

RESOLUTION GRANTING BLOCK 404, LOT 5.04 AND LOT 5.06 IN WINSLOW TOWNSHIP, CAMDEN COUNTY RELIEF FROM THE WINSLOW TOWNSHIP SEWER CAPACITY SCARCE RESOURCE RESTRAINT

COAH DOCKET # 09-2185

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

WHEREAS, two objections were received as to Winslow Township's Housing Element and Fair Share Plan; and

WHEREAS, on December 17, 2009 COAH mediation was completed; 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 Scarce Resource Restraint, the April 8, 2009 clarification 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 Council's resolution dated April 8, 2009 also provides exemption from the sewer capacity restraint for specific types of development; and

WHEREAS, Bryn Mawr Investments Company, Inc. seeks a waiver from the Winslow Scarce Resource Restraint pertaining to the first phase of a development of a previously approved project in the Sicklerville sewer service area in Winslow Township, Camden County; and

WHEREAS, the construction proposed for the first phase of the development of Block 404, Lot 5 does not fall within any of the exemptions noted in the Council's April 8, 2009 resolution; and

WHEREAS, development on Block 404, Lot 5 was previously approved by the Winslow Township Zoning Board of Adjustment in Resolution No. ZR2006-12; and

WHEREAS, the proposed development will be a phased commercial development consisting of retail and restaurant uses in a Suburban Planning Area (PA-2); and

WHEREAS, Bryn Mawr Investments Company, Inc. seeks to start Phase 1 of the development which will be the construction of a retail/pharmacy on Block 404, Lot 5.04 and a restaurant on Block 404, Lot 5.06; and

WHEREAS, the retail/pharmacy and the restaurant will each have separate on-site self-contained sewage disposal systems; and

WHEREAS, the Council finds that the proposed Phase 1 development of Block 404, Lot 5.04 and Lot 5.06 will not impact the scarce sewer resources of Winslow Township because the proposal calls for on-site septic systems; and

WHEREAS, the Council finds that the proposed Phase 1 development of Block 404, Lot 5.04 and Lot 5.06 will not adversely impact the ability to use sewer capacity for affordable housing; and

WHEREAS, no opposition or other reply pertaining to this motion has been received by COAH other than the standing opposition by Taylor Woods; and

WHEREAS, Winslow Township and Taylor Woods entered into a mediation settlement; and

WHEREAS, on January 28, 2010, a COAH Task Force met and recommended that the waiver be granted subject to the condition that the proposed construction of a retail/pharmacy on Block 404, Lot 5.04 and a restaurant on Block 404, Lot 5.06 be permanently serviced by on-site septic systems as approved by the Winslow Township Zoning Board of Adjustment.

NOW THEREFORE BE IT RESOLVED that the motion for relief from the Winslow Scarce Resource Restraint is hereby granted, permitting the construction of a retail/pharmacy on Block 404, Lot 5.04 and a restaurant on Block 404, Lot 5.06, pursuant to the Winslow Township Zoning Board of Adjustment's Resolution No. ZR2006-12, conditioned upon the retail/pharmacy on Block 404, Lot 5.04 and the restaurant on Block 404, Lot 5.06, respectively, being separately permanently serviced by on-site septic systems as approved by the Winslow Township Zoning Board of Adjustment; and

BE IT FURTHER RESOLVED that this approval authorizes Winslow Township to proceed with the Township's review of the development of Block 404, Lot 5 pursuant to the Winslow Township Zoning Board of Adjustment's Resolution No. ZR2006-12, but does not authorize any allocation of sewer usage until such time as the Winslow Township Scarce Resource Restraint is lifted as to the entire municipality.

I hereby certify that this Resolution was
Duly adopted by the Council on Affordable
Housing at its meeting on March 10, 2010.

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