

EXPLANATION: A Resolution authorizing the Developer's Agreement with Pulte Homes of NJ, LP, in connection with the Planning Board's grant of preliminary and final major subdivision and site plan approval.

**BOROUGH OF FAR HILLS
RESOLUTION 23-060
AUTHORIZING DEVELOPER'S AGREEMENT
PULTE HOMES OF NJ, LP**

WHEREAS, in compliance with the New Jersey Supreme Court decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), on or about July 2, 2015, the Borough filed an action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Borough of Far Hills, County of Somerset, Docket No. SOM-L-903-15, seeking, among other things, a Judgment of Compliance and Repose consisting of a judicial declaration that its amended Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), as may be further amended in accordance with the terms of a settlement agreement, dated October 15, 2018, that addressed the Borough's affordable housing obligations and resolves the Borough's Third Round Mt. Laurel litigation (the "Settlement Agreement"), satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine, in addition to related reliefs (the "Mt. Laurel litigation"); and

WHEREAS, in connection with its affordable housing compliance, the Borough entered into an Affordable Housing Agreement with Melillo Equities, LLC ("Melillo"), dated December 9, 2019, for the development of an inclusionary, residential rental and for sale development consisting of 105 age-restricted townhouse dwellings and an apartment building consisting of 29 affordable apartments (25 family affordable units and 4 age-restricted affordable units) on the property identified as Block 5, Lot 4, located at 220 Route 202, consisting of approximately 42.3± acres (hereinafter referred to as "Errico Acres Site"); and

WHEREAS, Pulte Homes of NJ, Limited Partnership ("Pulte"), received preliminary and final major site plan and subdivision approval, with variance relief and design waivers, from the Far Hills Borough Planning Board (the "Board") on February 7, 2022, for the inclusionary development of the Errico Acres Site, which approval was memorialized in the Resolution No. 2022-10, adopted by the Board on February 7, 2022 (the "Approval"); and

WHEREAS, the Approval was granted subject to the execution of a Developer's Agreement between the Borough and the Pulte and compliance by Pulte with other conditions as more fully set forth in the Approval, as well as compliance of Pulte with the ordinances of the Borough of Far Hills and the laws of the State of New Jersey regarding development; and

WHEREAS, the Borough and Pulte negotiated a Developer's Agreement, the contents of which apply to Pulte's improvements, the repair and ongoing maintenance issues between the Pulte and the Borough and other obligations of the Pulte with regard to the development; and

WHEREAS, the Mayor and Borough Council of the Borough of Far Hills find it to be in the best interest of the Borough to enter into and execute the Developer's Agreement with Pulte assuring compliance with all terms and conditions of the Approval for the development of the Property.

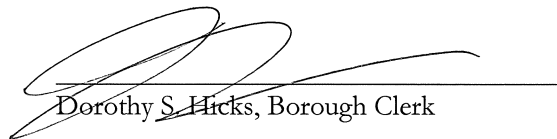
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Far Hills, County of Somerset, State of New Jersey, that the Borough hereby authorizes the Borough to enter into and execute the Developer's Agreement with Pulte.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to sign the Developer's Agreement on behalf of the Borough, in the substantial form to be attached hereto after adoption of this Resolution.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all required actions to effectuate the authorizations in this Resolution and comply with the terms of the Developer's Agreement.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

I certify this is a true and exact copy
of a resolution adopted by the
Far Hills Borough Council on 3/13/2023.


Dorothy S. Hicks, Borough Clerk