

Mr. Hill offered the following Resolution and moved on its adoption:

RESOLUTION OF THE BOROUGH OF HIGHLANDS PLANNING BOARD

**Second 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 Planning Board for Second 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 Planning Board on September 30, 2015, for the purpose of hearing the Application of Pulte Homes Inc. for a second 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 Planning 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., Paul Axelsen, Architect and Victor B Vandenkooy, Planner, setting forth reasons for the granting of the Amended Site Plan, Bulk Variances and Design Waivers; and

WHEREAS, the applicant has requested the following amendments to the prior approvals for this project the substance of which is as follows:

1. Due to a minor change in design and the technical definition of building "height" in the Borough Ordinance, the applicant has requested minor height variances for a number of the structures to be located at the project. The

identification of the structures and the height deviations are set forth in the Chart attached to the report issued for this project by Robert Keady, Board Engineer, dated September 3, 2015, which report and Chart are incorporated herein in full by reference thereto.

2. A design waiver to permit the applicant to install a combination of siding materials on the structures in addition to cedar shakes. Borough Ordinance Section 21-96.01.H.2, requires the installation of cedar shakes exclusively. The siding materials proposed by the applicant are set forth in the record of the hearing and include stone, vinyl and cedar shakes.
3. A design waiver to permit the applicant to remove front entrances from the Type C or Navesink units and have entrances located on the side of those units. The details of the request are set forth in the Keady report referred to above and adopted herein by reference thereto and the plans submitted into evidence at the hearing held on September 30, 2015, which are also incorporated herein in full by reference thereto; 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 as the basis for the grant of the height variances and the waivers mentioned above.
2. The applicant has demonstrated both the positive and negative criteria for the grant of the variances and design waivers.
3. The Board finds that relief requested is minimal in nature and presents a better project than originally approved by this Board.

Based on the above findings the Board concluded as a matter of law that the applicant is entitled to the variances and design waivers requested.

NOW THEREFORE BE IT RESOLVED that the board hereby grants the variances and waivers requested by the applicant 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 install "No Parking" area signage as indicated at the hearing which shall be submitted to the Board Engineer for his review and approval as part of resolution compliance.
3. The applicant is permitted to install clapboard and stone in addition to the cedar shakes on the units in accordance with the testimony and exhibits presented at the hearing.
4. The applicant shall comply with the conditions and recommendations set forth the reports issued for this project by Board Engineer, Robert Keady, dated June 25, 2015 and September 3, 2015.

ROLL CALL:

Yes: Mr. Hill, Mr. Korn, Mr. Stockton
No: None
Abstentions: None

Dated: October 8, 2015,

Andrew Stockton, Board Chairman

Carolyn Cummins, Board Secretary

I certify this to be a true copy of a written resolution adopted by the Borough of Highlands Planning Board on October 8, 2015.

Carolyn Cummins, Board Secretary