

RESOLUTION NO. 2017-293

A RESOLUTION CONSENTING TO THE PROPOSED KLS INVESTMENTS WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT FOR BLOCK 3501/LOTS 8 & 9.

WHEREAS, the City of Vineland desires to provide for the orderly development of wastewater facilities within the City; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on June 19, 2017 for KLS Investments has been prepared by Engineering Design Associates, P.A. for inclusion of Block 3501/Lots 8 & 9 in the Landis Sewerage Authority sewer service area.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Vineland that:

1. The City of Vineland hereby consents to the KLS Investments amendment, prepared by Engineering Design Associates, P.A., which was publicly noticed on June 19, 2017, for the purpose of its incorporating Block 3501/Lots 8 & 9 into the Landis Sewerage Authority sewer service area in the Lower Delaware WQM Plan.

2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)(6).

Adopted:

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President of Council

ATTEST:

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City Clerk



June 14, 2017

*Via Certified Mail*

City of Vineland  
640 East Wood Street  
Vineland, NJ 08360

ATTN: Keith Petrosky, Clerk

**RE:   KLS Investments  
      Block 3501, Lots 8 & 9  
      City of Vineland, Cumberland County, NJ  
      EDA #7559**

Dear Mr. Petrosky:

On May 24, 2017, the New Jersey Department of Environmental Protection (Department) approved an application for a site specific amendment to the Lower Delaware WQM Plan. The WQMP rules at N.J.A.C. 7:15-3.5(g)6 require an amendment applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal. Accordingly, the purpose of this letter is to request a written statement of consent from the City in support of the above-referenced proposed WQMP amendment, also attached to this letter. A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body and is due within 60 days of your receipt of this letter. A "model" resolution is enclosed with this letter to provide an example of the language the Department considers sufficient to express a position regarding a proposed amendment.

Should the governing body determine that it does not support the amendment proposal, it may submit a resolution to the effect, which shall specify, in writing, all reasons for objection to the amendment proposal. A copy of the resolution should be sent to me as well as to the New Jersey Department of Environmental Protection, Office of Water Resources Management Coordination, PO Box 420, Mail Code 401-02A, 401 East State Street, 3<sup>rd</sup> Floor, Trenton, New Jersey 08625-0420.

Please be advised that if you do not submit the requested resolution, the DEP retains the option to adopt the proposed amendment without your resolution for consideration. Therefore, it is in your best interest to submit a resolution defining your position so that the Department may fully consider the impacts to all affected and substantially interested entities in its decision regarding adoption of the amendment proposal.

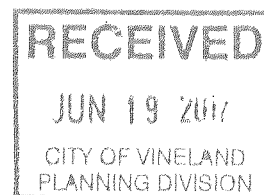
If you have any questions on this matter, please call me at 609-390-0332.

Sincerely,

Carol L. Tutelian, AICP, PP

CLT/km  
Enclosures

cc:     Kathie Hicks



ENVIRONMENTAL PROTECTION  
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION  
PROPOSED AMENDMENT TO THE LOWER DELAWARE WATER QUALITY  
MANAGEMENT PLAN

**Public Notice**

Take notice that the New Jersey Department of Environmental Protection (Department) seeks public comment on a proposed amendment to the Lower Delaware Water Quality Management (WQM) Plan. This amendment proposal (Program Interest No. 435441, Activity No. 160001), submitted by Carol Tutelian of Engineering Design Associates on behalf of KLS Investments, and identified as KLS Investments, would expand the sewer service area (SSA) of the Landis Sewerage Authority Wastewater Treatment Plant & Land Application Facility by 9.89 acres to serve two proposed retail buildings of 50,000 square feet and 42,000 square feet and a proposed 200 seat restaurant. The proposed project site is in Vineland City, Cumberland County, on the following lots and blocks: Block 3501/Lot 8 (portion) and 9 which is located south of Landis Avenue (State Highway 56) and west of Doren Terrace. This proposed amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and represents the Department's decision to proceed further with the amendment application as provided in N.J.A.C. 7:15-3.5(g)5.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as environmentally sensitive areas (ESAs), certain coastal planning areas, or areas subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

Pursuant to N.J.A.C. 7:15-4.4(e), Environmentally Sensitive Areas (ESAs) are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife (Landscape Maps) as Rank 3, 4, or 5; Natural Heritage Priority Sites; Category One waters designated in the Department's Surface

Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300-foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C 7: 13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as threatened and endangered wildlife species habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), Rank 4 (State endangered), or Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as threatened or endangered wildlife habitat pursuant to N.J.A.C. 7:15-4.4(e)1, the Department utilized its Landscape Maps, version 3.3 at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped threatened or endangered species habitat within the proposed sewer service area.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Natural Heritage Priority Sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural Heritage Priority Sites pursuant to N.J.A.C. 7:15-4.4(e)2, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no Natural Heritage Priority Sites located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300 foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300 foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no Category One waters or corresponding 300-foot riparian zones located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. GIS shows wetlands area near the proposed project site. Pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided Letter of Interpretation: Presence/Absence Determination File No. 0614-16-0005.1 FWW050001 (LOI), confirming that there are no wetlands on the proposed project site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSA, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2, to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/install.html>. The subject site is not located within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed the EPA list of New Jersey Counties with ESA Grant Conditions at

<https://www3.epa.gov/region02/water/sewer.html>. There are no 201 Facilities Plan grant conditions on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and (h)2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. On January 30, 2017, the City of Vineland Zoning Office confirmed via phone call that the proposed project site is within the B4 Business zone, and that retail and restaurant are allowed in that zone. On May 23, 2017, the Cumberland County Planning Department confirmed via email that the project is consistent with the county master plan. Based on these approvals, the Department has determined that the proposed project is consistent with local zoning and the county and local master plans.

Pursuant to N.J.A.C. 7:15-3.5(j)2, for projects that propose to add 100 or more acres to the SSA, or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, the applicant must prepare a modification to the wastewater treatment capacity analysis to include the proposed project or activity, pursuant to N.J.A.C. 7:15-4.5(b). The project plans to add 9.89 acres to the SSA, and the projected wastewater flow for the proposed project to be received by Landis Sewerage Authority Wastewater Treatment Plant & Land Application Facility is 16,200 gallons per day (gpd), based on flow calculated pursuant to N.J.A.C. 7:14A-23.3. Therefore, no wastewater treatment capacity analysis is required for this proposed amendment.

**This notice** is to inform the public that a plan amendment has been proposed for the Lower Delaware WQM Plan. All information related to the WQM Plan and the proposed amendment is located at:

Cumberland County Department of Planning  
164 West Broad Street  
Bridgeton, NJ 08302

AND

NJ Department of Environmental Protection

Office of Water Resources Management Coordination  
P.O. Box 420, Mail Code 401-02A  
401 East State Street,  
Trenton, New Jersey 08625-0420

The Department's file is available for inspection through the Open Public Records Act. Requests can be made on-line at <http://www.nj.gov/dep/opra/>.

Interested persons may submit written comments on the proposed amendment to the WQM Program Docket, at the Department address cited above. Comments should reference Program Interest No. 435441, Activity No. 160001 and must be submitted within 30 days of the date of this public notice or within 15 days of the last public hearing, as described below. A copy should be sent to:

Mr. Robert Brewer  
Cumberland County Planning Department  
164 West Broad Street  
Bridgeton, NJ 08901

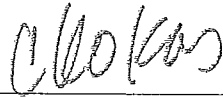
AND

Carol Tutelian  
Engineering Design Associates  
5 Cambridge Drive  
Ocean View, NJ 08230

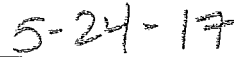
Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period in this notice. Such request should reference Program Interest No. 435441, Activity No. 160001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the WQM Program Docket at the Department address cited above. Should the Department decide to hold a

public hearing, notice of said hearing and the revised comment period's closing date will be published in a future New Jersey Register. If a non-adversarial public hearing for the amendment is held, the public comment period provided by this notice shall close 15 days after the last public hearing. All comments submitted prior to the close of the comment period shall be considered by Cumberland County and the Department in reviewing the amendment request.

Sewer service is not guaranteed by this amendment. This proposed amendment represents only one part of the permit process and other issues may need to be addressed. These issues may include, but are not limited to, obtaining all permits for the proposed projects; meeting all regulatory requirements for needed permits, compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State law or to any contractual arrangements between municipalities, authorities and/or private parties. Inclusion in the sewer service area as a result of the approval of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.



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Colleen Kokas, Director  
Office of WRM Coordination  
Department of Environmental Protection



\_\_\_\_\_  
Date



Vineland city, Cumberland

KLS Investments Amendment Area Map

PI 435441 AMD160001

LANDIS

Landis Avenue

Block 3501 Lot 8 (portion) & 9

DOREN

ORCHARD

Orange outlined area is proposed project site

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N

Yellow shaded area is adopted sewer service area

Blue shaded area is proposed sewer service area