

RESOLUTON GRANTING 528 WILLIAMSTOWN ROAD, LLC A WAIVER OF THE SCARCE RESOURCE RESTRAINT IMPOSED ON WINSLOW TOWNSHIP, CAMDEN COUNTY

COAH Docket Number #09-2180

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, a Pre-Mediation Report Requesting Additional Information was issued by COAH on October 23, 2009; and

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

WHEREAS, Robert Baranowski, Esq., Hyland Levin, LLP , submitted a waiver request on behalf of 528 Williamstown Road, LLC, (528) pursuant to N.J.A.C. 5:96-13.1 for relief from the COAH scarce resource restraint in order to develop a 5,500 square foot professional medical office; and

WHEREAS, 528 is located within the CM-Major Commercial District and the property lot consists of 37,594 square feet and is adjacent to the intersection of Sicklerville and Williamstown Roads; and

WHEREAS, each corner property is developed with commercial use; and

WHEREAS, there is one pre-existing, nonconforming residential dwelling currently located on the property; and

WHEREAS, 528 is requesting a waiver to develop the property with a professional medical office to serve the needs of the community; and

WHEREAS, the proposed non-residential development (528) would not utilize the scarce resource of sewer in Winslow, since the property is zoned for commercial use and would be built on septic; and

WHEREAS, 528 is requesting a waiver so that it may proceed with its application before 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 November 16, 2009 and recommends that the waiver request be granted as the property is proposed to be built on septic and will not consume any sewer resources.

NOW THEREFORE BE IT RESOLVED that 528 is hereby granted a waiver of the Restraint based upon the finding that 528's development will not connect to any existing sanitary sewer mains and is proposing a septic system for the proposed professional medical office; and

BE IT FURTHER RESOLVED that this waiver authorizes the Township to proceed with the preliminary site plan approval for 528's project; and

BE IT FURTHER RESOLVED that the Council 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
December 9, 2009

A handwritten signature in cursive script that reads "Renee Reiss". The signature is written in black ink and is positioned above the printed name and title.

Renee Reiss
Council Secretary