

**RESOLUTION OF THE BOROUGH OF HIGHLANDS LAND USE
BOARD (Retaining wall installation)**

**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 first segment of the application requesting approval to construct the retaining wall mentioned in number 1 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 proposed retaining wall will have a maximum height of 6.95 feet. Borough Ordinance Section 21-65.16.B, requires that retaining walls in excess of 3.5 feet in height be approved by the Borough Engineer after submission of structural calculations; 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 attorney for the applicant has represented to the Board that the contiguous property owner has consented to construction of the retaining wall depicted on Exhibit A-1.
3. The Board finds that relief requested is minimal in nature and presents a better installation than originally approved by this Board.
4. 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 installation of the retaining wall and this segment of the amendment to the prior approvals subject to the applicant complying with Board imposed conditions hereinafter set forth as follows:

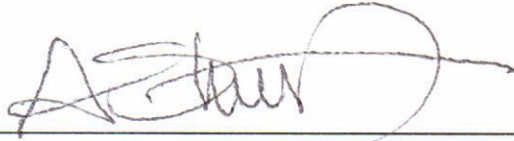
1. All conditions attached to the prior approvals for this project not specifically altered or amended by this approval shall remain in force and affect.
2. The applicant shall comply with the conditions and recommendations set forth the report issued for this project by Board Engineer, Robert Keady,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

Yes: Mr. Gallagher, Mr. Francy, Mr. Braswell, Mr. Stockton, Ms. Ryan,
Mr. Nolan,

No: None

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