

**RESOLUTION GRANTING PERINI'S MOTION FOR A WAIVER FROM THE
SCARCE RESOURCE RESTRAINT FOR SEWER IN WINSLOW TOWNSHIP,
CAMDEN COUNTY**

COAH #09-2123

WHEREAS, on October 29, 2008, the Council on Affordable Housing (COAH) found that sewer service capacity is a scarce resource in Winslow Township, Camden County (Winslow or Township); and

WHEREAS, as a result of this determination, in In re Petition for Substantive Certification Filed by Winslow Township, Camden County, Motion for Scarce Resource Restraints, COAH Docket No. 08-2011, COAH restrained the allocation of sewer capacity to all development, with the exception of single and two-family homes and developments providing affordable housing; and

WHEREAS, in In Winslow Township Amendment and Clarification of Scarce Resource Restraint, COAH Docket No. 08-2029, COAH found that:

The Scarce Resource Restraint is applicable to all development applications in both the Cedarbrook and Sicklerville 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;

and

WHEREAS, Winslow petitioned COAH for third round certification under N.J.A.C. 5:97 and N.J.A.C. 5:96 on December 31, 2008; and

WHEREAS, the petition was deemed complete on June 24, 2009, and notice was published on July 1, 2009, commencing the public comment period; and

WHEREAS, Taylor Woods argues that COAH should deny Perini's request because Perini is a non-residential developer that will not provide any affordable housing; and

WHEREAS, Taylor Woods further argues that COAH should not release sewer capacity on a piecemeal basis as there will be a negative cumulative effect on Winslow's ability to satisfy its fair share need, especially since Winslow must demonstrate that there is existing capacity to meet its 638 unit need; and

WHEREAS, Kenneth Meiser, Esq., on behalf of Planland, Inc. (Planland) filed papers in opposition to Perini's motion; and

WHEREAS, Planland is the owner of the planned Moorland Farms development in Winslow; and

WHEREAS, Planland notes that it has paid \$500,000 to 437 Land Company, the Township's designee, for 30,600 gallons per day of sewer capacity; and

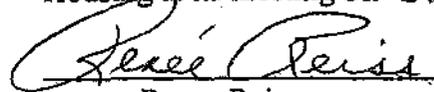
WHEREAS, Planland states that the facts concerning Perini's request are unclear as Perini says that it can use septic on a temporary basis; and

WHEREAS, Planland points out that a non-residential development fee payment will not resolve the issue of whether Winslow will have sufficient sewer to provide for its fair share; and

WHEREAS, James Rhatican filed a reply on behalf of Perini reiterating that Perini's request for sewer capacity is de minimus and would not have any appreciable impact on Winslow's ability to satisfy its fair share need; and

WHEREAS, a task force convened on July 23, 2009 and considered the arguments of all parties filing papers; and

I hereby
certify that this Resolution
was duly adopted by the
Council on Affordable
Housing at its meeting on 8/12/09.



Renee Reiss
Council Secretary