

RESOLUTION 2026-173

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF ON SITE PERFORMANCE GUARANTEE POSTED BY GALAXY COMMERCIAL PROPERTIES FOR BLOCK 326.14, LOT 1

WHEREAS, the Township of Little Egg Harbor required the posting of an On-Site Performance Guarantee by Galaxy Commercial Properties to assure the complete installation of on-site landscaping improvements not complete at the time of issuance of a Temporary Certificate of Occupancy for an approved daycare/preschool facility located at Block 326.14, Lot 1 on Radio Road, bounded by Kadlubek Way and South Pulaski Boulevard in the Township of Little Egg Harbor; and

WHEREAS, Galaxy Commercial Properties posted said On-Site Performance Guarantee, consisting of a cash bond in the amount of \$8,880.00, to assure the complete installation of on-site landscaping improvements not complete at the time of the issuance of a Temporary Certificate of Occupancy, for an approved daycare/preschool facility located at Block 326.14, Lot 1 on Radio Road, bounded by Kadlubek Way and South Pulaski Boulevard in the Township of Little Egg Harbor; and

WHEREAS, the Township Engineer has determined that all bonded improvements have been completed in substantial compliance with the Board approval; and

WHEREAS, the governing body authorizes the release of the On-Site Performance guarantee cash bond in the amount of \$8,880.00 to Galaxy Commercial Properties.

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:

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

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
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2. That the governing body does hereby authorize the release of the On-Site Performance Guarantee posted by Galaxy Commercial Properties consisting of a cash bond in the amount of \$8,880.00, posted to assure the complete installation of on-site landscaping improvements not complete at the time of issuance of a Temporary Certificate of Occupancy for an approved daycare/preschool facility located at Block 326.14, Lot 1 on Radio Road, bounded by Kadlubeck Way and South Pulaski Boulevard in the Township of Little Egg Harbor.

3. That the release of the aforementioned On-Site 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, Interim Township Administrator, Assistant Township Administrator, Township Engineer and Galaxy Commercial Properties.

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 **11th** day of **June, 2026**.



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

r|m|sh|c

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YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Township Clerk
FROM: Jason A. Worth, P.E., Township Engineer
DATE: May 26, 2026
REF: T&M FILE NO. LEHT-I2340
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE - ON-SITE
GALAXY COMMERCIAL PROPERTIES - BLOCK 326.14 LOT 1
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 subject site is located on Radio Road and bounded by Kadlubek Way and South Pulaski Boulevard, and was approved by the Zoning Board of Adjustment for a daycare/preschool facility. A review of our files indicates that Galaxy Commercial Properties posted a Performance Guarantee in the amount of \$8,880.00 with the Township Clerk's Office to assure the complete installation of on-site landscaping improvements not complete at the time of issuance of a TCO, as set forth in the Performance Guarantee Estimate prepared by RVE.

The Performance Guarantee consists of a cash bond in the amount of \$8,880.00.

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 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 Szuba, Township Attorney, we recommend that she prepare a resolution suitable for adoption by the Mayor and Committee at its next regular meeting.

A maintenance bond shall not be required as all improvements covered by the bond were private, on-site 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 month's billing.

Should the Committee have any questions regarding any of the above, please feel free to contact me at your convenience.

Cc (via email): Township Committee
Melanie Szuba, Township Attorney

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