS COUNTY WASTEWATER MANAGEMENT PLAN RELATIVE TO RAM ASSOCIATES, LLC AVALON BAY PROJECT, DENVILLE TOWNSHIP - AT BLOCK 40001, LOT 4 AND BLOCK 40203, LOT 1

WHEREAS, the Water Quality Management Planning Rules (N.J.A.C. 7:15) adopted by the New Jersey Department of Environmental Protection (NJDEP) requires that all areas of New Jersey must be addressed by Wastewater Management Plans (WMP); and

WHEREAS, the New Jersey Water Quality Planning Act, N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. mandate the completion and submission to the New Jersey Department of Environmental Protection (NJDEP) for review and approval, of a Wastewater Management Plan (County WMP) which defines the existing and future capacity demands of existing and future wastewater related jurisdictions and wastewater service areas, and further requires that all projects and activities affecting water quality must be consistent with these planning documents. Upon adoption, the County WMP becomes a part of the Areawide Water Quality Management Plan (WQMP); and

WHEREAS, N.J.A.C. 7:15-5.4 establishes that the county board of chosen freeholders shall have wastewater management plan responsibility for a WMP area consisting of all areas within its county. Those areas designated as within the Rockaway Valley Regional Sewerage Authority STP are depicted on the map entitled "Future Wastewater Service Area Map for Morris County amending the Following Areawide Water Quality Management Plans: Northeast, Upper Delaware, Upper Raritan, Sussex, Date of Current Submittal: March 14, 2012" as noticed in the July 2, 2012 New Jersey Register at 44 N.J.R. 1919, See also http://www.morrisplanning.org/pdfs/FWSA_final.pdf; and

WHEREAS, the Township of Denville is a participant of the RVRSA pursuant to a Service Contract dated July 1, 1976, between the RVRSA and Denville Township, which provides for the discharge of sewage into the System of the Authority; and

WHEREAS, the RAM Associates, LLC property located at Block 40001, Lot 4 and Block 40203, Lot 1, Denville Township, is located outside of the RVRSA's current sewer service area and therefor is currently inconsistent with the adopted WMP. Authority to adopt changes to the RVRSA sewer service area rests with the NJDEP, and is subject to the amendment process set forth at N.J.A.C. 7:15-3.4. Accordingly, prior to connection of this property, the adoption of an amendment to the applicable planning documents is needed to establish that connection of this property is consistent with N.J.A.C. 7:15-3.1; and

WHEREAS, the RAM Associates LLC amendment proposal, published in the New Jersey Register on November 4, 2015, (Program Interest Number: 435442; Activity Number: AMD140001) would expand the sewer service area of the RVRSA to include approximately 18 acres on portion of Block 40001, Lot 4, and Block 40203, Lot 1 within Denville Township, and would allow the creation of 19 new residential units with each unit to be constructed on an individual lot; and

WHEREAS, by letter dated November 18, 2015, from Steven Ward, Denville Township Administrator, attached hereto and made a part hereof, the Township of Denville has advised that it does not endorse or support the proposed amendment to the RVRSA sewer service area relevant to the facilitation of the connection of RAM Associates LLC, Block 40001, Lot 4, and Block 40203, Lot 1, Township of Denville, to the RVRSA System; accordingly, RVRSA does not endorse or support the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority, on this 10th day of December, 2015, that:

1. The Rockaway Valley Regional Sewerage Authority does not consent to the amendment of the County WQMP to include Block 40001, Lot 4, and Block 40203, Lot 1, Township of Denville, as within the sewer service area of the RVRSA.
2. This Resolution shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.1 et seq.
3. Copies of this Resolution shall be provided to the Applicant, Morris County Planning Board and Township of Denville.

CERTIFICATION

I hereby certify that this resolution was adopted at the regularly scheduled meeting of the RVRSA held on December 10, 2015

Moved by: Thomas Andes

Second by: Glenn Corbett

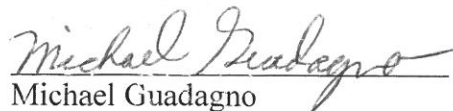
ROLL CALL VOTE:

AYES: (7) Andes, Cegelka, Corbett, Guadagno, Lowell, Recchia, Schorno

NAYS: (0) None

ABSTAIN: (0) None

ABSENT: (3) Schaefer, Secco and Vincitore

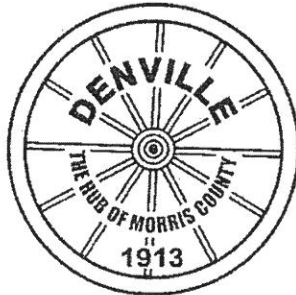

Michael Guadagno
Secretary

Township of
DENVILLE

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Thomas Andes
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Steven Ward
Business Administrator
administration@denvillenj.org

November 18, 2015

NJ Department of Environmental Protection
Office of Water Resource Management
Post Office Box 420
Mail Code 401-02A
401 East State Street
Trenton, New Jersey 08625

**RE: PROPOSED AMENDMENT TO NORTHEAST WQM PLAN
BLOCKS 40001/40203, LOTS 4/1, DENVILLE TOWNSHIP, MORRIS CO.
RVRSA WASTEWATER MANAGEMENT PLAN
MORRIS COUNTY FUTURE WASTEWATER SERVICE AREA MAP
PROGRAM INTEREST NO.: 435442
ACTIVITY NO.: AMD 140001**

Dear Sir or Madam:

On November 3, 2015, the Township of Denville received a letter from Michael J. Gross, Esq. requesting a written statement of consent from the Township of Denville for a proposed amendment to the Northeast Water Quality Management ("WQM") Plan. The amendment is being sought for a proposed development at the above referenced property located adjacent to Franklin Road within the municipal boundaries of the Township of Denville.

At the present time, the Township of Denville does not support nor endorse the proposed amendment to the WQM Plan as requested.

Pursuant to local land use regulations, the subject properties are located within a designated R-1 Zone, which allows for one (1) single-family residence per minimum lot size of 40,250 sq. feet. From a cursory review of the proposed WQM Plan amendment submitted, the nineteen (19) units being proposed seem to be an attempt to conform to the aforesaid local zoning regulations. Despite a potentially conforming development in regards to density, in a letter dated October 29, 2015, the NJ Highlands Council has expressed concerns with the developer's proposed water deficit mitigation that would be associated with even the nineteen (19) unit development.

Concurrently, the Township has filed a Declaratory Judgment Action to establish its affordable housing obligation and obtain approval of its Fair Share Plan. RAM Associates, LLC, is an intervener/defendant in that action. On October 29, 2015, RAM Associates

submitted a site suitability analysis to the court for the subject property, which contained a more intensive development of 150 units for the same property. The Highlands Council has not commented on this more intensive development.

Therefore, as previously stated, the Township of Denville does not support the proposed amendment to the WQM Plan at this time due to insufficient data and the notable inconsistencies. Furthermore, the Township urges the NJDEP to either deny or, at a minimum suspend a final determination on the proposed WQM Plan until additional data is available and the above mentioned inconsistencies are satisfactorily addressed.

If you have any questions or require additional information, please feel free to contact me via e-mail (sward@denvillenj.org) or at (973) 625-8300 ext. 222.

Sincerely,



Steven Ward, Township Administrator
TOWNSHIP OF DENVILLE, NEW JERSEY

cc: Mayor Thomas W. Andes
Members of the Township Council
Paula DeBona, Township Attorney
Edward Buzak, Township Attorney
John Ruschke, Township Engineer
Virginia Michelin, County of Morris
Michael J. Gross, Esq.