

RESOLUTION NO. 0047 - 2023

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
GRANTING FINAL APPROVAL FOR MODIFIED BERKELEY TERRACE,
BLOCK 1014, LOT 26.01
PHASE I**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has received an application for final water approval for the property set forth above as designated on the official tax map of the Township of Berkeley; and

WHEREAS, the applicant for the project is Dream Homes – Berkeley Terrace; and

WHEREAS, the original application for the construction of 70 two bedroom condominiums and one club house at the property near Route 9 by Forest Hills Parkway and Southern Boulevard, in the Township of Berkeley, was approved in BTMUA Resolution 2022-48; and

WHEREAS, the applicant has revised those plans and re-submitted to construct the project in two phases. Phase I requiring 768 LF of waterline terminating in Halifax Road at the planned Club House to service twenty (20) condominiums. The revised application plans, titled and known as Berkeley Terrace Phase I, are prepared by Stuart Challoner, PE, of Challoner & Associates, LLC, and dated January 19, 2023; and

WHEREAS, the Authority’s Consulting Engineer, CME Associates, has reviewed the revised application, documents and plans submitted by the applicant and authored a review letter addressed to the Authority, dated April 4, 2023; and

WHEREAS, the Authority’s Consulting Engineer, in accord with the referenced review letter, has recommended that the Authority approve Dream Homes – Berkeley Terrace’s revised Phase I application for final water approval subject to compliance with the terms and conditions set forth therein; and

WHEREAS, it appears that, by complying with all of the conditions set forth in the Authority's Consulting Engineer's review letter, the applicant is in compliance with the Authority's rules and regulations; and

WHEREAS, the applicant is required, in accord with the Authority's Consulting Engineer's letter, dated April 4, 2023, to post a sufficient performance guarantee in the total amount of \$398,173.32; and

WHEREAS, the applicant had previously presented a surety bond for \$506,332.90, as required by the original approval, and posted a cash bond of \$39,817.33 sufficient for Phase I;

NOW, THEREFORE, BE IT RESOLVED, this 27th day of July, 2023, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. The Authority accepts the recommendation of its Consulting Engineer for the project and grants final water approval to the applicant, Dream Homes, for the revised Berkeley Terrace Phase I.
2. This approval is contingent upon the applicant complying with all the terms and conditions set forth in the aforementioned April 4, 2023 review letter of the Authority's Consulting Engineer, a copy of which is attached hereto and made a part hereof and incorporated fully herein by reference, including the payment of any and all outstanding fees.
3. This approval shall become null and void after one (1) year if no construction takes place and, further, construction shall be completed within three (3) years of the date of this Resolution or else updated performance guarantees and basic construction service fees shall be required to be posted by the applicant to the satisfaction of the Authority and the Authority's Consulting Engineer.
4. The Authority hereby approves the surety (\$506,322.90) and cash performance bond (\$39,817.33) as submitted by Dream Homes.


5. The Authority hereby authorizes and directs the Chairperson, Secretary, Executive Director and Authority Attorney to execute any and all necessary documents in order to implement the intent of this Resolution.

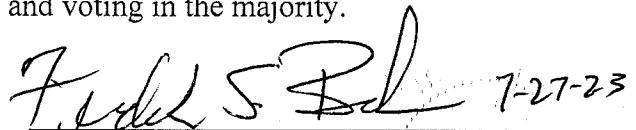
BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley;
- c. CME Associates;
- d. Dream Homes – Berkeley Terrace; and
- e. Berry, Sahradnik, Kotzas & Benson.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the 27th day of July, 2023, a quorum being present and voting in the majority.


Michael W. Hale, Authority Chairperson


Frederick S. Bekiarian, Authority Treasurer

Prepared by:
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