

RESOLUTION #2019-11

RESOLUTION OF THE WOOLWICH TOWNSHIP JOINT LAND USE BOARD WITH RESPECT TO THE FIVE YEAR REVIEW OF THE WOOLWICH TOWNSHIP'S TRANSFER OF DEVELOPMENT RIGHTS PROGRAM PURSUANT TO N.J.S.A. 40:55D-157 AND WOOLWICH TOWNSHIP CODE §203-51N

WHEREAS, Woolwich Township's Transfer of Development Rights Program, hereinafter "TDR", was substantially completed in March of 2007 and received its Initial Plan Endorsement by the State Planning Commission on April 18, 2008; and

WHEREAS, the TDR ordinance was adopted by the Woolwich Township Committee on October 27, 2008 pursuant to Ordinance No. 2008-20; and

WHEREAS, N.J.S.A. 40:55D-157 and Woolwich Township Code §203-51N require that the Woolwich Township JLUB and the governing body conduct a review and analysis of the TDR program and ordinance, as well as, the Real Estate Market Analysis (REMA), at the end of each five (5) year period subsequent to its adoption; and

WHEREAS, in connection with this review the Woolwich Township Planner, J. Timothy Kernan, P.E., P.P., C.M.E., prepared a report dated December 13, 2018, reviewing and analyzing the required aspects of the TDR program, a copy of which is attached as Exhibit A; and

WHEREAS, the Woolwich Township Joint Land Use Board conducted its review and analysis of the TDR Program, TDR Ordinance and the REMA, including a review of the above document marked Exhibit A and the testimony provided by its own professionals, at a duly advertised special meeting on January 31, 2019 and a regularly scheduled meeting on February 21, 2019; and

WHEREAS, at both hearings set forth above, the JLUB heard testimony from members of the public, including landowners in both the TDR sending and receiving zones, in addition to the testimony provided by its own professionals; and

WHEREAS, as a result of the two (2) hearings set forth above, and based upon the review of the report of the Woolwich Township Planner, J. Timothy Kernan, P.E., P.P., C.M.E. dated December 13, 2018, and the consideration of the testimony of the JLUB's own professionals and that of the public that testified at the two (2) hearings, the Woolwich Township JLUB made certain findings, determinations and recommendations as set forth below in this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Joint Land Use Board of the Township of Woolwich, as follows:

1. The Woolwich Township Joint Land Use Board conducted a five (5) year review and analysis of the Woolwich Township TDR program and Ordinance, as well

as the Real Estate Market Analysis, on January 31, 2019 and February 21, 2019, as required by N.J.S.A. 40:55D-157 and Woolwich Township Code §203-51N; and

2. The Woolwich Township Joint Land Use Board hereby confirms, acknowledges and determines that the TDR program met its statutory obligations of having transferred at least 25% of the remaining development transfer potential during the past five (5) years, in accordance with the statutory standards set forth in the provisions of N.J.S.A. 40:55D-157 and N.J.S.A. 40:55D-156a; and

3. The Woolwich Township Joint Land Use Board as a part of its review of the TDR Program as set forth above, has determined that it has serious concerns regarding the economic viability of the TDR program moving forward in its current configuration and as such makes the following recommendations to the Woolwich Township Mayor and Committee regarding the TDR program:

A. That the Woolwich Township Mayor and Committee review the TDR program as a whole to determine whether there are revisions that can be made to the program and ordinance to make it more economically viable moving forward and increase options under the program for landowners in both the sending and receiving zones; and

B. That the Real Estate Market Analysis (REMA) be updated and brought current, with the updating process to begin as soon as possible; and

C. That the Woolwich Township Mayor and Committee review and revise the zoning densities, such as to eliminate the 15 acre zoning in the TDR sending and receiving zones, with the intent to up-zone and increase the densities in both zones; and

D. That the Woolwich Township Mayor and Committee remove from consideration any extension of the TDR program to commercial development; and

E. That the Woolwich Township Mayor and Committee create a joint sub-committee, with representation from the JLUB, to review and advise both the Township Mayor and Committee and the JLUB on revisions to the TDR program and ordinance, specifically including but not limited to the recommendations set forth herein.

JOINT LAND USE BOARD OF THE
TOWNSHIP OF WOOLWICH



ROBERT RUSHTON, Vice-Chairman

ATTEST:

The foregoing Resolution was a memorialization of action taken at a regular meeting of the Joint Land Use Board of the Township of Woolwich held on the 21st day of February 2019; and such resolution was adopted by the Joint Land Use Board of the Township of Woolwich at said regular meeting held on March 21, 2019, by a vote 9 to approve, 0 to oppose and 0 to abstain.


JULIE IACOVELLI, Secretary

In favor of the resolution: M. Blakc, J. Casella, J. Juliano, V. Marino,
D. Gianfield, B. Sawyer, S. Barbagallo, C. Grasso, A. Schwager.

Opposed to the resolution:

Abstained:

AIMINO & DENNEN, LLC
ATTORNEYS AT LAW

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