

WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 11-92

RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL OF THE APPLICATION OF LD YOGURT COMPANY FOR A CHANGE IN USE OF THE TENANT SPACE PREVIOUSLY USED AS A TANNING SALON TO USE SUCH SPACE FOR THE LD YOGURT COMPANY'S FROZEN YOGURT FAST FOOD SHOP WITH 18 SEATS AND NO ADDITIONAL EDU'S OF CAPACITY, FOR A TOTAL OF ONE (1) EDU OF CAPACITY FOR THE TENANT SPACE, IN THE KINGS SHOPPING CENTER LOCATED AT 4 MOUNT BETHEL ROAD, UNIT NO. 16, BLOCK 89, LOT 1.03 IN THE MIDDLEBROOK SEWER SERVICE AREA

WHEREAS, the applicant, LD Yogurt Company, has applied to the Authority for preliminary and final approval for a change in use of a 1,900 square foot tenant space in the Kings Shopping Center currently used as a tanning salon to a fast food yogurt shop with 18 seats and no additional EDU's of capacity, such tenant space being located in the Kings Shopping Center located at 4 Mount Bethel Road, Unit No. 16, Block 89, Lot 1.03 in the Middlebrook sewer service area; and

WHEREAS, the applicant proposes to remodel the existing 1,900 s.f. tenant space, previously used as a tanning salon for use as a fast food yogurt shop. The drawings submitted show that there are to be seven (7) 2-seat benches and 4 counter stool seats, totaling 18 seats. Therefore, utilizing the NJDEP suggested figure for fast food restaurants, the estimated wastewater flow would be calculated as 18 seats times 15 gallons per day (gpd) per seat, which equals 270 gpd or 1 EDU. There are no outdoor seats shown on the drawings or listed on the application; and

WHEREAS, the existing 1,900 s.f. tenant space considered as retail use for the tanning salon has a corresponding wastewater flow calculated as 1,900 s.f. times 0.125 gpd/s.f., which equals 238 gpd or 1 EDU. Therefore, based on the estimated wastewater flow for this proposed change in use, no additional EDU's of capacity are required; and

WHEREAS, according to the drawings, there is no new exterior sanitary sewer construction. Any new sanitary plumbing work for this project is under the jurisdiction of the local Plumbing Sub-code Official; and

WHEREAS, the Authority's Engineer, by memorandum dated August 10, 2011, has indicated that he has reviewed the application and drawings submitted on behalf of the applicant by MG New York Architects for a change in use of a 1,900 square foot tenant space in the Kings Shopping Center currently used as a tanning salon to a fast food yogurt shop with 18 seats and no additional EDU's of capacity required. The drawings submitted consist of Drawing No. A-100.00 "Proposal Floor Plan", dated July 21, 2011 and Drawing No. SO-51336-LD, dated July 20, 2011, prepared by MG New York Architects. The Authority's Engineer has determined that this change in use was designed in accordance with the Authority's

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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 preliminary and final approval for a change in use of a 1,900 square foot tenant space in the Kings Shopping Center currently used as a tanning salon to a fast food yogurt shop with 18 seats and no additional EDU's of capacity required, for a total of one (1) EDU of capacity for the tenant space located in the Kings Shopping Center located at 4 Mount Bethel Road, Unit No. 16, Block 89, Lot 1.03 in the Middlebrook sewer service area. 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.

2. The applicant shall comply with the local Plumbing Sub-code Official regarding any new sanitary sewer construction on the subject parcel.

3. The applicant shall not commence any construction without first obtaining the necessary permits.

4. If applicable, the applicant prior to any excavation, must provide written notice to the Somerset-Union Soil Conservation District.

5. 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.

6. 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.

7. This approval for a 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.

8. In the event the Authority determines at a later date that the water usage associated with this tenant space exceeds one (1) EDU of capacity, 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.

BE IT FURTHER RESOLVED that notwithstanding the allocation of capacity in prior

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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
Chairman Reeder	x_____	_____
Mr. Florey	_____	_____
Mr. Truglio	x_____	_____
Ms. Garafola	x_____	_____
Mr. Vetter (Alternate)	x_____	_____
Mr. Kaufman (Alternate)	_____	_____

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 August 17, 2011.



Deborah Catapano, Authority Secretary