

**WARREN TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION NO. 12 - 136**

**RESOLUTION GRANTING CONDITIONAL PRELIMINARY AND FINAL APPROVAL TO THE APPLICATION OF SHELTER DEVELOPMENT LLC FOR THE PROPOSED GRAVITY CONNECTION VIA A SIX INCH LATERAL TO AN EXISTING EIGHT INCH SANITARY SEWER SYSTEM WITHIN A TOWNSHIP OF WARREN ACCESS AND UTILITY EASEMENT IN BLOCK 74, LOT 6.02, SERVING A PROPOSED ASSISTED LIVING FACILITY ON LOTS 7, 8 & 9 OF BLOCK 74, WITH APPROXIMATELY FORTY-TWO (42) ADDITIONAL EDU'S OF CAPACITY FOR A TOTAL OF FORTY-FOUR (44) EDU'S, IN THE MIDDLEBROOK SEWER SERVICE AREA**

**WHEREAS** the applicant is seeking preliminary and final approval to for a proposed privately-owned gravity sanitary sewer system, and forth-four (42) EDUs of additional EDU's of capacity, for a total of forty-four (44) EDUs, to serve a proposed 122 bed assisted living facility on Lots 7, 8 & 9 of Block 74 on Mount Bethel Road, in the Middlebrook service area; and

**WHEREAS** by Resolution 11-72 the applicant, Shelter Development, LLC, received from the Authority conceptual approval on June 22, 2011, for a proposed privately-owned gravity sanitary sewer system, and approximately seventy (70) additional EDU's of capacity, for a total of seventy-two (72) EDU's, to serve a proposed assisted living facility on Lots 7, 8 & 9 of Block 74 on Mount Bethel Road, in the Middlebrook service area; and

**WHEREAS** the subject parcel includes an existing dwelling on Lot 7 and an existing dwelling on Lot 9, which are both presently connected to the sewer system and which are approved for one (1) EDU each. Lot 8 is vacant; and

**WHEREAS** the conceptual approval granted by Resolution 11-72 was for a 3-story, 158-bed main assisted living facilities building and 15 independent living cottages, the combination of which were determined to result in a total of 72 EDUs; and

**WHEREAS** the applicant has amended its application for which conceptual approval had been granted. The proposed development now includes a 3-story assisted living facilities building, with ninety (90) one-bedroom and sixteen (16) two-bedroom units, totaling 122 beds. Each proposed unit contains private bed and bath facilities, and some of the units having kitchenettes and/or additional living space. The facility will also include a main kitchen; dining and activity areas; public restrooms; laundry areas; café, lounge and sitting areas; salon/juice bar, fitness and spa areas; housekeeping/storage areas; and administration and doctor's office areas, all of which are consistent with a typical assisted living facility; and

**WHEREAS** the application is for a single connection of the 122 bed assisted

living facility by way of a gravity connection via 118 LF of 6-inch lateral pipe to an existing manhole within the 8-inch sanitary sewer system within an existing Township of Warren access and utility easement in Block 74, Lot 6.02, off of Town Center Drive, to the south of the subject property, located within the Middlebrook Service Area; and

**WHEREAS** the New Jersey Department of Environmental Protection's ("NJDEP") recommended design flow for assisted living facilities is 100 gpd per bed, which calculation results in a projected flow of 12,200 gpd, or 44 EDUs, for the proposed facility. Lots 7 and 9 of Block 74 contain homes that are presently allocated one EDU each from the Authority, and are proposed to be removed as part of the project. Accordingly, the proposed project will therefore result in a net increase of 42 EDUs for the subject properties; and

**WHEREAS** the Applicant's engineer has noted that an Environmentally Sensitive Area (ESA) exists within the project area. As the property is located within the Middlebrook Service Area, the Applicant has been made aware of the required United States Environmental Protection Agency (USEPA) waiver for connection to the Middlebrook sewer system; and

**WHEREAS** by memoranda dated December 4, 2012, and revised December 13, 2012, the Authority's Engineer has indicated that he has reviewed the application documents submitted on behalf of the applicant, including SP-1 Cover Sheet, SP-4 Utility Plan, SP-8 Utility Profiles, and SP-9 Construction Details, all dated November 2, 2012, and the Applicant was requested to revise the original design in response to the Engineer's comments and technical requirements of the Authority Rules and Regulations; and

**WHEREAS** these design changes were completed to the Authority's Engineer's satisfaction for design drawings SP-1, SP-4, SP-8, and SP-9 revised November 27, 2012; and

**WHEREAS** the applicant submitted architectural design changes on December 12, 2012, to increase the number of proposed beds from 104 beds to 122 beds, resulting in an increase in necessary EDUs from a total of 38 to 44, and the Authority's Engineer has reviewed same; and

**WHEREAS** the Engineer has determined that all technical specifications have been met for preliminary and final approval and has recommended that the Authority grant conditional preliminary and final approval be granted for the application subject to the conditions set forth below.

**NOW, THEREFORE, BE IT RESOLVED** by the Warren Township Sewerage Authority, County of Somerset, State of New Jersey, that the Authority hereby grants conditional and final approval to the applicant, Shelter Development, LLC, for proposed sanitary sewers for the proposed assisted living facility located at Block 74, Lots 7, 8, and 9, consisting of a gravity lateral connection of a net increase of 42 EDUs to an existing 8-inch sewer within an existing access and utility easement in Block 74, Lot 6.02, off of Town Center Drive, in the Middlebrook Service Area, 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 payment to the Authority of the then applicable connection fee.
2. The new sanitary sewer construction on the subject parcel is under the jurisdiction of the local plumbing sub-code official.
3. 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.
4. 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.
5. If applicable, prior to any excavation, the applicant must provide written notice to the Somerset Union Soil Conservation District.
6. An NJDEP Treatment Works Approval (TWA) permit from Somerset County will be required for the project, which will require the endorsement of both the Authority and the Somerset Raritan Valley Sewerage Authority, and it is the applicant's responsibility to obtain this permit.
7. Since an ESA exists within the project area and the connection is located within the Middlebrook Service Area, the applicant must submit to the Authority the documentation required in the USEPA Waiver Checklist in order that the Authority may request a release from the USEPA regarding stipulations in the Grant Agreement for the Authority's Middlebrook interceptor. This preliminary and final approval is conditioned on receipt from the USEPA of the required release.
8. The connection to the existing sanitary manhole and installation of 118 LF of 6-inch SDR 35 PVC lateral piping to the existing manhole within the sanitary sewer easement located on Block 74, Lot 6.02 is under the jurisdiction of the Authority and must be inspected by a representative of the Authority. In accordance with Section 3.15 of the Authority's Rules and Regulations, the applicant must pay an escrow amount of \$2,360.00 to cover the cost of this inspection, based upon the total of 118 LF of 6-inch pipe located within the WTSA easement (118 LF x \$20 = \$2,360.00).

**BE IT FURTHER RESOLVED** that the Authority's Chairman is hereby authorized and directed to execute the required New Jersey Department of Environmental Protection TWA-1 permit application and, upon receipt of the required materials, request a release from the United States Environmental Protection Agency regarding stipulations

in the Grant Agreement for the Authority's Middlebrook interceptor. As this approval is explicitly conditioned on receipt of the TWA and of the USEPA release, no construction shall commence until both conditions have been satisfied.

Moved by Mr. Truglio  
 Seconded By Mr. Checchio

Roll Call Vote	Yes	No	
Chairman Reeder	<u>  x  </u>	<u>      </u>	
Mr. Truglio	<u>  x  </u>	<u>      </u>	
Ms. Garafola	<u>      </u>	<u>      </u>	Abstain
Mr. Kaufman	<u>      </u>	<u>      </u>	
Mr. Vetter	<u>  x  </u>	<u>      </u>	
Mr. Checchio (Alternate #1)	<u>  x  </u>	<u>      </u>	
Mr. Paoella (Alternate #2)	<u>  x  </u>	<u>      </u>	

**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 December 19, 2012.

  
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 Deborah Catapano, Authority Secretary