

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2013-105

Council Meeting Date 03-11-2013

Date Adopted: 03-11-2013

TITLE: RESOLUTION AUTHORIZING RETURN OF ESCROW FUNDS TO BORO GARDENS

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Muñoz.

WHEREAS, Boro Gardens has requested return of their escrow funds, for a 2002 Board of Adjustment applications for the property known as 232 South Street, in the amount of \$4,197.75; and

WHEREAS, the Board of Adjustment approved the application, along with amendments, of Boro Gardens, memorialized by resolutions 2003-29, 2004-06, 2004-59 and 2008-05; and

WHEREAS, the Construction Official and Board Secretary advise that all expert fees associated with the application have been paid for from the escrow account established for this application; and

WHEREAS, the Construction Official and Board Secretary recommend the release of escrow funds for the 2002 Board of Adjustment application for Boro Gardens.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of New Providence that escrow funds in the amount of \$4,197.75 posted by Boro Gardens be returned to said applicant.

APPROVED, this 11th day of March, 2013.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
LESNEWICH			X	
MUÑOZ	X			
ROBINSON	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 11th day of March, 2013.

Wendi B. Barry, Borough Clerk

B O R O U G H O F
NEW PROVIDENCE

SETTLED IN 1720

J. Brooke Hern, Mayor
BOARD OF ADJUSTMENT
Dr. William Nadelberg, Chairman
Margaret Koontz, Secretary

To: Monica Marino, Finance Department
Wendi Barry, Borough Clerk
Borough Council

From: Keith J. Lynch, Construction Official
Margaret Koontz, Secretary,

Re: Boro Gardens
232 South Street
Block 234, Lot 14

Date: February 27, 2013

The above application came before the Board of Adjustment in November 2002 and, in May and June 2003. The Board granted approval for a use variance to permit the retention of the existing single family home and the construction and operation of a commercial retail nursery/garden center including a building for use as a store, one or more greenhouses, and related material bins, fencing and appurtenances of a miscellaneous nature germane to the operation of a suburban nursery or garden center on July 7, 2003 (Board of Adjustment Resolution 2003-29). The applicant came before the Board again in January, October and November 2004 at which time the Board approved amendments to the resolution and variances (Board of Adjustment Resolutions 2004-06 and 2004-59). The Board granted the applicant an extension of time in February 2008 (Board of Adjustment Resolution 2008-05).

The applicant paid escrow fees to be used for payment of professional fees and so forth. All expert fees and expenses have been paid from the escrow account established for this applicant and the Engineer has authorized release of the escrow. The balance of the escrow fees (\$4,197.75) can now be returned to the applicant.

APPROVED:


Keith J. Lynch, Construction Official


Margaret Koontz, Secretary

70 DEVELOPERS ESCROW
 002 APPRN EXCLUDED FROM CAPS
 01035 BORO GARDENS/232 SOUTH ST-BOA ESC FEES

Date	Vendor ID	Transaction	Description	Reference	Modified Budget	Encumbrance	Payment	Balance
11/17/05		Amendment	ADD'L ESCROW FOR FEES	D 242	282.50			282.50
11/17/05		Opening Balance		NA	1,000.00			1,282.50
11/17/05		Amendment	ADD'L ESCROW FOR FEES	D242	2,000.00			3,282.50
11/22/05	ARHIPO	Purchase order	Inv#2120 dated 10/21/05 - engineering services for Boro Gardens (Perillo) 232 South Street	28367		282.50		3,000.00
12/19/05	ARHIPO	Check	A. R. HIPOLIT, P.E., L.L.C.	2053			282.50	3,000.00
07/03/07	MASERC	Purchase order	Inv#86267, Bd of Adj application - Boro Gardens - Warren Perillo, engineering services from May through June 10, 2007	32213		141.25		2,858.75
07/23/07	MASERC	Check	MASER CONSULTING, P.A.	2210			141.25	2,858.75
12/31/07		Balance transferred		70-002-01035-	(2,858.75)			0.00
01/01/08		Balance transferred		70-002-01035-	2,858.75			2,858.75
07/14/08	MASERC	Purchase order	Inv#108453, Bd of Adj file, Boro Gardens, 232 South Street, engineering services from May 15, 2008 thru 6/15/08	34710		65.00		2,793.75
07/28/08	MASERC	Check	MASER CONSULTING, P.A.	2361			65.00	2,793.75
12/31/08		Balance transferred		70-002-01035-	(2,793.75)			0.00
01/01/09		Balance transferred		70-002-01035-	2,793.75			2,793.75

Date	Vendor ID	Transaction	Description	Reference	Modified Budget	Encumbrance	Payment	Balance
02/27/09		Budget Offsets	add'l BOA escrow Boro Gardens	153	1,404.00			4,197.75
12/31/09		Balance transferred		70--002-01035-	(4,197.75)			0.00
01/01/10		Balance transferred		70--002-01035-	4,197.75			4,197.75
12/31/10		Balance transferred		70--002-01035-	(4,197.75)			0.00
01/01/11		Balance transferred		70--002-01035-	4,197.75			4,197.75
12/31/11		Balance transferred		70--002-01035-	(4,197.75)			0.00
01/01/12		Balance transferred		70--002-01035-	4,197.75			4,197.75
12/31/12		Balance transferred		70--002-01035-	(4,197.75)			0.00
01/01/13		Balance transferred		70--002-01035-	4,197.75			4,197.75
Total					4,686.50	488.75	488.75	4,197.75
Total					4,686.50	488.75	488.75	4,197.75
Total		BORO GARDENS/232 SOUTH ST-BOA ESC FEES			4,686.50	488.75	488.75	4,197.75
Total		APPRN EXCLUDED FROM CAPS			4,686.50	488.75	488.75	4,197.75
Total					4,686.50	488.75	488.75	4,197.75
Total		DEVELOPERS ESCROW			4,686.50	488.75	488.75	4,197.75
Total		Report			4,686.50	488.75	488.75	4,197.75