

RESOLUTION NO. 2023-276

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 RIGHT OF WAY 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 a bond #71667819 issued by Western Surety Company in the amount of \$30,369.60 and a cash bond in the amount of \$3,374.40; and

WHEREAS, the Township Engineer has inspected the site and has determined that all bonded improvements have been completed in substantial compliance with Board approvals and recommends release of the Performance Guarantees conditioned upon the posting of a maintenance guarantee in the amount of \$5,061.60 to run for a period of two years as well as 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 Right of Way improvements, bond #71667819 issued by Western Surety Company in the amount of



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

98 East Water Street
Toms River, NJ 08753

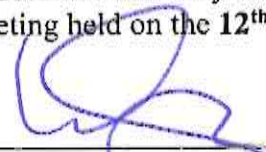
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\$30,369.60 and a cash bond in the amount of \$3,374.40, for Callazzo Site Plan, Block 80, Lot 14.04 for a project consisting of two 11,900 square feet flex space buildings on the southbound side of Route 539 in the Scenic Gateway Overlay portion of the General Business (GB) zone.

2. That the release of the aforementioned Performance Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of \$5,061.60 to run for a period of two years, as well as 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

r|m|sh|c

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Halm & Cipriani, P.A.
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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 – RIGHT-OF-WAY
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 the 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 \$33,744.00 with the Township's Clerks 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 bond #71667819, issued by Western Surety Company in the amount of \$30,369.60 and a cash bond in the amount of \$3,374.40.

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: September 15, 2023
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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 \$5,061.60, 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 \$33,744.00.

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