

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

COAH #09-2124

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, Iuliucci submitted a motion for a waiver of the Scarce Resource Restraint on April 24, 2009; and

WHEREAS, Iuliucci is requesting a waiver from the Scarce Resource Restraint imposed by COAH on October 29, 2008, for a minor subdivision to divide an existing lot into three residential lots; and

WHEREAS, in support of its request, Iuliucci argues that although the property is located within the Cedar Brook Sewer Service Area, there are no immediate connection points to the existing sanitary sewer mains; and

WHEREAS, Iuliucci states that its request does not generate the need for sanitary sewer allocation as the three new lots are proposed to be developed on individual sewage disposal system (i.e. septic systems); and

WHEREAS, no opposition was received to Iuliucci's waiver request; and

WHEREAS, a task force convened on July 23, 2009 and considered Iuliucci's arguments; and

WHEREAS, the task force recommends that Iuliucci's motion be granted as it is not proposing to use any sewer capacity; and

WHEREAS, in considering the waiver request, the Council opined that the projected need for sewer capacity represents a *de minimus* depletion of the restrained sewer capacity resource; and

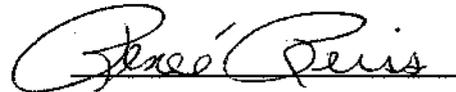
WHEREAS, while deliberating the waiver request, the Council expressed concern over the possibility that actual use of sewer capacity may exceed the projected allocation requested and that use should therefore be monitored to ensure that the premise upon which the waiver request is considered continues to remain valid.

NOW THEREFORE BE IT RESOLVED THAT the Council grants Iuliucci's request for a waiver from the scarce resource restraint since it is not requesting an allocation of sewer capacity.

BE IT FURTHER RESOLVED, that as a condition of the issuance of a certificate of occupancy for the development, Winslow Township shall require the installation of an individual sewer service meter to monitor actual flow produced by the development; and

BE IT FURTHER RESOLVED, that the Engineer for the Township of Winslow shall monitor actual flow from the development on a quarterly basis and provide the Council with a quarterly report showing the average daily flow produced by the development.

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