

**RESOLUTION GRANTING WINSLOW PROFESSIONAL CENTER'S MOTION
FOR A WAIVER FROM THE SCARCE RESOURCE RESTRAINT FOR SEWER
IN WINSLOW TOWNSHIP, CAMDEN COUNTY
COAH DOCKET #09-2131**

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, to date no objections to the plan have been received; and

WHEREAS, Winslow Professional Center, an existing medical office facility located at 339 Route 73 in Winslow Township submitted a waiver request on May 22, 2009; and

WHEREAS, Winslow Professional Center states that its current facility consists of 13,235 square feet of office space and that in order to retain the current tenants within the building, it is requesting to construct additional office space; and

WHEREAS, Winslow Professional Center proposes a 6,000 square foot addition, which would generate an additional 600 gallons of sewage per day; and

WHEREAS, Winslow Professional Center states that a waiver is necessary from a sewer ban that is currently in place in Winslow in accordance with the exemption for a building or addition creating less than or equal to 600 gallons per day, as stated in N.J.A.C. 7:14a-22.22(a)1; and

WHEREAS, Winslow Professional Center maintains that its request represents an equivalent of only two single family dwellings and is a minor increase in demand on the sewer service system; and

WHEREAS, Winslow Professional Center maintains that denial of the waiver would require the owner to design and construct an individual subsurface sewage disposal system to use as a temporary measure until such time as the ban is lifted, at which point the addition would be required to be connected to the sewer system; and

WHEREAS, Winslow Professional Center states that this is an undue hardship to the owner; and

WHEREAS, Winslow Professional Center also argues that it should be granted a waiver because the construction of the addition by the owner is necessary in order to maintain his existing tenants, who require additional space; and

WHEREAS, Winslow Professional Center states that an undue financial hardship would be put on it if the waiver is denied because of a lack of income from the tenants.

WHEREAS, Richard Hoff, Esq., on behalf of Taylor Woods, L.L.C. (Taylor Woods), filed papers in opposition to Winslow Professional Center's motion; and

WHEREAS, Taylor Woods argues that COAH should deny Winslow Professional Center's request because Winslow Professional Center 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, a task force convened on July 23, 2009 and considered the arguments of all parties filing papers; and

WHEREAS, the task force notes that while Winslow Professional Center is not the only party seeking a waiver from the scarce resource restraint, Winslow Professional Center is requesting an amount of sewer capacity that is less than that needed by a two-family home; and

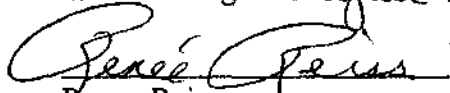
WHEREAS, the task force recommends that Winslow Professional Center should be granted a wavier of the scarce resource restraint due to the small amount of sewer capacity need by its project; and

WHEREAS, the task force further recommends that Winslow Professional Center will suffer an economic hardship in that it will lose its current tenants if the waiver request is not granted.

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.

NOW THEREFORE BE IT RESOLVED THAT the Council grants Winslow Professional Center's request for a waiver from the scarce resource restraint for the reasons set forth by the task force.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on August 12, 2009.


Renee Reiss
Council Secretary