

Resolution 21-064

**RESOLUTION AUTHORIZING SUBMISSION OF
GRANT CONDITION WAIVER APPLICATION FOR
KRE ACQUISITION CORPORATION
Canfield Avenue
Mine Hill Township, NJ
Block 1102, Lot 1 and Block 1502, Lot 1**

WHEREAS, KRE Acquisition Corporation (“KRE”) is the owner of property on Canfield Avenue, Block 1102, Lot 1, and Block 1502, Lot 1, Mine Hill, New Jersey (“KRE Property”), which KRE contemplates developing in the future, and Environmentally Sensitive Areas (ESAs) exist on the property but are not proposed to be disturbed; and

WHEREAS, one of the conditions imposed by the United States Environmental Protection Agency (USEPA) upon the grant for the construction of the RVRSA wastewater treatment plant prevents the connection of any structure within wetlands (as delineated on maps approved by USEPA) and upon parcels wherein wetlands are subsequently delineated to the RVRSA treatment facilities for a period of 50 years from November 29, 1983; and

WHEREAS, the KRE Property is partially within the RVRSA Sewer Service area. The applicant previously applied for a site-specific amendment to the areawide WQMP for the proposed development and the NJDEP informed the applicant that since wetlands are present on the site, prior to advancing the WQMP Sewer Service Area Amendment process, the RVRSA must obtain from USEPA a waiver from the specified Grant conditions. KRE desires, in the future, to reconfigure the current Sewer Service Area (SSA) boundaries that already exist on the site to accommodate proposed future development, as well as, to protect existing ESAs. Approximately 16.51 acres is proposed to be added to the SSA to accommodate sewage-generating structures, while approximately 12.43 acres of the present SSA which consist of ESAs on Block 1502 is proposed to be removed.; and

WHEREAS, the Township of Mine Hill is required to endorse the project; which, it has done by Resolution 030-21, dated January 7, 2021; and

WHEREAS, RVRSA is desirous of facilitating KRE’s application to USEPA for a grant

condition waiver.

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

1. The Executive Director is hereby authorized and directed to submit the Grant Condition Waiver Application from KRE Acquisition Corporation to USEPA for disposition.
2. 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, if any.
3. That this endorsement is not to be construed as any future approval, nor any commitment for future approval.
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 TWA-1 sewer extension application if applicable, 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 action 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 issuance of a favorable mapping revision and/or a grant condition waiver by the USEPA.
7. This action shall not constitute a representation by the RVRSA that the RVRSA will endorse any future Wastewater Management Plan (County WMP) Amendments

proposing to include the KRE Property in the RVRSA sewer service area.

CERTIFICATION

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on May 13, 2021.

On motion of Commissioner Schorno

Seconded by Commissioner Cegelka

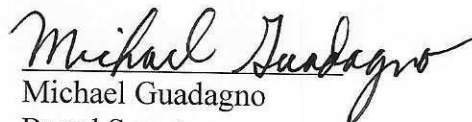
And a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno, Zuppa

Nays: (0)

Abstain: (0)

Absent: (1) Corbett


Michael Guadagno
Board Secretary