

TOWNSHIP OF FREDON RESOLUTION 2021-64

**RESOLUTION APPROVING THE RETURN OF THAT CERTAIN
PERFORMANCE GUARANTEE TO GALE & KITSON, FREDON GOLF, LLC
CONCERNING THE FORMER CLUBHOUSE PROJECT
AT BLOCK 1802, LOT 8.02 ON THE
TAX MAPS OF THE TOWNSHIP OF FREDON**

WHEREAS, in or about the Fall of 2006, Gale & Kitson, Fredon Golf, LLC (“Gale & Kitson”) began the undertaking of certain site improvements pursuant to that certain site plan entitled, “Final Site Plan – Clubhouse and Park Lot Alteration – Bear Brook Golf Village Community – Lot 8.02, Block 1802, Fred Township” (the “Site Improvements”) to the property known as Block 1802, Lot 8.02, in the area of Players Boulevard in the Township (the “Property”); and

WHEREAS, based upon a site inspection performed by Harold E. Pellow & Associates, Inc., Engineer for the Township Planning Board (the “Board Engineer”) with regard to the Site Improvements for the Property, the Board Engineer noted that there were changes that took place since the granting of preliminary approval, namely, certain improvements to the layout of the proposed clubhouse, as well as location and modification of the storm drainage system, main sidewalk leading from the parking area to the proposed clubhouse; and

WHEREAS, the Board Engineer also noted certain, other Site Improvements that were not yet undertaken, including the construction of nine (9) parking spaces in the island area in front of the proposed clubhouse as well as twenty-four (24) parking spaces along the access road to the maintenance building at the Property; and

WHEREAS, by way of report to the Township Planning Board dated September 28, 2006, and considering those certain Site Improvement not undertaken, the Board Engineer determined that Twenty-Three Thousand Two Hundred Dollars (\$23,200.00) should be deposited with the Township by Gale & Kitson, representing the amount of the cash performance guarantee, based upon a total estimated cost of construction of the Site improvements at the Property (the “Performance Guarantee”); and

WHEREAS, Gale & Kitson posted the Performance Guarantee with the Township; and

WHEREAS, subsequent to Gale & Kitson posting the Performance Guarantee with the Township, the Property was sold to an entity known as 23 Players Boulevard, LLC and plans were submitted to the Township Planning Board to expand the existing clubhouse into a banquet facility, and to repurpose the clubhouse and golf cart barn, amongst other improvements at the Property; and

WHEREAS, in or about January 2020, 23 Players Boulevard, LLC submitted certain plans to expand the existing banquet facilities and to construct a gazebo as well as other improvements at the Property; and

WHEREAS, in or about July 2020, the Planning Board Engineer inspected those certain improvements constructed by 23 Players Boulevard, LLC, and found same to have been constructed in accordance with the approval to expand the existing banquet facilities, amongst other improvements, granted in January 2020; and

WHEREAS, the Performance Guarantee continues to be maintained on file with the Township, even though the project changed from a clubhouse/golf course use, to a banquet facility; and

WHEREAS, acknowledging the change in the use of the Property, the Board Engineer, by correspondence to the Planning Board Secretary dated July 20, 2020, recommended release of the Performance Guarantee to Gale & Kitson; and

WHEREAS, while the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. provides the authority for the Planning Board to notify the Township Council whenever it accepts a replacement performance guarantee for a project, in acknowledgment of the fact that a modified and improved project for the Property was approved and completed, in lieu of the replacement project/developer the Property, and in reliance on the Board Engineer's correspondence of July 20, 2020 attached hereto as **Exhibit A**, the Township Council hereby desires to return the Performance Guarantee to Gale & Kitson.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Fredon, in the County of Sussex, State hereby authorizes the return of the Performance Guarantee to Gale & Kitson, with an address c/o Glenn C. Geiger, Esq. for Kitson Partners, 4500 PGA Boulevard, Suite 400, Palm Beach Gardens, Florida, 33419; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized any correspondence, agreement or similar instrument, upon review and approval of the Township Attorney, in furtherance of returning the Performance Guarantee to Gale & Kitson.

Moved By:

Seconded By:

VOTING

Township Committee Member	In Favor	Against	Abstain	Absent
Glenn Deitz				
Carl Lazzaro				
Guy Masi				
John Richardson				
John P. Flora				

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Fredon Township Committee, in the County of Sussex, at a meeting thereof held October 14, 2021.

Suzanne Boland, RMC
Municipal Clerk

EXHIBIT A

HAROLD E. PELLOW & ASSOCIATES, INC. CORRESPONDENCE TO FREDON
TOWNSHIP LAND USE BOARD SECRETARY DATED JULY 20, 2020

