

**RESOLUTION NO. 2022-202**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE POSTED BY R&R HOLDINGS FOR SITE ENTRANCE IMPROVEMENTS AT BLOCK 277 LOT 11**

**WHEREAS**, the Township of Little Egg Harbor required the posting of a Performance Guarantee by R&R Holdings in the amount of \$7,776.60 consisting of a Letter of Credit #18134228 issued by PNC Bank in the amount of \$6,998.40 and a cash bond in the amount of \$777.60 to ensure the completion of installation of right-of-way improvements located at Block 277, Lot 11; and

**WHEREAS**, the Township Engineer has inspected the site and has determined that all bonded improvements have been completed in substantial compliance with the Board approvals and recommends release of the Performance Guarantee conditioned upon the posting of a maintenance guarantee and upon the payment of any outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as reimbursement for the costs of any outstanding construction inspection fees.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby authorize the release of the Performance Guarantee posted by R&R Holdings for the installation of right-of-way improvements, Block 277, Lot 11 in the amount of \$7,776.60, consisting of a Letter of Credit #18134228 issued by PNC Bank and a cash bond in the amount of \$776.60.

2. The release of the Performance Guarantee is specifically conditioned upon the applicant posting a Maintenance Guarantee with the Township in the amount of



Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555

\$1,166.40, representing 15% of the Performance Guarantee. Said Maintenance Guarantee shall run for a period of two (2) years, based upon the original bonding requirements of \$7,776.60.

3. That the release of the aforementioned Performance Guarantee is also conditioned upon the payment of any outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as reimbursement for the costs of any outstanding construction inspection fees.

4. That a certified copy of this Resolution be forwarded to the Chief Financial Officer, the Township Engineer and R&R Holdings.

#### CERTIFICATION

I, **KELLY LETTERA**, Municipal Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **11th day of August, 2022**.



---

**KELLY LETTERA, RMC**  
Township Clerk  
Township of Little Egg Harbor

**r|m|s|h|c**

Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555



| YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Township Clerk  
FROM: Jason A. Worth, P.E., Township Engineer  
DATE: July 21, 2022

*Jason A. Worth*

REF: T&M FILE NO. LEHT-I0391  
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE  
R&R HOLDINGS SITE ENTRANCE IMPROVEMENTS - BLOCK 277 LOT 11  
TOWNSHIP OF LITTLE EGG HARBOR, OCEAN COUNTY, NJ

Dear Mrs. Lettera:

Our office has received a request from the developer for the Release of the Performance Guarantee for the above referenced project. The R&R Holdings site contains a commercial strip mall with separate Preschool in the rear, located on the north side of Route 9 approximately 500 feet west of Gifford Road and is within the Route 9 Scenic Gateway Overlay Zone (North) of the General Business (GB) Zone. The project included the reconfiguration of the existing parking lot entrance and the addition of four (4) parking spaces in the front of the site. A review of our files indicates that R&R Holdings posted a Performance Guarantee in the amount of \$7,776.00 with the Township's Clerk's Office to assure the complete installation of bonded right-of-way improvements as set forth in the Performance Guarantee Estimate prepared by T&M Associates.

The Performance Guarantee consists of a Letter of Credit, #18134228, issued by PNC Bank in the amount of \$6,998.40 and a cash bond in the amount of \$777.60.

At the request of the developer, this office has conducted construction observation of site improvements to ascertain the status of the completed improvements covered by the bond. **It is our determination that all bonded improvements have been completed in substantial compliance with the Board approvals.**

In accordance with the Municipal Land Use Law and the Township Ordinance, the governing body must either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer. **Accordingly, it is our recommendation to the Township Committee that the request for Release of the Performance Bond be granted.**

The Mayor and Township Committee must act on the applicant's request for Release of the Performance Bond no later than 45 days after receipt of the notice and must notify the applicant of their decision in writing by certified mail. By copy of this letter to Melanie Appleby, Township Attorney, we recommend that she prepare a resolution suitable for adoption by the Mayor and Committee at its next regular meeting.



TO: Kelly Lettera, Township Clerk  
FROM: Jason A. Worth, P.E., Township Engineer  
DATE: July 21, 2022  
REF: T&M FILE NO. LEHT-I0391  
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE  
R7R HOLDINGS SITE ENTRANCE IMPROVEMENTS - BLOCK 277 LOT 11  
TOWNSHIP OF LITTLE EGG HARBOR, OCEAN COUNTY, NJ

The Release of the Performance Guarantee shall be conditioned upon the following:

1. The applicant posting a Maintenance Guarantee with the Township in the amount of \$1,166.40, representing 15% of the Performance Guarantee. Said Maintenance Guarantee shall run for a period of two (2) years.

The Maintenance Guarantee requirement is based upon the original bonding requirements of \$7,776.00.

In addition, and prior to Release of any Performance Guarantee, the applicant/developer shall reimburse the Township for the costs of any outstanding construction inspection fees. The Township will be in receipt of all of our final invoices on this project with our next months billing. Should the Committee have any questions regarding any of the above, please feel free to contact me at your convenience.

cc: Township Committee  
Rodney Haines, Township Administrator/CFO  
Mark Ellis, Zoning Officer  
Melanie Appleby, Township Attorney