

Resolution 19-089

**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, by Resolution 14-087, adopted October 9, 2014, the Rockaway Valley Regional Sewerage Authority (“RVRSA”) approved an application for Treatment Works Approval submitted by the Township of Rockaway which proposed 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 (hereinafter referred to as “Morris Commons”). The RVRSA endorsement estimated the gallonage required to service the proposed project in the amount of 50,472 GPD (78,570 GPD based upon NJDEP values); and

WHEREAS, the TWA endorsement and application approved by RVRSA has expired, and the applicant has revised its plans, and an application for Treatment Works Approval has been submitted by the Township of Rockaway which proposes the extension of sewers for a new residential development consisting of nine (9) multi-family residential buildings with a total of 345 apartments plus a 10,000 SF clubhouse building with an outdoor pool, located at 600 and 700 Commons Way, Rockaway Township, New Jersey for review by the 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 will include 1,920 LF of 8” sanitary mains, 476 LF of 6” PVC sewer laterals, 9 sanitary manholes, 2 sanitary drop manholes, and a connection to an existing manhole; 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 new Letter of Interpretation dated September 17, 2019, and new NJDEP Freshwater Wetlands Permit also issued on September 17, 2019, to reflect the modifications to the 2014 plans; and

WHEREAS, USEPA Region 2, is currently reviewing the revised project plans, the new Letter of Interpretation from NJDEP, and new Freshwater Wetlands Permit with regard to the impact of the project revisions upon the letter from John Filippelli, Director, Clean Air and Sustainability Division, USEPA Region, dated August 25, 2014, that established that a partial waiver of the Environmentally Sensitive Area Special Condition No. 4, Construction Grant #C340389-04-02 (“ESA Special Grant Condition No. 4”) was appropriate; and

WHEREAS, pursuant to RVRSA’s planning estimates the gallonage required to service the revised proposed project is in the amount of 53,772 GPD; and

WHEREAS, the gallonage required to service the revised proposed project pursuant to the calculation of the NJDEP is 78,775 GPD; and

WHEREAS, the Township of Rockaway is required to endorse the revised project; which it has done by Township of Rockaway Resolution R-19-41, dated February 26, 2019; 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 53,772 GPD.

2. JoAnn Mondisini, 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 sewer hook-up or connection to the RVRSA sewage treatment facilities so as to allow the discharge of wastewater from any additional building, facility or other construction that encroaches upon any environmentally sensitive areas (ESA) pursuant to Special Grant Condition No. 4, federal project C340389-04-2, effective November 29, 1983, unless and until written approval is obtained from the USEPA. The sewer connection restriction of the grant condition remains in effect for any future construction. Any proposed disturbances to wetlands or floodplains shall require submission of an application to the RVRSA to thereafter be submitted to USEPA for a revised determination.

That this approval is subject to receipt of a waiver (or partial waiver) of Environmentally Sensitive Area Special Condition No. 4, Construction Grant #C340389-04-02 (“ESA Special Grant Condition No. 4”) from USEPA Region 2, and is expressly conditioned upon compliance with any terms and conditions contained therein.

- 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 10, 2019.

On motion of Mr. Glenn Corbett

Second by Mr. Michael Guadagno

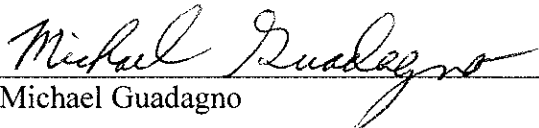
And a Roll Call Vote as Follows:

Yeas: (10) Andes, Cegelka, Corbett, Guadagno, Isselin, Lowell, Recchia, Rossi, Schorno,
Zuppa

Nays: (0) None

Abstain: (0) None

Absent: (0) None



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:** Township of Rockaway
65 Mount Hope Road
Rockaway, NJ 07866
- Project:** New residential development consisting of nine (9) multi-family residential buildings with a total of 345 apartments plus a 10,000 SF clubhouse building with an outdoor pool. The project will include 1,920 LF of 8" sanitary mains, 476 LF of 6" PVC sewer laterals, 9 sanitary manholes, 2 sanitary drop manholes, and a connection to an existing manhole.
- Service Area:** The portion of the property that is being built upon is located within the currently approved RVRSA Service Area maps of the 1980's as confirmed by the New Jersey Highlands Council. [A portion of the proposed project is not in the proposed revised future sewer service area, not yet approved.]
- 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. A new Letter of Interpretation and NJDEP freshwater wetlands permit were issued on September 17, 2019, to reflect the modifications to the 2014 plans.
The EPA is updating their waiver letter based upon the new letter of Interpretation and new wetlands permit for the project.
- Gallorage (FC/FS):** NJDEP criteria 78,775 gpd
RVRSA gallorage 53,772 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
Township of Rockaway Planning Board Resolution dated 10/15/18
Township of Rockaway Resolution R-19-41, dated 2/26/19 for TWA

Ownership Disclosure Statement:

Morris Commons LLC/Edward Russo and Shalom Russo dated 4/26/2019

Engineer:

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