

RESOLUTION NO. 2023-275

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE POSTED BY CALLAZZO SITE PLAN FOR BLOCK 80, LOT 14.04 FOR ON-SITE IMPROVEMENTS

WHEREAS, the Township of Little Egg Harbor required the posting of a Performance Guarantee for Callazzo Site Plan, Block 80, Lot 14.04 for a project consisting of two 11,900 square feet flex space buildings on the southbound side of Route 539 in the Scenic Gateway Overlay portion of the General Business (GB) zone; and

WHEREAS, Callazzo Site Plan posted \$69,714.00 cash bond as the Performance Guarantee; and

WHEREAS, the Township Engineer has inspected the site and has determined that all on-site improvements have been completed in substantial compliance with Board approvals and recommends release of the Performance Guarantees 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.

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 for Callazzo Site Plan, Block 80, Lot 14.04 for a project consisting of two 11,900 square feet flex space buildings on the southbound side of Route 539 in the Scenic Gateway

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

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

Overlay portion of the General Business (GB) zone in the amount of \$69,714.00 cash bond to the developer.

2. That the release of the aforementioned Performance Guarantee is 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.
2. That a certified copy of this Resolution be forwarded to the Chief Financial Officer, the Township Engineer and developer for Callazzo Site Plan.

CERTIFICATION

I, **KELLY LETTERA, CMC, RMC**, 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 **12th** day of **October, 2023**.



KELLY LETTERA, CMC, RMC
Township Clerk
Little Egg Harbor Township

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YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Township Clerk
FROM: Jason A. Worth, P.E., Township Engineer
DATE: September 15, 2023

REF: T&M FILE NO. LEHT-I1315
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE – ON-SITE IMPROVEMENTS
CALLAZZO SITE PLAN - BLOCK 80 LOT 14.04
TOWNSHIP OF LITTLE EGG HARBOR, OCEAN COUNTY, NJ

Dear Ms. Lettera:

Our office has received a request from the developer for Release of a Performance Guarantee for the above referenced project. The project consists of two 11,900-square foot flex space buildings and is located on the southbound side of Route 539, near the intersection of Parkertown Drive, and is within the Scenic Gateway Overlay portion of the General Business (GB) Zone. A review of our files indicates that a Performance Guarantee was posted in the amount of \$69,714.00 with the Township's Clerks Office to assure the complete installation of on-site improvements at the time that a temporary certificate of occupancy was sought for building #1.

The Performance Guarantee consists of a total cash bond in the amount of \$69,714.00.

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 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.

We would recommend that the Release of the Performance Guarantee not be conditioned upon the posting of any maintenance bond as these are not right-of-way improvements.

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

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