

RESOLUTION NO. 2019 – 208

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AUTHORIZING
RELIEF FROM TOWNSHIP CODE SECTION 55-126.12,
(C) TO D.R. HORTON, INC., NEW JERSEY.**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (the “Township”), has received correspondence dated May 2, 2019 from Counsel for D. R. Horton, Inc. – New Jersey, (“Horton”), requesting asking for relief from strict compliance with Township Code Section 55-126.12(C); and

WHEREAS, the provision of the Township Code requires that disturbed areas surrounding a proposed residential dwelling be stabilized by sodding; and

WHEREAS, Horton has requested relief from strict compliance to this Township Code Section, from installing sodding in the rear yard as many of the purchasers of the new dwellings will install decks and or pools in their rear yard which would render the installation of sod unnecessary; and

WHEREAS, the request has been reviewed by the Township Engineer, the Township Engineer has opined that the Planning Board has approved similar requests from other developers in Barnegat township; and

WHEREAS, the Township Committee finds it necessary and appropriate, based upon the recommendations of its professional staff to grant ordinance relief to waive the requirement for the installation of sod in the rear yard only for new dwellings in Ocean Acres subject to the purchasers of the dwelling to sign a written waiver indicating that they do not want the installation of sod in the rear yard.

LAW OFFICES OF
CHRISTOPHER J. DASTI
COUNSELLOR AT LAW
900 NEWARK AVENUE
P.O. BOX 779
FORKED RIVER, N.J. 08731

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township accepts the recommendations of its professional staff and hereby grants D. R. Horton, Inc., New Jersey relief from strict compliance to the Township Code Section 55-126.12(C) waiving the requirement for the installation of sod in the rear yard of new residential dwellings built in Ocean Acres subject to the purchasers of the dwellings execution of a written waiver indicating that they do not want the installation of sod in the rear yard.

2. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

- (a) Todd Greene, Esq., Attorney for D.R. Horton, Inc., New Jersey
- (b) John J. Hess, Township Engineer

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CERTIFICATION

I CERTIFY that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on *June 6, 2019*, a quorum being present and voting in the majority.

Michele Rivers, Township Clerk

Prepared by:

**THE LAW OFFICES OF
CHRISTOPHER J. DASTI**

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