

IN RE WINSLOW TOWNSHIP)	
AMENDMENT AND CLARIFICATION)	
OF SCARCE RESOURCE RESTRAINT)	COUNCIL ON AFFORDABLE HOUSING
)	COAH DOCKET NO 08-2029
MOTION FOR WAIVER OF SCARCE)	OPINION 09-2107
RESOURCE RESTRAINT)	
DELUCA ENTERPRISES, LLC)	

On October 29, 2008 the Council on Affordable Housing (COAH or Council) issued an opinion imposing a scarce resource restraint upon Winslow Township, Camden County, In Re Petition for Substantive Certification Filed by Winslow Township, Camden County, Motion for Scarce Resource Restraints, COAH Docket No. 08-2011 (Restraint). The Restraint was imposed in response to a motion filed by Taylor Woods, LLC (Taylor) requesting that the Council issue an order restraining Winslow Township from allocating available or future sewer capacity in the Township and also requesting that Taylor's inclusionary development be given priority for remaining sewer capacity. The Restraint prevents Winslow Township from allocating available or future sewer capacity in the Township as follows and exempted Taylor from the Restraint:

"After consideration of the papers filed as well as oral argument, COAH finds that it is appropriate under the facts of this case to restrain Winslow from issuing sewer allocation pending COAH's grant of substantive certification of a Third Round Housing Element and Fair Share Plan, to be submitted by December 31, 2008."

The decision goes on to say,

"As such, Winslow is restrained from allocating sewer capacity until such time that the Council grants substantive certification to Winslow's third round Housing Element and Fair Share Plan. The Winslow Planning Board is restrained from acting upon any development applications other than developments proposed to include affordable housing. Single and two family residences shall be exempted from this scarce resource restraint."

On December 10, 2008, COAH amended the October 29, 2008 decision to exempt the construction of cell phone antennae on already existing structures.

Winslow petitioned COAH for third round certification under N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq. on December 31, 2008. An incomplete letter was sent to Winslow on

March 25, 2009, to which Winslow must respond within 45 days to remain under COAH's jurisdiction.

On December 2, 2008, Winslow Township submitted a motion to COAH requesting reconsideration and clarification of the Restraint. Pursuant to N.J.A.C. 5:96-13.1(c), COAH does not accept motions for reconsideration, and therefore the Township and service list was notified that only the motion for clarification would be considered. Taylor Woods submitted opposition on January 12, 2009. On January 26, 2009, the Solicitor of the Planning Board submitted additional correspondence in support of the motion for clarification, and on January 27, 2009, the new Solicitor for the Township submitted reply papers to Taylor Woods' opposition.

Motion for Clarification submitted by Winslow Township and the Winslow Township Planning Board

Winslow states that the Restraint is silent or ambiguous on a number of issues as follows:

- 1) The Restraint should be clarified to exempt property that is not located in the Cedarbrook Sewer Service Area.

Winslow argues that COAH considered *only* the allocation of sewer in this service area, which comprises only 22% of the total Township. The other two sections of Winslow make up the remaining 78% of the Township; of which 33.92 square miles (58%) is located totally outside of the Cedarbrook Sewer Service Area and is not serviced by sewer at all. The Planning Board maintains that this 58% of the Township, which is serviced by individual septic systems, should be unaffected by the Restraint. The Planning Board also states that another 11.272 square miles of the Township (20%) is located in the Sicklerville Sewer Service Area, and was not the subject of Taylor's motion. As a result, the Planning Board further argues that Winslow is entitled to an Order clarifying that development applications that are in the Sicklerville Sewer Service Area are also not subject to the Restraint;

- 2) The Restraint should be clarified to exempt properties that have no impact on public sewer.

The Planning Board requests that COAH clarify the Restraint to make it clear that properties located in the Cedarbrook service area that will be using private septic systems are not impacted by the Restraint. The Planning Board states that since the Restraint was imposed to protect

sewer capacity, projects that are not using sewer should not be affected. As an example, the Planning Board points to the Winslow Estates Development (DeLuca), a 26-unit single-family development pending before the Planning Board for approval which will use public water and individual septic systems¹. COAH issued correspondence on January 15, 2009, stating that DeLuca is subject to the scarce resource restraint, and must apply to COAH for a waiver. The Planning Board states that this project, like many others in Winslow will have no impact on the sanitary sewer system;

- 3) The Restraint should be clarified to indicate that if final approval to a project was granted prior to October 29, 2008, and if the Developer returns to the Planning Board for a minor change which does not substantially alter the original project, that the restraints in the October 29, 2008 order are not applicable;
- 4) The Restraint should be clarified to exempt all commercial properties due to the fact that all non-residential development must be assessed a 2.5% development fee.

The Planning Board argues that the Restraint allows the Planning Board to only act on residential or mixed use developments that include affordable housing, and that to prevent all commercial development, or to require all commercial development to apply for a waiver, where that development is required to pay 2.5% fee, is contrary to the Non-Residential Development Fee Act;

- 5) The Restraint should be clarified because it conflicts with the statutory time for action requirements of the Municipal Land Use Law (MLUL).

Winslow states that the Restraint results in any application that does not include affordable housing to receive default/automatic approval without the Planning Board being able to hold public hearings and decide upon applications. Winslow states that there are various time periods for the Planning Board to act upon applications as set forth in the MLUL. The Township argues that if the Planning Board fails to act, the developer or applicant is entitled to an automatic or default approval. N.J.S.A. 40:55D-61. Winslow states that the Restraint prevents the Planning Board from carrying out its statutory duties.

¹ The DeLuca project is not in a sewer service area.

- 6) The Restraint needs to be clarified in light of Taylor Woods' recent objection to Winslow's third round petition for substantive certification.

Winslow argues that it included the Taylor project as part of its December 31, 2008 petition to COAH. The Township is requiring that Taylor provide 21 of its units as very low income units as defined by COAH's rules. On December 12, 2008, in response to a draft third round plan, Taylor objected to Winslow's plan and stated its refusal to comply with COAH's very low income rules. Winslow states that it is not fair for Taylor to receive priority to sewer capacity when the project does not comply with COAH's regulations. As a result, Winslow requests that the Restraint be clarified in regard to the Taylor Woods project.

- 7) The Restraint needs to be clarified regarding entities already on the sanitary sewer waiting list are exempt from the Restraint and what order of priority they should be allocated sewer gallonage.

Winslow maintains that developers who were already placed on the sanitary sewer waiting list for both the Cedarbrook and Sicklerville Sewer Service Areas by lawful actions of the Township may be divested of legal rights as a result of the Restraint.

In support of its request for clarification on the above points, Winslow cites to Hills Dev. Co. v. Bernards Tp., 103 N.J. 1 (1986), where the New Jersey Supreme Court ruled that COAH may take appropriate measures to preserve scarce resources, namely, those resources that will probably be essential to the satisfaction of its Mount Laurel obligation. Winslow argues that the Court went on to state that "appropriate" is not only the desirability of preserving a particular resource, but "the practicality of doing so, the power to do so, the cost of doing so, and the ability to enforce the condition." The court goes on to state that the imposition of a restraint is not "for the benefit of any builder, but simply designed to protect and assure the municipality's future ability to comply with a Mount Laurel obligation." Id., 103 N.J. at 61-63.

Additionally, Winslow argues that in P&H Clinton Partnership v. Township of Clinton, 205 WL 4030211 (App. Div. 2006), the Appellate Division set forth limits on COAH's ability to order a scarce resource restraint: "A scarce resource restraint should not be imposed for the benefit of a particular builder if there are other tracts available on which to build affordable housing." Winslow maintains that the record has established that there is a sewer moratorium in both the Sicklerville Sewer Service Area and the Cedarbrook sewer service area. NJDEP is

considering the release of an additional 188,000 gpd of sewer capacity. Winslow states that the Restraint is in contradiction to the Appellate Division's decision as COAH has given preferential treatment to Taylor Woods despite the fact that Winslow has received substantive certification in prior rounds and was protected from builders remedy lawsuits at the time of the Restraint.

Taylor Woods LLC Opposition to Winslow's Motion

Taylor argues that there is no need for clarification of the Council's October 29, 2008 Restraint as it cannot be read to exempt non-residential development. Taylor states that the Restraint is not silent as to non-residential applications as it states that Winslow is restrained from allocating sewer capacity to any development project.

Taylor further states that the reasoning behind the restraint compels that it be applied to all development that would utilize the scarce resource. It would be incongruous to allow the Township to allocate sewer capacity to non-residential development but not to residential development.

Additional Information Provided by Winslow

On February 11, 2009, the attorney for the Planning Board submitted to COAH an Adopted Amendment to the Tri-County Water Quality Management Plan (WQMP), dated January 28, 2009, from DEP. The Amendment increases the wastewater flow allocation and sewer service area of the CCMUA by increasing the wastewater flow for the Cedarbrook section of Winslow by 188,000 gallons per day, eliminates the Sicklerville Sewage Treatment Plan and conveys the flow to Camden City, conditioned upon endorsement from the Pinelands Commission.² The Amendment also eliminates the Ancora Sewer Treatment Plan in Winslow Township and conveys its flow to Camden City. As a result of the amendment Winslow's wastewater flow capacity in the Cedarbrook section of Winslow is increased by 188,000 gallons per day.

² Winslow's February 27, 2007 Resolution Approving Revised Sewer and Water Allocation Policy, states that Winslow has requested an additional 188,000 gpd of sewer capacity and that Winslow is trying to increase its sewer allocations through the decommissioning of the Sicklerville Wastewater Treatment Plant. Winslow requested that all applicants seeking authorization for sanitary sewer must follow the revised sewer allocation policy which, among other things, limits the initial allocation of sewer to any applicant at 7,500 gpd pending the Township receiving additional sewer capacity.

Additionally, by way of letter dated March 11, 2009, Winslow provided the Council with the following information, which was in response to a request made by a previously convened task force:

- Total amount of sewer capacity being used by all development in Winslow Township:
 - Cedarbrook SSA – entirely in the Pinelands Area
 - Current allocation - 728,000 gpd (540,000 gpd + 188,000 gpd (per NJDEP Amendment)).
 - Average daily flow in this area is 400,000 gpd.
 - Chesilhurst has received a 30,000 gpd increase that Winslow suggests Taylor Woods use (and count against Chesilhurst's allocation) rather than Winslow's.
 - Sicklerville SSA – services non-Pinelands area
 - Controlled by CCMUA.
 - Current allocation is 2,225,000gpd and the plant is at capacity and has a NJDEP imposed sewer ban since 2006.
 - CCMUA plans to decommission the Sickerville plant and transfer the wastewater to Camden.
- Current amount of developable vacant land currently existing in Winslow and the number of residential units the residential zone can support:
 - Housing units that may be built in the Pinelands Regional Growth Area – 970 units (195 affordable units)(region is 81% of Winslow's land area and includes the Cedarbrook SSA).
 - Sicklerville SSA land area can sustain 499 units (100 affordable units).
 - COAH's projection for Winslow is 533 total units with 107 affordable units.
- Information regarding Winslow's Fair Share Plan:
 - Christ Care (100% affordable project) is in the Sicklerville SSA – 43,500 gpd.
 - Township-owned site is in Cedarbrook SSA – 38,100 gpd.³
 - Taylor Woods is located in Cedarbrook SSA – 79,200 gpd.

³ It should be noted that this site is listed in the Township's plan as a potential site and that the municipality has not yet provided the needed information to COAH. It is listed both as an inclusionary site and as a 100% affordable site.

- Information regarding all development approvals requiring sewer capacity, both residential and non residential, that Winslow has granted since imposition of the *de facto* sewer ban:
 - Winslow provided a priority list which lists 12 projects, three of which are non-residential. The capacity needed by all projects total 143,140 gpd. Seven of the projects have received preliminary or final approvals, all of which received the approvals prior to the imposition of the Scarce Resource Restraint.
 - Winslow also provided a list of projects that have been approved but have not yet been constructed. There are 14 total projects, five of which require sewer and two of which are commercial. All of the approvals, except those received by DeLuca, were received prior to the imposition of the Scarce Resource Restraints. The two commercial projects do not require sewer.
 - There are no affordable units listed on the priority list.
- Information regarding all development applications using septic systems, both residential and non-residential that Winslow has received since imposition of the October 29, 2008 Restraint including whether they are located in a sewer area:
 - There are 3 new applications on septic systems.

Discussion

Winslow requests clarification on a number of issues related to the application of the scarce resource restraint imposed by the Council. It is appropriate for the Council to clarify and amend its previous restraint to order to maintain consistency of application and efficiency of process. As set forth in Hills Dev. Co. v. Bernards Tp., 103 N.J. 1 (1986) COAH may take appropriate measures to preserve scarce resources, defined as resources that will probably be essential to the satisfaction of its Mount Laurel obligation, and the Council should be clear in its imposition of a scarce resource restraint as to what resource is being protected and for what reason the Council is imposing the Restraint. The individual requests for clarification and a discussion of each are set forth below:

- 1) The Restraint should be clarified to exempt property that is not located in the Cedarbrook Sewer Service Area.

Winslow argues that COAH considered availability and allocation of sewer only in the Cedarbrook SSA and that as a result the Restraint should be limited to this area of the Township.

As set forth above, the Council has received additional information from Winslow showing there is also a sewer ban in the Sicklerville SSA due to lack of additional capacity. While the Taylor Woods project is located in the Cedarbrook SSA, the imposition of the Restraint is not only to benefit Taylor Woods, rather, it is in place in order to preserve sewer capacity throughout the entire Township for affordable housing production. As a result, the Council does not believe clarification is necessary on this point. The Restraint limits the ability of the Township to act on any development applications requiring sewer, including those in the Sicklerville SSA.

- 2) The Restraint should be clarified to exempt properties that have no impact on public sewer.

The Planning Board requests that the Council clarify the Restraint to exempt properties in the Cedarbrook SSA, and presumably also the Sicklerville SSA, that propose to use individual septic systems. The Restraint currently in place in Winslow is an effort to preserve sewer capacity so that Winslow may meet its affordable housing obligations under the Fair Housing Act. Exempting developments proposing the use of septic systems in the sewer service areas, which would most likely be at lower densities than otherwise allowed in a sewer service area, may result in a diminished amount of land available for future development on sewer.⁴ Further, Winslow would still have to reserve future sewer capacity for the project, which could potentially take capacity from an affordable development. As a result, development applications that are located in a sewer service area and are proposing to use septic are not exempt from the Restraint.

However, development applications that are not using sanitary sewer and are not located within a currently delineated sewer service area do not impact the municipality's ability to meet its affordable housing obligation as they are not, nor will they be in the future, using the scarce resource. Therefore the area of Winslow outside the currently delineated sewer service areas should be exempt from the Restraint.

The Council notes that, by way of motion dated January 29, 2009, DeLuca Enterprises is requesting a waiver from the Restraint for its project known as Shadowbrook Estates (formerly

⁴ Developers are permitted by DEP to use septic systems to service development inside a SAA but only if the municipality has an ordinance that requires connection when sewers become available. Also, the municipality must allocate or reserve capacity to serve the project. If the site is in the SSA the flow must be accounted for regardless of initial sewer or septic reliance.

known as Winslow Estates), based on the fact that it is not using sewer capacity.⁵ DeLuca has applied to the Winslow Township Planning Board for Preliminary Major Subdivision Approval for 26 single-family homes on lots of approximately two acres each. The Shadowbrook Estates development will not be located in a currently delineated sewer service area and will be using individual septic systems. As a result the development would not be using sewer capacity needed by Winslow to meet its affordable housing obligation and is exempt from the Restraint.

It should be noted that an exemption from the Restraint does not exempt a development from the requirements of the Fair Housing Act. Pursuant to N.J.S.A. 52:27D-329.9, for developments consisting of newly-constructed residential units located, or to be located, within the jurisdiction of the Pinelands Commission, 20 percent of the units constructed are to be reserved for occupancy by low or moderate income households. Therefore, any project that did not receive preliminary approvals prior to July 17, 2008 and is to be located within the jurisdiction of the Pinelands Commission is required to provide a 20 percent set-aside, to the extent this is economically feasible. If an applicant requires an economic feasibility determination, such request shall be made to COAH pursuant to N.J.A.C. 5:96-13.

- 3) The Restraint should be clarified to indicate that if final approval to a project was granted prior to October 29, 2008, and if the Developer returns to the Planning Board for a minor change which does not substantially alter the original project, that the restraints in the October 29, 2008 order are not applicable.

The following types of approvals for all development should be deemed exempt from the Restraint as they do not adversely affect Winslow's ability to provide affordable housing:

- 1) Projects consisting of a 20% (or greater) affordable housing set-aside, or any project in Winslow's HEFSP, except that Taylor Woods is deemed exempt as set forth in the October 29, 2008 Restraint and Cedar Brook is deemed exempt as set forth in the Council's April 8, 2009 Resolution;
- 2) Applications for the development of single or two family homes on existing lots;
- 3) Applications proposing the use of septic not in the sewer service area;
- 4) Applications not requiring the use of new sewer capacity, including:
 - a. Reconstruction of already existing buildings;
 - b. Improvements to existing buildings, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system, but not including an accessory unit that requires additional sewer capacity;

⁵ In its papers, Winslow points to the Shadowbrook Estates project as an example of why the Council should exempt projects that propose the use of septic in a sewer service area. After further investigation, the Council discovered that Shadowbrook Estates is in fact not located in an area of Winslow currently served by sewer.

- c. Cell phone antennae on existing structures;
 - d. Non-residential development applications seeking to re-occupy existing non-residential spaces where new additional sewer allocation is not needed;
 - e. Issuance of a certificate of occupancy for a preexisting structure;
 - f. Changes of occupancy;
 - g. Changes of use for existing buildings that do not require increased sewer capacity;
 - h. Interior or exterior renovations;
 - i. Demolition of non-residential structures;
 - j. Requests for interpretations;
 - k. Permits for signage;
 - l. Applications for site improvements that are not related to new construction or development, including retaining walls, HVAC work and handicapped access;
 - m. Applications for subdivisions not related to new construction or development (e.g., lot line adjustments, consolidations);
 - n. Construction of accessory structures only;
- 5) Subdivisions necessary to settle the estate of a decedent;
 - 6) Applications to the Zoning Board of Adjustment for 'a' and 'b' variances under N.J.S.A. 40:55D-70;
 - 7) Applications to the Zoning Board of Adjustment for 'c' and 'd' variances under N.J.S.A. 40:55D-70 that meet any of the exemptions listed herein; and
 - 8) Applications for development required by an Order of the Fire Marshal, Construction Official, or Code Enforcement Officer to address conditions cited pursuant to the Uniform Fire Code, the Uniform Construction Code, or the adopted Property Maintenance Code, or other standards; for remediation of conditions affecting public health, public or occupant safety, structural safety, or accessibility hazards.

- 4) The Restraint should be clarified to exempt all commercial properties due to the fact that all non-residential development must be assessed a 2.5% development fee.

The Statewide Non-Residential Development Fee Act prevents municipalities from requiring non-residential developers from paying more than a 2.5% development fee towards the construction of affordable housing. While the payment of the fee is certainly needed by the municipality to provide for its fair share of affordable housing, a non-residential developer paying the fee would be of little use if the municipality was unable to build any units due to lack of sewer capacity. As a result, non-residential developers that pay the 2.5% fee should not be deemed exempt from the Restraint. Non-residential developers who require a waiver of the Restraint may apply to COAH pursuant to N.J.A.C. 5:96-13 and N.J.A.C. 5:96-15.

- 5) The Restraint should be clarified because it conflicts with the statutory time for action requirements of the MLUL.

The Restraint should be clarified to state that as of the date of this opinion, Winslow shall not accept any applications without the applicant first receiving a waiver from the Restraint from COAH.

Regarding development applications submitted prior to the date of this opinion, Winslow may review them consistent with N.J.S.A. 40:55D-21 and 22 of the Municipal Land Use Law ("MLUL") to determine whether the application is complete without the project first receiving a waiver of the scarce resource restraint from COAH. Winslow may also determine whether the application meets its requirements for approval. If the project meets the requirements for approval, pursuant to N.J.S.A. 40:55D-22 the municipality may issue an approval of the development application, "conditioned on removal of such legal barrier to development." As applied to COAH's scarce resource restraint, the removal of COAH's scarce resource restraint or the Council's grant of a waiver of the scarce resource restraint to the project would be a required condition of the development approval granted by Winslow.

As referenced below, affordable housing projects will receive priority for receipt of sewer allocation.

- 6) The Restraint needs to be clarified regarding whether entities already on the sanitary sewer waiting list are exempt from the Restraint and what order of priority they should be allocated sewer gallonage.

Applicants on the Township's waiting list for capacity should not be deemed exempt from the restraint. COAH placed the scarce resource restraint upon Winslow due to its extremely limited sewer capacity. To allow developments without any affordable units to go forward would use up the entire 188,000 gpd allocation recently permitted by DEP, and would place Winslow in the exact situation it was in prior to the imposition of the Restraints. Individual projects seeking a waiver of the restraint may apply to COAH pursuant to N.J.A.C. 5:96-13 and N.J.A.C. 5:96-15.

- 7) Clarification of the order needs to be made in light of Taylor Woods' recent objection to Winslow's third round petition for substantive certification. Winslow's petition has been deemed incomplete, and the Township will have 45 days to submit the required information. Once the petition is determined to be complete, Winslow will be directed to publish notice in accordance with COAH's rules. At this time, the objection period will open. COAH will review objections to Winslow's December 31, 2008 plan during this time period.

Decision

As set forth above, the Scarce Resource Restraint is applicable to all development applications in both the Cedarbrook and Sicklerville Sewer Service Areas, regardless of whether the project is proposing the use of individual septic systems. Applicants on the Township's waiting list for sewer capacity are not exempt from the Restraint, and individual projects seeking a waiver of the restraint may apply to COAH pursuant to N.J.A.C. 5:96- 13 and N.J.A.C. 5:96-15.

Development applications proposing to use individual septic systems for development outside of the currently delineated sewer service area are exempt from the Restraint. The Council notes that DeLuca is requesting a waiver from the restraint based on the fact that it is not using sewer capacity and is not located in a sewer service area. DeLuca's waiver request is hereby granted.

Pursuant to N.J.S.A. 52:27D-329.9, for all developments consisting of newly-constructed residential units located, or to be located, within the jurisdiction of the Pinelands Commission, it is required that 20 percent of the units constructed are to be reserved for occupancy by low or moderate income households. Therefore, notwithstanding any exemption to the Restraint, a project that did not receive approvals prior to July 17, 2008 and is to be located within the jurisdiction of the Pinelands Commission is required to provide a 20 percent set-aside to the extent this is economically feasible. If an applicant requires an economic feasibility determination such request shall be made to COAH pursuant to N.J.A.C. 5:96-13.

Non-residential development applications are subject to the Restraint regardless of whether they pay a 2.5% development fee. However, non-residential development applications that are to be located outside the currently delineated sewer service area are exempt. Non-residential developers who require a waiver of the Restraint may apply to COAH pursuant to N.J.A.C. 5:96- 13 and N.J.A.C. 5:96-15.

For development applications currently pending before the Township, Winslow may review the development applications and determine whether the application is complete without the project first receiving a waiver of the scarce resource restraint from COAH. Further, Winslow may also determine whether the application meets its requirements for approval. If the project meets the requirements for approval, pursuant to N.J.S.A. 40:55D-22, the municipality

may issue an approval of the development application, "conditioned on removal of such legal barrier to development." The removal of COAH's scarce resource restraint or the Council's grant of a waiver of the scarce resource restraint to the project would be a required condition of the development approval granted by Winslow.


For development applications that have not yet been submitted to the Township as of the date of this opinion, Winslow shall require that an applicant receive a waiver of the Restraint prior to the application being deemed complete if it is not otherwise exempt.

The following types of development applications are also exempt from the Restraint:

- 1) Projects consisting of a 20% (or greater) affordable housing set-aside, or any project in Winslow's HEFSP, except that Taylor Woods is deemed exempt as set forth in the October 29, 2008 Restraint and Cedar Brook is deemed exempt as set forth in the Council's March 12, 2009 Resolution;
- 2) Applications for the development of single or two family homes on existing lots;
- 3) Applications proposing the use of septic not in the sewer service area,
- 4) Applications not requiring the use of new sewer capacity, including:
 - a. Reconstruction of already existing buildings;
 - b. Improvements to existing buildings, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system, but not including an accessory unit that requires additional sewer capacity;
 - c. Cell phone antennae on existing structures;
 - d. Non-residential development applications seeking to re-occupy existing non-residential spaces where new additional sewer allocation is not needed;
 - e. Issuance of a certificate of occupancy for a preexisting structure;
 - f. Changes of occupancy;
 - g. Changes of use for existing buildings that do not require increased sewer capacity;
 - h. Interior or exterior renovations;
 - i. Demolition of non-residential structures;
 - j. Requests for interpretations;
 - k. Permits for signage;
 - l. Applications for site improvements that are not related to new construction or development, including retaining walls, HVAC work and handicapped access;
 - m. Applications for subdivisions not related to new construction or development (e.g., lot line adjustments, consolidations);
 - n. Construction of accessory structures only;
- 5) Subdivisions necessary to settle the estate of a decedent;
- 6) Applications to the Zoning Board of Adjustment for 'a' and 'b' variances under N.J.S.A. 40:55D-70;
- 7) Applications to the Zoning Board of Adjustment for 'c' and 'd' variances under N.J.S.A. 40:55D-70 that meet any of the exemptions listed herein;
- 8) Applications for development required by an Order of the Fire Marshal, Construction Official, or Code Enforcement Officer to address conditions cited pursuant to the Uniform Fire Code, the Uniform Construction Code, or the adopted Property

Maintenance Code, or other standards, for remediation of conditions affecting public health, public or occupant safety, structural safety, or accessibility hazards;

Finally, regarding Winslow's request for clarification regarding Taylor Woods' objection to Winslow's third round petition for substantive certification, since Winslow's petition has been deemed incomplete, the Township will have 45 days to submit the required information. Thereafter, Winslow will be directed to publish notice in accordance with COAH's rules commencing the objection period will open. COAH will review objections to Winslow's December 31, 2008 plan during this time period.


Renee Reiss
Council Secretary

Dated: April 8, 2009