

County of Passaic
Board of County Commissioners



OFFICE OF COUNTY COMMISSIONERS

Director Pasquale “Pat” Lepore
Deputy Director Cassandra “Sandi” Lazzara
John W. Bartlett
Orlando Cruz
Rodney De Vore
Terry Duffy
Bruce James

401 Grand Street
Paterson, New Jersey 07505
Tel: 973-881-4402
Fax: 973-742-3746

Matthew P. Jordan, Esq.
Administrator
Nadege D. Allwaters, Esq.
County Counsel
Louis E. Imhof
Clerk Of The Board

Date: Apr 08, 2025 - 5:30 PM

Agenda: RESOLUTION OF AN “IF AND WHEN” AGREEMENT BETWEEN PASSAIC COUNTY
AND HOLY INSTITUTION PANAGIA SOUMELA APPLICANT/OWNERS OF 253 MARSHALL
HILL ROAD, BLOCK 6404, LOT 10, TOWNSHIP OF WEST MILFORD, 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	4/8/2025
Introduced Date	4/4/2025
Adopted Date	
Agenda Item	53.
CAF#	
Purchase Req. #	
Result	

Planning and Economic Development

COMMITTEE NAME

RESOLUTION OF AN “IF AND WHEN” AGREEMENT BETWEEN PASSAIC COUNTY AND HOLY INSTITUTION PANAGIA SOUMELA APPLICANT/OWNERS OF 253 MARSHALL HILL ROAD, BLOCK 6404, LOT 10, TOWNSHIP OF WEST MILFORD, 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 253 Marshall Hill Road, Block 6404, Lot 10, Township of West Milford, New Jersey (hereafter “Property”); and

WHEREAS, a Site Plan, originally dated September 11, 2020, revised as of April 10, 2023, (“Site Plan”), prepared by J.R. Houser, P.E. (N.J. License No. 47477) of Houser Engineering LLC, was submitted for approval to the Passaic County Planning Board (“County Board”), and received County Board approval with conditions on June 18, 2024 (“Site Plan Approval”), subject to certain terms and conditions set forth therein; and

WHEREAS, the Site Plan Approval, specifically requires the Applicant to enter into an “If and When” Agreement to dedicate eight (8) feet of its property that extends thirty-three (33) feet from the roadway centerline towards the Project, at a later date when requested by the Passaic County Engineer (hereafter “County Engineer”) or the County Board, at no cost to the County; and

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

WHEREAS, if and when the County requests that the Applicant/Owners dedicate the additional eight (8) feet of its property extending thirty-three (33) feet from the roadway centerline towards the Project that is shown on the Site Plan, the Applicant/Owner must comply with the additional right-of-way dedication; and

WHEREAS, in consideration of the County Board’s Site Plan Approval, Applicant agrees to provide a future dedication to the County for the Marshall Hill Road Master Plan Right-of-Way, if and when requested by the County Engineer or the County Board; and

WHEREAS, the Master Plan currently provides for a right-of-way of 66 feet and is depicted on the Applicant’s Site Plan; and

WHEREAS, the Applicant’s Site Plan provides a fifty (50) foot wide right-of-way in partial compliance with the sixty-six (66) foot wide Master Plan right-of-way, leaving the Applicant with providing for an additional future right-of-way dedication equal to eight (8) feet; and

WHEREAS, this matter was discussed at the March 27, 2025, meeting of the Planning and Economic Development Committee and is being recommended to the Passaic County Board of County Commissioners for approval;

NOW THEREFORE, LET IT BE RESOLVED by the Passaic County Board of County Commissioners that the County Commissioner Director and Clerk of the Board be and are hereby authorized to execute the attached “If and When” Agreement by and between the County of Passaic and Holy Institution Panagia Soumela, as set forth above.

ZMQ

April 8, 2025