



## Legislation Details (With Text)

**File #:** 12-1518      **Version:** 1      **Name:** Refund-Michael Manning-Wolf Gang Chop House  
**Type:** Resolution      **Status:** Filed  
**File created:** 7/11/2012      **In control:** Engineering  
**On agenda:** 9/6/2012      **Final action:** 9/6/2012

**Title:** Dept/ Agency: Engineering  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Refund  
Purpose: Refund monies for construction permit fees  
Entity Name: Michael M. Manning  
Entity Address: 111 Eagle Rock Avenue, Roseland, New Jersey 07016  
Amount: \$13,118.40  
List of Property:  
(Address/Block/Lot/Ward)  
Block: 145 Lot: 40  
Additional Information:  
Wolf Gang Chop House, 50 Commerce Street, Newark, New Jersey (Permit #20091315 & 20091315+1)

**Sponsors:**

**Indexes:**

**Code sections:**

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 9/6/2012 | 1    | Municipal Council | Adopt  | Pass   |

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**WHEREAS**, TRI-M Construction, 20 Muller Place, Little Falls, New Jersey 07424, submitted an application to the Uniform Construction Code Office, for Construction Permits and paid with a check from Mr. Michael M. Manning, partner of the Wolf Gangs Chop House, LLC, 111 Eagle Rock Avenue, Roseland, 07016, which was to be constructed and located at 50 Commerce Street, Newark, New Jersey 07102, and paid a relevant fee in the amount of **\$16,398.00** (which consists of Plan Review Fees + Construction Permit Fees) as per attached Construction Permit Document relating to **Permit Numbers #20091315 and #20091315+1**, dated May 29, 2009; and

**WHEREAS**, the permits for the Construction, specifically, **Permit Numbers #20091315 and #20091315+1** for **50 Commerce Street, Newark, New Jersey 07102, Block 145, Lot 40**, were voided by the Construction Official because construction did not commence, and Mr. Michael M. Manning and Mr. Michael Ruane, partners of the Wolf Gangs Chop House, LLC, 111 Eagle Rock Avenue, Roseland 07106, made a timely application to the UCC Office for a refund of the fees paid; and

**WHEREAS**, it is the determination the Construction Official of the City of Newark, that the permits issued to and paid for by Mr. Michael M. Manning, 111 Eagle Rock Avenue, Roseland, New Jersey 07016, partner the of Wolf Gangs Chop House, LLC, 111 Eagle Rock Avenue, Roseland, New Jersey 07016, are voidable and a refund in the amount of **\$13,118.40 (\$3,279.60 less 20% withheld for Plan Review Services)**, against **Permit Numbers #20091315 and #20091315+1**, dated May 29, 2009 may be issued.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Director of the Department of Finance, be and is hereby authorized to issue a refund check in the amount of **\$13,118.40** to Mr. Michael M. Manning, 111 Eagle Rock Avenue, Roseland, New Jersey 07016, partner of Wolf Gangs Chop House, LLC, 111 Eagle Rock Avenue, Roseland, New Jersey 07016, against fees paid towards Permit No. **#20091315 and #20091315+1**, dated May 29, 2009.
2. The Construction Official of the Uniform Construction Code Office, Department of Engineering is hereby authorized to make appropriate entries to reflect the refund made.
3. City Ordinance 7:5-1 (R.O.1966 C.S. 7A:5-1) says that "No refunds of the fees shall be made by the City". But, State of New Jersey Uniform Construction Code regulations N.J.A.C. 5:23-4.18 (a), governing the refund of application fees states the Construction Permit Fees of which Plan Review Fees forms a part shall be returned back to the applicant, **less 20%** withheld to cover the Plan Review Services which fee is non-refundable.
4. A fully executed copy of the resolution shall be filed in the Office of the City Clerk by the Construction Official, City of Newark.

### **STATEMENT**

This resolution authorizes a check to be issued by the Director of the Department of Finance to Mr. Michael M. Manning, 111 Eagle Rock Avenue, Roseland, New Jersey 07016, partner of Wolf Gangs Chop House, LLC, 111 Eagle Rock Avenue, Roseland, New Jersey 07016, in the amount of **\$13,118.40** (the difference between Permit Fees paid against Permit No. **#20091315 and #20091315+1**, dated May 29, 2009, of **\$16,398.00 less 20%** withheld for Plan Review Services in the amount of \$3,279.60).

