

RESOLUTION GRANTING SCOTT DIFRANCESCO A WAIVER FROM THE SCARCE RESOURCE RESTRAINT ON SEWER SERVICE IN WINSLOW TOWNSHIP TO SEEK APPROVALS FOR A RESIDENTIAL MINOR SUBDIVISION IN THE SICKLERVILLE SEWER AREA PURSUANT TO N.J.A.C. 5:96-15.2

COAH DOCKET # 09-2157

WHEREAS, Winslow Township petitioned COAH for third round substantive certification on December 31, 2008; and

WHEREAS, notice of the third round petition was published on July 1, 2009, commencing the public comment period and two objections to the plan have been received; and

WHEREAS, on October 29, 2008 COAH imposed 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; and

WHEREAS, following a motion for clarification submitted by Winslow Township, the Council clarified the application of the Scarce Resource Restraints on April 8, 2009, In Re Winslow Township Amendment and Clarification of Scarce Resource Restraint, COAH Docket No. 08-2029 (Restraint).

Regarding the application of the April 8, 2009 Restraint,

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.; and

WHEREAS, Scott DiFrancesco is the owner of a 5.76 acre site in Winslow Township purchased on February 28, 2008, located at 520 Sharp Avenue, Lot 9, block 202; and

WHEREAS, the site has an existing 2.5 story house located on the site; and

WHEREAS, Scott DiFrancesco purchased the site to subdivide the parcel to create three residential single family lots; and

WHEREAS, the site is in the Sicklerville sewer service area, which is subject to Winslow Township's Scarce Resource Restraint on sewer service; and

WHEREAS, the proposed three lot subdivision is not automatically exempt from the Scarce Resource Restraint; and

WHEREAS, Scott DiFrancesco would require a waiver from the Scarce Resource Restraint to obtain municipal land use approvals for a minor subdivision from the Township; and

WHEREAS, Scott DiFrancesco purchased the site eight months prior to the imposition of the Scarce Resource Restraint on sewer service; and

WHEREAS, the proposed minor subdivision will create three lots of 1.08 acres, 3.57 acres and 1.11 acres, as more specifically described in a minor subdivision plan prepared by JTS Engineers and Land Surveyors, Inc. and included as an exhibit with the motion for waiver; and

WHEREAS, the proposed project will be developed on septic systems; and

WHEREAS, Scott DiFrancesco seeks a waiver based upon financial hardship pursuant to N.J.A.C. 5:96-15.2, maintaining that without the waiver the project is financially unfeasible because the Township will not consider his application for land use approval; and

WHEREAS, Taylor Woods, LLC, a developer in Winslow's Housing Element and Fair Share Plan, has a standing opposition to any waiver request were received by COAH until its project receives sewer; and

WHEREAS, a Task Force discussed the waiver request on September 30, 2009 and recommended that the waiver be granted.

NOW THEREFORE BE IT RESOLVED that the Council finds that Scott DiFrancesco demonstrates an existing continuous financial hardship that falls squarely under the financial hardship waiver exception referred to in the waiver regulation; and

BE IT FURTHER RESOLVED that this approval authorizes the Township to proceed with the minor subdivision application but does not authorize any allocation of sewer until such time as the COAH Scarce Resource Restraint is lifted; and

BE IT FURTHER RESOLVED that COAH grants the waiver from the Scarce Resource Restraint on sewer services imposed upon Winslow Township for the Scott DiFrancesco property.

I hereby certify that this Resolution was
Duly adopted by the Council on Affordable
Housing at its meeting on October 14, 2009



Renee Reiss
Council Secretary