

**WARREN TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION NO. 11-50**

**RESOLUTION GRANTING REVISED PRELIMINARY AND FINAL APPROVAL OF THE APPLICATION OF VICENDESE FAMILY, LP FOR A REVISED CHANGE IN USE OF THE TENANT SPACE IN THE FLAG PLAZA SHOPPING CENTER FOR AN ADDITIONAL TWO (2) EDUS, FOR A TOTAL OF THREE (3) EDU'S FOR THE FIRST FLOOR OF THE TENANT SPACE, AND A TOTAL OF ONE (1) EDU FOR THE SECOND FLOOR OF THE TENANT SPACE, LOCATED AT 50 MOUNT BETHEL ROAD, BLOCK 88.04, LOT 15, IN THE MIDDLEBROOK SEWER SERVICE AREA**

**WHEREAS**, the applicant, Vicendese Family, LP, has applied to the Authority for a revised change in use of the tenant space, for use as a tavern on the first floor of the tenant space, and for the second floor of the tenant space to remain as vacant office space, in the Flag Plaza Shopping Center at 50 Mount Bethel Road, Block 88.04, Lot 15 in the Middlebrook sewer service area; and

**WHEREAS**, the applicant previously received Preliminary and Final Approval for a change in use by Resolution No. 10-102 to convert the free-standing, 2-story Windsor Building, which is part of the mall on the subject parcel, to use as a restaurant. This building has a total floor area of 3,920 s.f., which was previously designated as office space. This previous approval resulted in an increase of eleven (11) EDU's, for a total of thirteen (13) EDU's, for the tenant space; and

**WHEREAS**, at this time, the applicant has revised the plans for the proposed change of use of the Windsor Building to that of a tavern on the first floor only, with the second floor to remain vacant; and

**WHEREAS**, the revised drawings now show that the proposed tavern on the first floor includes 41 bar seats. The applicant's architect confirmed that the existing use of the second floor will be unchanged from its current use as vacant office space; and

**WHEREAS**, there is no new sanitary sewer construction included in this project. There are no outdoor seats shown on the drawings or listed in the application; and

**WHEREAS**, based upon NJDEP recommended flow rates, the estimated wastewater flow from the proposed tavern has now been calculated by the applicant as follows:

$$41 \text{ bar seats} \times 20 \text{ gpd/seat} = 820 \text{ gpd} = 3 \text{ EDUs}$$

The existing flow from the first floor based upon the previous use as office space would be calculated as follows:

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2,200 s.f. x 0.125 gpd/sf = 275 gdp = 1 EDU.

The above wastewater flow calculation is in conformance with the Authority's Rules and Regulations and the design flow figures are found in the NJDEP's regulations, and therefore, the Authority's Engineer concurs with this calculation; and

**WHEREAS**, this application for a revised change in use of the tenant space represents an increase of two (2) additional EDU's, for a total of three (3) EDU's for the first floor of the tenant space. The second floor of the tenant space will remain as vacant office space, and therefore will remain approved for a total of one (1) EDU; and

**WHEREAS**, the Authority's Engineer, by memorandum dated March 15, 2011, has indicated that he has reviewed the revised drawing and application bearing the latest revision date of March 2, 2011, submitted on behalf of the applicant by Beer & Coleman Architects & Associates, LLC for the Revised Change In Use of the 2,200 s.f. first floor of the Windsor Building from office space to use as a tavern, with 41 bar seats with two (2) additional EDU's, and the 1,720 s.f. second floor of the tenant space remaining as vacant office space, in Flag Plaza Shopping Center on Block 88.04, Lot 15, in the Middlebrook sewer service area. The Authority's Engineer has determined that this revised change in use was designed in accordance with the Authority's Rules and Regulations and has recommended that the Authority grant preliminary and final approval.

**NOW, THEREFORE, BE IT RESOLVED**, by the Warren Township Sewerage Authority, County of Somerset, State of New Jersey, that the Authority hereby grants revised preliminary and final approval for the Revised Change In Use of the tenant space, with the 2,200 s.f. first floor to be used as a tavern with 41 bar seats, and with the 1,720 s.f. second floor to remain as vacant office space, in Flag Plaza Shopping Center on Block 88.04, Lot 15, in the Middlebrook sewer service area, with two (2) additional EDU's of capacity for a total of three (3) EDU's of capacity for the first floor of the tenant space, and a total of one (1) EDU of capacity for the second floor of the tenant space. The approval granted herein is subject to the following conditions:

1. The applicant shall comply with all of the Authority's Rules and Regulations, and the payment of all fees, including the applicable connection fees for the two (2) additional EDU's.
2. The applicant shall not be issued a connection permit until applicant has provided confirmation that the applicable SRVSA connection fee has been paid to SRVSA.
3. The applicant shall provide a grease trap for the kitchen facilities in accordance with local Code.
4. The applicant shall not commence any construction without first obtaining the necessary permits.
5. If applicable, the applicant prior to any excavation, must provide written notice to

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the Somerset-Union Soil Conservation District.

6. The Applicant shall complete all site restoration work associated with the construction of the sanitary sewer to the satisfaction of the Authority and the Township.

7. The applicant shall not commence any construction requiring engineering inspection until it has provided proof to the Authority that the applicant has notified the "One-Call Damage Prevention System" pursuant to the Underground Facility Protection Act, N.J.S.A. 48:2-73, et seq., which proof shall be provided by supplying the Authority with the confirmation number assigned to the notice of intent pursuant to said Act.

8. This approval for a Revised Change in Use pursuant to Section 5.8 of the Authority's Rules and Regulations applies only to the change in use described herein. If any part of the property of which this use is a part is to be used, either by the applicant or by future owners or tenants of the property, for any purpose other than described herein, a new application for a change in use must be submitted.

9. In the event the Authority determines at a later date that the water usage associated with the first floor tenant space exceeds three (3) EDU's of capacity, or that the water usage associated with the second floor of the tenant space exceeds one (1) EDU, or that the overall water usage exceeds four (4) EDU's, then the sewer service fee for this property shall be billed based on such greater number of units, and the property shall be charged a recalculated connection fee equivalent to the then applicable connection fee for each such additional EDU.

10. The approval is not intended to definitively establish the number of EDU's for which the entire Flag Plaza Shopping Center has been approved, but only to approve an increase of two (2) EDU's for the tenant space as set forth above.

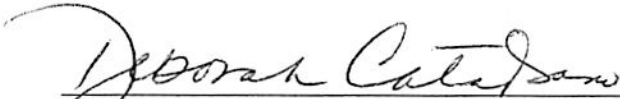
**BE IT FURTHER RESOLVED** that notwithstanding the allocation of capacity in prior approvals, the property owner is the party responsible for the payment of all fees, including any recalculated connection fee. Any unpaid connection fee or sewer use fee will become a lien on the property.

Moved by Mr. Truglio  
Seconded by Mrs. Garafola

Roll Call Vote	Yes	No
Mr. Reeder	x _____	_____
Mr. Florey	_____	_____
Ms. Garafola	x _____	_____
Mr. Truglio	x _____	_____
Mr. George Vetter (Alternate #1)	x _____	_____
Mr. Kaufman (Alternate #2)	x _____	_____

**CERTIFICATION**

I, Deborah Catapano, Secretary of the Warren Township Sewerage Authority in the County of Somerset, New Jersey, do hereby certify that the above resolution is a true and correct copy of a resolution adopted at a meeting of the Warren Township Sewerage Authority on April 20, 2010.

  
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Deborah Catapano, Authority Secretary