

Mr. Manrodt offered a motion to move on the adoption of the following Resolution:

**RESOLUTION GRANTING THE APPLICANT'S REQUEST TO WITHDRAW
THE SITE PLAN AND VARIANCE APPLICATION FOR BLOCK 102, LOTS
17.02, 27 & 27.01**

WHEREAS, Sandy Hook Developers, LLC, hereinafter referred to as the applicant is the owner of the above captioned lots; and

WHEREAS, the applicant has filed an application for preliminary and final site plan approval with variances with the Planning Board of the Borough of Highlands; and

WHEREAS, the applicant through Counsel has requested in writing (a true copy of the letter dated October 31, 2008 is annexed hereto and made a part hereof), that the application be withdrawn; and

WHEREAS, the applicant has a shortage in its escrow account with the Board in the amount of \$3,092.00, for outstanding fees due to the Board Engineer as of this date: and

WHEREAS, the applicant was notified of the escrow deficiency by the Board Secretary on or about May 21, 2008 and there has been no notification pursuant to the MLUL that the applicant disputes the fees.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that pursuant to the request made on behalf of the applicant, the application mentioned above is hereby dismissed, however this Board will not allow this application to be re-instated nor will the Board accept any new applications from the applicant for the subject property until such time as the escrow shortage is paid. In addition to the foregoing the Board intends to refer this matter to the Borough Attorney and/or the Board Attorney in order to commence collection proceedings to recover the escrow shortage.

Seconded by Mr. Kovic and adopted on the following roll call vote:

ROLL CALL

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Harrison,
Mr. Schoellner, Mr. Stockton

NAYES: None

ABSTAIN: None

DATE: December 11, 2008

CAROLYN CUMMINS, BOARD SECRETARY

I certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on December 11, 2008.

Carolyn Cummins, Board Secretary

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