

RESOLUTION GRANTING BLOCK 3003, LOTS 16, 17, 18, 19 AND 20 IN WINSLOW TOWNSHIP, CAMDEN COUNTY, RELIEF FROM THE WINSLOW TOWNSHIP SEWER CAPACITY SCARCE RESOURCE RESTRAINT

COAH DOCKET #10-2210

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); and

WHEREAS, 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, C&M Properties & Investments, LLC (C&M) seeks a waiver from the Winslow Township Scarce Resource Restraint pertaining to the first phase of “The Shops at Avandale” development located at the corner of 4 Mile Branch Road and Sicklerville Road, Block 3003, Lots 16, 17, 18, and 20, Winslow Township, Mercer County, in the Sicklerville sewer service area; and

WHEREAS, on December 20, 2007, the Winslow Township Planning Board granted C&M preliminary major site plan and subdivision approval; and

WHEREAS, the Planning Board approval permits the re-subdivision of Block 3003, Lots 16 through 20, to create four new lots instead of the currently existing five lots; and

WHEREAS, the Planning Board approval allows C&M to construct an approximately 15,970 square foot retail building on the presently designated Block 3003, Lot 20 as the first phase of the Shops at Avandale development; and

WHEREAS, the Shops at Avandale development is located in the Township’s Major Commercial Zoning District; and

WHEREAS, the Shops at Avandale development is proposed to be serviced by permanent individual on-site septic systems; and

WHEREAS, C&M maintains that without a waiver from the Winslow Township Scarce Resource Restraint on sewer capacity it will suffer significant financial hardship; and

WHEREAS, C&M maintains that the waiver from the Scarce Resource Restraint should be granted because the proposed development will not adversely impact the ability to use the Township’s 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 March 30, 2010, a COAH task force met and recommended that the waiver be granted to permit the lifting of the Scarce Resource Restraint so that phase one

construction of the first building in the Shops at Avandale development may commence subject to the condition that the proposed construction be permanently serviced by an on-site septic system as approved by the Winslow Township Planning Board.

NOW THEREFORE BE IT RESOLVED that the motion for relief from the Winslow Township Scarce Resource Restraint on sewer capacity is hereby granted, permitting the construction of a retail building on Block 3003, Lot 20, Winslow Township, Camden County, which is the first phase of the development of Block 3003, Lots 16, 17, 18, 19, and 20, and this site's subsequent Block and Lot subdivision designation, conditioned upon the proposed retail building being permanently serviced by an on-site septic system as approved by the Winslow Township Planning Board; and

BE IT FURTHER RESOLVED that this approval authorizes Winslow Township to proceed with the Township's review of the development of Block 3003, Lot 20, 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 April 21, 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