

AGREEMENT

THIS AGREEMENT, made on September 27th, 2025, between, Eric J. [unclear] ("Applicant") with an address at [unclear] and Passaic County ("County"), with an address at 401 Grand Street, Room 417, Paterson, New Jersey 07505 ("Applicant" and "County" collectively referred to as the "Parties").

WITNESS:

WHEREAS, Applicant filed an Application (File# SP-25-017) for Site Plan Approval ("Application") to construct and develop real property on a Passaic County roadway located at 412 Mountain Rd, Paterson, New Jersey, Block 174, Lot 3 ("Project"); and

WHEREAS, a Site Plan, originally dated June 27, 2025, revised on _____ ("Site Plan"), prepared by John Passaglia was submitted to the Passaic County Planning Board ("County Board"), received a review letter ("Site Plan Review Letter") withholding approval of the application, subject to certain terms and conditions set forth therein; and

WHEREAS, the slope of the Applicant's driveway is graded in such a manner that all stormwater, silt, and debris would flow away from the County right-of-way; and

WHEREAS, in lieu of requiring modifications to the driveway, the County Planning Board required the Applicant to enter into an agreement to protect and hold the County harmless for any and all damage caused to Applicant's Property in connection with any stormwater, silt, or debris that enters the Applicant's Property from the County right-of-way; and

WHEREAS, the Applicant submits this Agreement to comply with the terms of the Site Plan Review Letter.

NOW, THEREFORE, for good and valuable consideration received by Applicant, and for further good cause, Applicant herewith agrees to the following:

1. The Applicant waives any and all claims against the County of Passaic for any and all damage to Applicant's Property that may be caused by any stormwater, silt, or debris that enters the Applicant's Property from the County right-of-way.
2. The Applicant shall indemnify and hold the County harmless for any and all claims against the County of Passaic for any and all damage to Applicant's Property that may be caused by any stormwater, silt, or debris that enters the Applicant's Property from the County right-of-way.
3. This Agreement shall inure to the benefit of and be binding upon the Parties hereto, their heirs, personal representative, successors and assigns and shall be a covenant that runs with the land described above and this Agreement shall be recorded in the office of the Passaic County Clerk's Office.

STATE OF NEW JERSEY }
 }
COUNTY OF BERGEN }

I CERTIFY that on NOVEMBER 20th, 2025, ANITA SHAM,
personally known to me or proven to me under oath and to my
satisfaction, personally appeared before me and did acknowledge
under oath and to my satisfaction that:

- (a) This person is the owner of the Property;
- (b) This document was signed and delivered by voluntary act within
the signer's authority;
- (c) This person attested to the truth of these facts.

PRASHIL R SHAH
Commission # 50234567
Notary Public, State of New Jersey
My Commission Expires
06/16/2030

Prashil R. Shah
Notary Public

STATE OF NEW JERSEY }
 }
COUNTY OF PASSAIC }

I CERTIFY that on _____, 2025, _____,
personally known to me or proven to me under oath and to my
satisfaction, personally appeared before me and did acknowledge
under oath and to my satisfaction that:

- (a) This person is the Director of the Board of County
Commissioners of COUNTY OF PASSAIC,
- (b) This document was signed and delivered by voluntary act within
the signer's authority;
- (c) This person attested to the truth of these facts.

Notary Public of State of New Jersey



County of Passaic

Department of Planning & Economic Development
401 Grand Street, Room 417
Paterson, New Jersey 07505

www.passaiccountynj.org

Andras Holzmann AICP, PP
Director

PLANNING BOARD
TEL (973) 569-4040
FAX (973) 569-4041

August 21st, 2025

Totowa Planning Board
537 Totowa Road
Totowa, NJ 07512

Re: Site Plan Review – Prop. Dunkin’ (BMD Totowa, LLC); 410 Minnisink Road, Totowa;
Block 174, Lot 3 (Passaic County File Number SP-25-019)

Members of the Board,

The above referenced site plan prepared by John Hansen, P.E. (N.J. Lic. No. 41945) and dated June 20th, 2025 was reviewed by Passaic County Planning staff pursuant to the provisions of the Passaic County Site Plan Resolution.

Passaic County Standards and Requirements: All submissions must consist of 2 paper copies plus a PDF digital file of all plans and technical reports. Signed and sealed copies of all plans and technical reports must be submitted to the Department of Planning & Economic Development at 401 Grand Street, Room 417, Paterson, NJ 07505.

Approval of this site plan application has been **withheld** pending receipt in an acceptable form of the following:

1. The right-of-way width of Minnisink Road, along the site frontage, shall be labeled.
2. The Master Plan right-of-way line shall be labeled and displayed on the site plan. The County reserves the right to make further comment after this information is displayed.
3. The driveway width shall be dimensioned at the right-of-way line.
4. The existing sidewalk is a stone pathway. The applicant shall remove the stones and install a grass strip (a minimum of three (3) feet in width measured from the back of the curb to the sidewalk) and concrete sidewalk (a minimum of five (5) feet in width and dimensioned) along the frontage.
5. The applicant shall install curb ramps at both driveways. The following note shall be added to the plan: *“Prior to the release of the performance bond by the Passaic County Road Department, the curb ramps in the County right-of-way shall be inspected and certified by a licensed professional per current PROWAG standards. Signed and sealed correspondence from the licensed professional shall be provided to the Passaic County*

Passaic County Planning Board
BMD Totowa, LLC (SP-25-019)
410 Minnisink Road, Totowa
Block 174, Lot 3

Road Department certifying the ADA compliance of the ramp in accordance with PROWAG standards prior to the release of the performance bond.”

6. At the egress only driveway:
 - a. The “STOP” marking shall be indicated to be thermoplastic.
 - b. A marking arrow shall be striped and labeled as thermoplastic similar to the prior approval.
 - c. The applicant shall place a new 30” x 30” R1-1 “STOP” sign at proper MUTCD mounting height.
 - d. The applicant shall confirm the retro-reflectivity of the existing R3-2 “NO LEFT TURN” symbol sign and replace if necessary. Either the existing sign or a new sign shall be placed at proper MUTCD mounting height.
 - e. The applicant shall place two (2) R5-1 “DO NOT ENTER” signs on both sides of the driveway.
 - f. The proposed light pole shall be relocated outside of the clear zone of Minisink Road. Otherwise, the applicant shall provide an alternate detail for this pole with a minimally exposed foundation.
 - g. No bollards shall be placed within the clear zone of Minisink Road.
7. At the ingress-only driveway:
 - a. Driveways intersecting with a County road shall have maximum grades of no more than +/- 2.0% for 50 feet back from the right-of-way line. The applicant shall provide a driveway profile since the previously approved driveway is being regraded. The following shall be labeled on the profile: all grade changes (in %), the right-of-way line, the curb, and the point 50 feet from the right-of-way line.
 - b. The applicant shall provide a double-sided R6-1 “ONE WAY IN” sign per the prior approval.
8. At the full-access driveway:
 - a. The two (2) parking spaces nearest the ingress portion of the driveway shall be signed as employee-only parking spaces.
 - b. The parking space within the County right-of-way shall be removed.
 - c. The applicant shall provide a stop bar and 25-foot double yellow centerline per the prior approval and place traffic marking arrows. All striping at the driveway shall be labeled as thermoplastic.
9. The applicant shall enter into a “hold harmless” agreement with the County. The agreement shall indemnify the County for all stormwater, silt, and debris that enters the

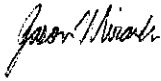
Passaic County Planning Board
BMD Totowa, LLC (SP-25-019)
410 Minnisink Road, Totowa
Block 174, Lot 3

site from the County right-of-way. An agreement template is attached for the applicant's review and signature.

10. The applicant shall provide the Corridor Enhancement Fee of \$3,014.00 payable to Passaic County.

Subsequent submissions must include a cover letter indicating how each condition has been addressed. Plans submitted without a cover letter will be considered incomplete.

Best Regards,



Jason Miranda, AICP
Senior Planner

Cc: Passaic County Engineer
Fidelity Totowa Associates, LLC
John Hansen, P.E.

BMD Totowa, LLC
Mark J. Semeraro, Esq.
File

