

RESOLUTION 2017-140

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, DENYING THE REQUEST FOR A RELEASE OF THE SITE IMPROVEMENTS PERFORMANCE GUARANTEE FOR BARNEGAT SENIOR APARTMENTS, LLC, BLOCK 195.03, LOT 12, BARNEGAT TOWNSHIP NEW JERSEY

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has received a request from the developer of Barnegat Senior Apartments, LLC, located at Block 195.03, Lot 12, Barnegat Township, New Jersey (hereinafter collectively referred to as the "property") for a release of the Site Improvement Performance Guarantee, Bond SNN4002818, for the property; and

WHEREAS, in conjunction therewith, the Township has received a carefully reviewed letter of recommendation dated February 3, 2017 from its consulting engineer for the project, John J. Hess, PE, PP; and

WHEREAS, the letter of recommendation is to the effect that the request should be denied for the reasons set forth in letter dated February 3, 2017 contingent upon the following:

RIGHT-OF-WAY

1. A letter of acceptance must be obtained from the NJDOT for the improvements that were constructed within the Route 9 right-of-way.
2. The concrete tear drop island at the Route 9 site entrance is cracked and must be repaired and/or replaced.

ON-SITE

1. There are cracks in the concrete curbing throughout the site which must be repaired and/or replaced.
2. There are several locations throughout the site where the grout is cracked and/or missing in the Belgium block curbing. The grout must be repaired in these areas.
3. The approved plans show a wall mounted light above the main entrance which remains to be installed.
4. The trash enclosure has not been built in accordance with the approved plans. The trash enclosure size, location and material of construction are different from what was approved. These discrepancies must be corrected.
5. The trash enclosure gate (left side on the bottom) is broken and must be replaced.
6. The concrete sidewalk on the northerly side of the building is cracked by one of the handicap bollards and must be repaired and/or replaced.

WHEREAS, the Township finds that the recommendations of its consulting engineer are appropriate and in the long term best interests of the Township and its residents, and in compliance with the Township's Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED, this 7th day of March, 2017 by the Barnegat Township Committee, as follows:

1. The Township accepts the recommendations of its consulting engineer for the project and denies the request for a release of the Site Improvement Performance Guarantee, SNN4002818.
2. The Site Improvement Performance Guarantee shall not be released until all items set forth in the letter of recommendation dated February 3, 2017 are fully complied with, corrected and approved by the consulting engineer.
3. The Township authorizes and directs the Mayor, Township Clerk and the Township Administrator to execute any and all necessary documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Township Clerk to:

- (a) Honorable Albert Bille, Mayor
- (b) Martin Lisella, Township Administrator
- (c) John Hess, P.E
- (d) Edmund C. Speitel, PE, Applicant's Engineer; and
- (e) Jerry J. Dasti, Esquire

CERTIFICATION

I, Michele A. Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their regular meeting held at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 7th day of March, 2017.

Michele A. Rivers, RMC
Municipal Clerk