

WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 12-18

RESOLUTION AMENDING RESOLUTION NOS. 05-149 AND 08-139, AND GRANTING CONDITIONAL APPROVAL TO THE APPLICATION OF MADDY REALTY TO ADD EIGHTY-TWO (82) PORCH, PATIO, AND EXTERIOR BAR SEATS TO THE EXISTING RESTAURANT/ CATERING FACILITY LOCATED AT 50 STIRLING ROAD, BLOCK 212, LOT 21.01, LOCATED IN THE STAGE I & II SEWER SERVICE AREA

WHEREAS, the applicant, Maddy Realty, has applied to the Authority for an approval to allow an additional seating at the existing restaurant/catering facility, located at 50 Stirling Road, Block 212, Lot 20.01, in the Stage I & II sewer service area; and

WHEREAS, the property is in the Authority's Stage I & II sewer service area which currently does not have any additional flow capacity available for new connections or additional EDU's; and

WHEREAS, by Resolution 05-149, the Authority granted the applicant a conditional waiver for its proposed renovations to the existing restaurant/ catering facility, which resolution established that the property was approved for thirty-seven (37) EDU's, and that the Authority's Engineer had calculated that the estimated wastewater flow at the property would be thirty-four (34) EDU's; and

WHEREAS, by Resolution 08-139, the Authority granted the applicant a conditional approval for the addition of twenty-four (24) porch seats, thereby amending Resolution 05-149; and

WHEREAS, in early 2011 the applicant applied for a waiver to the addition of two (2) porch seats, 64 dinner patio seats, and 16 exterior bar seats, for total of 82 seats; and

WHEREAS, the Authority's engineers recommended that the Applicant be required to present an analysis of the projected impact on sewage flow of these additional seats, given the restrictions on capacity in the Stage I&II sewer service area; and

WHEREAS, the Applicant subsequently submitted an application for approval of an unspecified number of additional seats, but with the same 82 additional seats shown on the accompanying plans; and

WHEREAS, in fact the Applicant utilized the 82 additional seats during 2011, so that some of the water consumption data available is based on these additional seats being used; and

WHEREAS, by memoranda dated February 8, 2012, the Authority's Engineer has indicated that he has reviewed the plans submitted on behalf of the applicant and prepared by Van Cleef Engineering Associates, consisting of Sheets 1 through 3 of 3, with Sheet 1, with

revision date October 11, 2011, as well as a report of the same date entitled "Sanitary Sewer Capacity Review-Stone House." As detailed in the February 8th memoranda, based on a careful review of the documentation submitted on behalf of the Applicant, as well as water records obtained from New Jersey American Water, the Authority's Engineer is satisfied that, even with these additional 82 seats, the sewage flow can reasonably be expected not to exceed the 37 EDUs. Accordingly, based upon his review, the Engineer has recommended that the Authority grant conditional approval for the additional 82 seats, with conditions as included in Resolution Nos. 05-149 and 08-139 to monitor the flow and to ensure that the flow does not exceed 37 EDU's; and

WHEREAS, based on upon recent blockage of the sewer line adjacent to the Stone House restaurant, which is the subject of this application, and investigations conducted at the restaurant, appears that the restaurant has not been complying with the requirements of the Authority's Rules and Regulations relating to the use and proper maintenance of grease traps. In fact, the Authority has notified the Applicant of such violations, has required reimbursement of the costs incurred by the Authority's contract operator in cleaning the blockage, and has required submittal of documentation of compliance with the applicable grease trap requirements. The Authority has determined that approval of the additional seating should also be conditioned on compliance with the directives and payment of the costs incurred to clear the blockage.

NOW, THEREFORE, BE IT RESOLVED by the Warren Township Sewerage Authority, County of Somerset, State of New Jersey, that the Authority hereby grants conditional approval to the application of Maddy Realty for an amendment to Resolution Nos. 05-149 and 08-139 to allow for two (2) porch seats, 64 dinner patio seats, and 16 exterior bar seats, for total of 82 additional seats at the existing restaurant/catering facility, located at 50 Stirling Road, Block 212, Lot 20.01, in the Stage I & II 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, including the payment of all applicable fees to the Authority. No connection fees are payable as the applicant will be utilizing existing capacity for this property.

2. As stipulated in the prior Resolutions, the applicant shall provide water consumption reports to the Authority on a quarterly basis in the form of water bills from New Jersey American Water in order to show compliance with the requirement of this resolution that the water usage does not exceed the approved 37 EDU's.

3. Water usage may not exceed 37 EDU's. If the Authority shall determine at a later date that the water usage at the property has exceeded the 37 EDU's previously approved, the Authority may take whatever actions it deems necessary or appropriate to bring the water usage into compliance with the 37 EDU's allotted. Such measures may include, but not be limited to, requiring the removal and discontinuation of the additional seating, and/or imposing additional restrictions on the hours and days of operation.

4. If the water usage at the facility does exceed the 37 EDU's previously approved, then, the Authority, pursuant to its Rules and Regulations, may charge the owner an increased sewer use fee and may charge a recalculated connection fee to reflect the higher usage, however,

such charges shall be without prejudice to the Authority requiring the facility to reduce its water usage to stay within the approved 37 EDU's.

5. The approval is further conditioned on the Applicant complying with the directives of the Authority's letter dated February 7 regarding the inspection and maintenance of grease traps and other measures to remove and avoid the accumulation of grease, as well as payment of the invoice for the costs incurred by the Authority's operators to clear the grease blockage caused by the restaurant.

Moved by Mr. Truglio
Seconded by Mrs. Garafola

| Roll Call Vote | Yes | No |
|-----------------------------|---------|-------|
| Chairman Reeder | x _____ | _____ |
| Mr. Truglio | x _____ | _____ |
| Ms. Garafola | x _____ | _____ |
| Mr. Kaufman | _____ | _____ |
| Mr. Vetter | x _____ | _____ |
| Mr. Checchio (Alternate #1) | x _____ | _____ |
| Mr. Paoella (Alternate #2) | _____ | _____ |

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 February 15, 2012.


Deborah Catapano, Authority Secretary