

**RESOLUTION OF THE BOROUGH OF HIGHLANDS LAND USE  
BOARD (Minor, two lot subdivision)**

**Third Amendment to Preliminary and Final  
Major Site Plan with Bulk Variances for Pulte Homes Inc., (successor to Navesink  
Capital Partners, LLC)  
Block 101, Lots 17.02, 27, 27.01, 30 and 30.02  
Block 102, Lots 8 and 9  
Borough of Highlands**

WHEREAS, the applicant Pulte Homes Inc. (successor to Navesink Capital Partners, LLC) has applied to the Borough of Highlands Land Use Board for a Third amendment to the Preliminary and Final Site Plan Approval and Bulk "c" Variance relief and Design Waivers previously approved Site Plan which was originally granted by way of Resolution adopted on March 13, 2014; and

WHEREAS, the applicant has complied with the public notice provisions as set forth in N.J.S.A. 40:55D – 12; and

WHEREAS, the Board has jurisdiction to hear this matter; and

WHEREAS, a public hearing was conducted before the Borough of Highlands Land Use Board on December 8, 2016, for the purpose of hearing the Application of Pulte Homes Inc. for a third amendment to the approved Site Plan, Bulk "c" Variances and Design Waivers; and

WHEREAS, the Applicant was represented by James Mullen Esq.; and

WHEREAS, the Applicant presented this application in three segments for the subject property. The three segments are:

1. Proposed construction of a retaining wall between Block 101, Lot 27.02 and Block 102, Lot 7.
2. A lot line adjustment that will increase the size of Block 102, Lot 7.
3. A minor subdivision that will reduce the size of Block 101, Lot 27.02 and create a new lot known as Lot 27.04; and

WHEREAS, this resolution pertains to the third segment of the application requesting the minor subdivision mentioned in number 3 above; and

WHEREAS, the Board's experts were duly sworn to give testimony in this matter; and

WHEREAS, testimony was given by the applicant's professionals, Sean Savage, P.E. and James Mullen, Esquire, setting forth reasons for the granting of the amended for the retaining wall; and

WHEREAS, the bulk variances required for this segment are:

1. Lot size of 2,500 square feet where 14,000 square feet is required.
2. Lot width of 25 feet where 75 feet is required.
3. Lot depth of 100 feet where 200 feet is required; and

WHEREAS, the Board makes the following findings of fact and conclusions of law:

1. The Board accepts the testimony of the applicant's witnesses, the contents of Exhibit A-1 in evidence and the contents of the filed application as the basis for the grant of the request to construct the retaining wall
2. The proposed dimensions and size of new lot 27.04 are consistent with the majority of the lots in the surrounding area.
3. The applicant has offered to sell the land area to be dedicated to the new lot to the contiguous lot owners, Mr. Lewis Longo and David Korman via certified mail dated December 16, 2016. Both letters are attached hereto and made a part hereof.
4. The Board finds that the applicant has met the hardship requirement and the negative criteria for the variances.
5. The applicant will comply with the conditions and recommendations set forth in the review letter prepared for this project by the Board Engineer, Robert Keady, dated December 1, 2016, which letter is incorporated herein in full by reference thereto.

Based on the above findings the Board concluded as a matter of law that the applicant is entitled to the relief requested.

NOW THEREFORE BE IT RESOLVED that the Board hereby approves the two-lot minor subdivision and related bulk variances and this segment of the amendment to the prior approvals subject to the applicant complying with Board imposed conditions hereinafter set forth as follows:

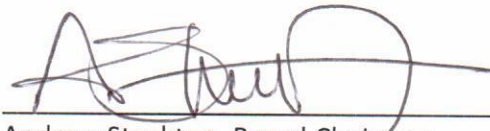
1. All conditions attached to the prior approvals for this project not specifically altered or amended by this approval shall remain in force and affect.
2. The applicant shall comply with the conditions and recommendations set forth the report issued for this project by Board Engineer, Robert Keady, dated December 1, 2016.

Yes: Mr. Hancy, Mr. Braswell, Mr. Stockton, Ms. Ryan, Mr. Nolan

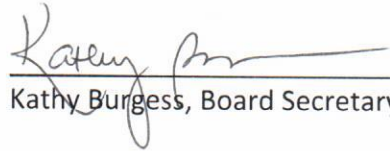
No: Mr. Gallagher

Abstentions: Mr. Lee

Dated: February 9, 2017.

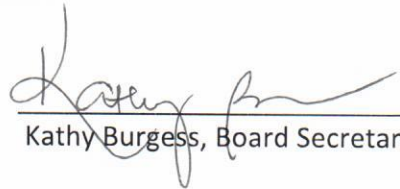


Andrew Stockton, Board Chairman



Kathy Burgess, Board Secretary

I certify this to be a true copy of a written resolution adopted by the Borough of Highlands Land Use Board on February 9, 2017.



Kathy Burgess, Board Secretary