

County of Passaic

Board of County Commissioners



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 Clerk Of The Board

Date: Feb 13, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING AN "IF AND WHEN" AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND MDL REALTY, LLC, APPLICANT OF 47-51 GOFFLE ROAD, BLOCK 9, LOTS 6 & 7, HAWTHORNE, NEW JERSEY.

THIS RESOLUTION WAS REQUESTED BY:
 PLANNING AND ECONOMIC
 DEVELOPMENT

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

Official Resolution#	
Meeting Date	2/13/2024
Introduced Date	2/6/2024
Adopted Date	
Agenda Item	53.
CAF#	
Purchase Req. #	
Result	

Planning and Economic Development

COMMITTEE NAME

RESOLUTION AUTHORIZING AN “IF AND WHEN” AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND MDL REALTY, LLC, APPLICANT OF 47-51 GOFFLE ROAD, BLOCK 9, LOTS 6 & 7, HAWTHORNE, NEW JERSEY.

WHEREAS, the Passaic County Department of Planning and Economic Development is in receipt of a proposed Agreement (attached hereto) relating to premises located at 47-51 Goffle Road, Block 9, Lots 6 & 7, Hawthorne, New Jersey (hereafter “Property”) to construct and develop real property on a Passaic County roadway; and

WHEREAS, MDL Realty, LLC (hereafter “Applicant), whose address is 8 Dawn Place, Wayne, New Jersey 07470, applied to the Passaic County Planning Board (hereafter “Board”) under File No. SP-22-065 for site plan approval for the Property; and

WHEREAS, on November 29, 2023, the Board issued a conditional approval, copy attached, requiring the Applicant to satisfy several conditions, one of which is that the Applicant shall enter into an “If and When” Agreement to provide a right-of-way dedication at a future date to the 60 Foot Master Plan Right-of-Way of Goffle Road (hereafter “Master Plan ROW”) when requested by and at no cost to the County, all as detailed more fully in the attached Agreement; and

WHEREAS, the Board required Applicant to enter into an Agreement to ensure Applicant’s compliance and performance of its obligations under the conditional approval;

WHEREAS, If and when the County requests that the Applicant dedicate 116 feet of its property that extends 30 feet from the roadway centerline toward the Project that is shown on the Site Plan prepared by Bruce D. Riggs, P.E., originally dated July 22, 2020, revised as of November 1, 2023 (hereafter “Site Plan”), the Applicant must comply with the additional right-of-way dedication; and

WHEREAS, the Master Plan ROW of Goffle Road is 60 feet, while the current right-of-way width is 42.25 feet; The submitted Site Plan indicates a 20.625-foot existing half-width, with an additional 9.375 feet of the Master Plan ROW half-width undedicated; and

WHEREAS, as the County does not have any plans to widen Goffle Road at this location, the Applicant has been asked to enter into an “If and When” Agreement in lieu of a right-of -way dedication, and as per the agreement, a dedication of the remaining 9.375 feet can be required at a later date “if and when” requested by the County and at no cost to the County.

WHEREAS, the Applicant shall confer and cooperate with the County with respect to all maintenance decisions concerning the foregoing; and

WHEREAS, this matter was discussed at the January 31, 2023, meeting of the Planning and Economic Development Committee and is being recommended to the Board for approval;

NOW THEREFORE, LET IT BE RESOLVED by the Passaic County Board of County Commissioners (hereafter “Board”) that the Board of Director and Clerk of the Board be and are hereby authorized to execute the attached “If and When” Agreement by and between MDL Realty, LLC, and the County of Passaic, as set forth above.

JDP

February 13, 2024