

Resolution 17-122

RESOLUTION CONSENTING TO THE PROPOSED AMENDMENT OF THE NORTHEAST WATER QUALITY MANAGEMENT PLAN AND MORRIS COUNTY WASTEWATER MANAGEMENT PLAN RELATIVE TO TOLL BROTHERS, INC., DENVILLE TOWNSHIP

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, Toll Brothers, Inc., owns property located on a portion of Block 40001, Lot 4, and a portion of Block 40203, Lot 1, (east end of Franklin Avenue and south of US Highway 46. See attached map.) Denville Township, which 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 Toll Brothers, Inc. amendment proposal, published in the New Jersey Register on September 18, 2017, (Program Interest Number: 435442; Activity Number: AMD160002) would expand the sewer service area of the RVRSA by 17.26 acres to allow for the construction of 150 dwelling units across 26 residential buildings. Of the 150 three-bedroom dwelling units, 30 units will be affordable housing units in three two story buildings; 120 units will be market rate units housed in 23 two story and three story buildings; and approximately 12.85 acres is proposed to be retained as open space; and

WHEREAS, subject to endorsement of the project by Denville Township and approval by the Highlands Council, the RVRSA is desirous of endorsing an amendment to the RVRSA sewer service area, as contained in the adopted WMP, to facilitate the connection of the Toll Brothers, Inc. property located on a portion of Block 40001, Lot 4, and a portion of Block 40203, Lot 1, (east end of Franklin Avenue and south of US Highway 46), Township of Denville, to the RVRSA System.

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

1. The Rockaway Valley Regional Sewerage Authority hereby consents to the amendment of the County WQMP to include a portion of Block 40001, Lot 4, and a portion of Block 40203, Lot 1, (east end of Franklin Avenue and south of US Highway 46), Township of Denville, (as depicted on the attached map) as within the sewer service area of the RVRSA, upon application therefor and with the consent of the Township of Denville and the County of Morris, for the purpose of providing wastewater to 150 residential units.
2. This approval shall not constitute a representation by the RVRSA that gallonage capacity shall be available, or shall be reserved for this project, at the time of adoption of a WMP amendment by the NJDEP.
3. This consent is not to be construed as any future approval, nor any commitment for future approval, for any part of the project which may be deemed to be outside the boundaries of the RVRSA's sewer service area. The RVRSA is not legally authorized to extend sewer service beyond the sewer service area set forth in the Future Wastewater Service Area map approved by the NJDEP for Morris County adopted on April 25, 2013 and incorporated into the Northeast, Upper Delaware and Upper Raritan Water Quality Management Plan, unless and until the same is amended to include the project area within the RVRSA sewer service area.
4. This endorsement shall not supersede the requirement to obtain other approvals from the RVRSA and other governmental entities having jurisdiction before the premises are connected to the RVRSA system including, but not limited to the approval of a Mapping Revision/Grant Condition Waiver from USEPA; TWA-1 sewer extension approval from

NJDEP, issuance of a permit to connect and the inspection of the entire sewer line by the RVRSA.

5. This approval is subject to the payment of the appropriate fees and/or charges of the RVRSA or any other governmental authority having jurisdiction.
6. This consent 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.
7. This Resolution shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.1 et seq.
8. Copies of this Resolution shall be provided to the 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 October 12, 2017.

Moved by: Hector Schorno

Second by: John Cegelka


ROLL CALL VOTE:

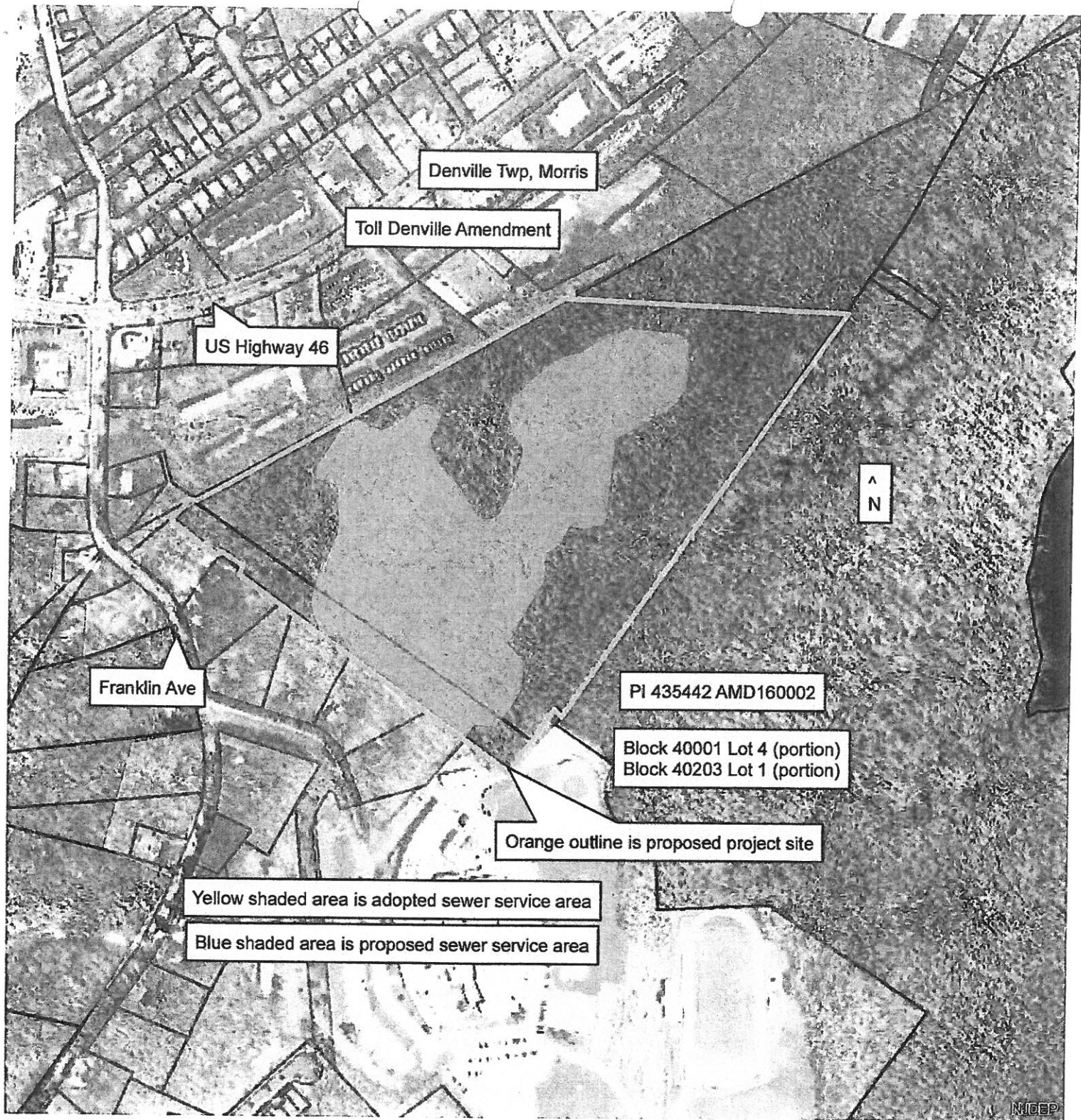
AYES: (9) Andes, Cegelka, Corbett, Guadagno, Lavery, Lowell, Recchia, Rossi, Schorno

NAYS: (0) None

ABSTAIN: (1) Vincitore

ABSENT: (0) None


Michael Guadagno
Board Secretary



Denville Twp, Morris

Toll Denville Amendment

US Highway 46

Franklin Ave

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N

PI 435442 AMD160002

Block 40001 Lot 4 (portion)
Block 40203 Lot 1 (portion)

Orange outline is proposed project site

Yellow shaded area is adopted sewer service area

Blue shaded area is proposed sewer service area