

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 15-20

**RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE
AND INSPECTION ESCROW REGARDING KITCH ORGANIC LLC,
75 LEIGHTON AVENUE, BLOCK 70, LOT 3.02**

Councilman Murphy offered the following resolution and moved its adoption:

WHEREAS, pursuant to Resolution No. 2014-24, the Zoning Board of Adjustment of the Borough of Red Bank approved Kitch Organic LLC's (the "Applicant"), application for Site Plan and Variance Approval with respect to the property located at 75 Leighton Avenue, Block 70, Lot 3.02 on the tax map of the Borough of Red Bank (the "Development Project"); and

WHEREAS, the aforesaid Zoning Board Resolution required the Applicant to comply with the Planning and Development Regulations of the Borough Red Bank, with respect to the Applicant's posting of performance guarantees and escrow payments to pay for inspections by the Borough Engineer; and

WHEREAS, by letter dated December 31, 2014 the Borough Engineer provided an estimate of the necessary performance guarantees and other fees required in connection with the Development Project in accordance with §490-69 of the Borough of Red Bank's Planning and Development Regulations; and

WHEREAS, the Applicant has posted the following performance guarantee and other required fees as recommended by the Borough Engineer in connection with the Development Project:

- a. One Hundred Percent (100%) of the performance guarantee in the form of cash in the amount of \$ 30,980 and
- b. An inspection escrow fee in the amount of \$1,300.00

WHEREAS, the Director of the Borough's Planning and Zoning Department has requested authorization to accept the aforementioned performance guarantee, and the inspection escrow fee on behalf of the Borough; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that it does hereby authorize and direct the Director of the Borough's Planning and Zoning Department to accept the aforementioned funds posted by the Applicant as the performance guarantee and inspection escrow, respectively, for the Development Project;

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the Director of the Borough's Planning and Zoning Department, the Applicant, and to the Borough Engineer.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

| | Yes | No | Abstain | Absent |
|----------------------------|-------|-----|---------|--------|
| Councilman Murphy | (X) | () | () | () |
| Councilwoman Burnham | (X) | () | () | () |
| Councilwoman Horgan | () | () | () | (X) |
| Councilwoman Schwabenbauer | (X) | () | () | () |
| Councilman Zipprich | (X) | () | () | () |
| Councilman DuPont | (X) | () | () | () |

Dated: January 14, 2015