

RESOLUTON GRANTING SAMELSON A WAIVER OF THE SCARCE RESOURCE RESTRAINT IMPOSED ON WINSLOW TOWNSHIP, CAMDEN COUNTY

COAH Docket Number 09-2170

WHEREAS, on October 29, 2008, the Council on Affordable Housing (Council or 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); and

WHEREAS, the April 8, 2009 Restraint states,

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, the Restraint goes on to say,

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; 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; and

WHEREAS, during the comment period, which ended on August 15, 2009, objections were received from Land Approvals Group and Taylor Woods, LLC; and

WHEREAS, mediation has been scheduled for December 17, 2009; and

WHEREAS, Peterman Maxcy Associates, LLC, submitted a waiver request on behalf of Samelson Industrial Site Plan pursuant to N.J.A.C. 5:96-13.1 for relief from the COAH scarce resource restraint in order to develop twelve non-residential buildings that will be constructed in phases; and

WHEREAS, Samelson's property is located within the Cedar Brook Sewer Service Area; and

WHEREAS, Samelson is requesting a waiver for Phase 1 of its six phase industrial/warehouse project which consists of two buildings totaling 32,500 square feet; and

WHEREAS, the buildings will provide a flex space that may be divided into individual units which will be 2,500 square feet (or larger); and

WHEREAS, Samelson states that there are no immediate connection points to existing sanitary sewer mains in proximity to its property; and

WHEREAS, Samelson is proposing an individual sewage disposal system (i.e. septic system) for the first phase and that depending on the market will either propose another septic system for subsequent phases or will wait until sewer is available; and

WHEREAS, any future connections will depend upon availability of connection to public sanitary sewer; and

WHEREAS, Samelson is requesting a waiver so that it may submit an application for preliminary site plan approval to the Winslow Township Planning Board; and

WHEREAS, a standing objection to all requests for relief from the scarce resource restraint has been submitted by Taylor Woods; and

WHEREAS, no additional opposition was received; and

WHEREAS, a task force convened on October 26, 2009 and recommends that the waiver request be granted.

NOW THEREFORE BE IT RESOLVED that Samelson is hereby granted a waiver of the Restraint based upon the finding that Samelson's development will not connect to any existing sanitary sewer mains, but is proposing a septic system for the proposed buildings; and

BE IT FURTHER RESOLVED that this waiver authorizes the Township to proceed with the preliminary site plan approval for Phase 1 of Samelson's project, but does not authorize any allocation of sewer for any part of the project until such time as the COAH Scarce Resource Restraint is lifted.

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

A handwritten signature in black ink that reads "Renee Reiss". The signature is written in a cursive, flowing style.

Renee Reiss
Council Secretary