

# County of Passaic

## Board of County Commissioners



### OFFICE OF COUNTY COMMISSIONERS

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Louis E. Imhof  
Clerk Of The Board

Date: Jun 23, 2026 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING AN ENCROACHMENT PERMIT TO 85 FIFTH AVENUE, LLC C/O BARBARA MESSINA FOR PROPOSED STEPS, HANDRAIL, AND AN OUTWARD SWINGING DOR THAT ENCROACHES INTO THE FIFTH AVENUE RIGHT OF WAY IN THE CITY OF PATERSON, PURSUANT TO N.J.S.A. 40:20-1.

THIS RESOLUTION WAS REQUESTED BY:  
ENGINEERING

REVIEWED BY:

Matthew P. Jordan, Esq.  
COUNTY ADMINISTRATOR

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.  
COUNTY COUNSEL

Public Works

COMMITTEE NAME

Official Resolution#	
Meeting Date	6/23/2026
Introduced Date	6/17/2026
Adopted Date	
Agenda Item	38.
CAF#	
Purchase Req. #	
Result	

**RESOLUTION AUTHORIZING AN ENCROACHMENT PERMIT TO 85 FIFTH AVENUE, LLC C/O BARBARA MESSINA FOR PROPOSED STEPS, HANDRAIL, AND AN OUTWARD SWINGING DOR THAT ENCROACHES INTO THE FIFTH AVENUE RIGHT OF WAY IN THE CITY OF PATERSON, PURSUANT TO N.J.S.A. 40:20-1.**

**WHEREAS**, the County of Passaic (hereafter “County”) is a government body incorporated pursuant to N.J.S.A. 40:18-1, et seq. and vested with all rights contained therein; and

**WHEREAS**, pursuant to N.J.S.A. 40:20-1 the Board of County Commissioners for the County of Passaic are vested with decision-making powers on behalf of the County; and

**WHEREAS**, the County has a policy which prohibits the placement of encroachments on rights-of-way of the County of Passaic without a permit authorized by the County Commissioners; and

**WHEREAS**, an encroachment permit application, attached hereto and made a part hereof, which is required for the County Planning Board as part of County Planning Board approval for the encroachment has been made for the property located at 85 Fifth Avenue, Block 1901, Lot 1, in the City of Paterson; and

**WHEREAS**, the encroachment permit application from 85 Fifth Avenue, LLC, owner of 85 Fifth Avenue, Block 1901, Lot 1, in the City of Paterson, is for proposed steps, handrail, and an outward swinging dor that encroaches into the Fifth Avenue Right of Way in the City of Paterson; and

**WHEREAS**, 85 Fifth Avenue, LLC, shall hold the County of Passaic and its agents and employees harmless for any damages incurred as a result of this encroachment. Upon proper notice from the County of Passaic, 85 Fifth Avenue, LLC, is to remove the encroachment at its expense should the County of Passaic require the use of the right-of-way for any other reason as may be required by the County of Passaic in the future; and

**WHEREAS**, should 85 Fifth Avenue, LLC, modify or abandon the need for this encroachment, the part containing the encroachment of the structures shall be removed and, thus, this encroachment permission within the County right-of-way shall cease to exist; and

**WHEREAS**, this matter was discussed at the June 10, 2026 meeting of the Public Works Committee and is being recommended to the Board for approval; and

**NOW, THEREFORE, LET IT BE RESOLVED**, pursuant to N.J.S.A. 40:20-1, that the Board of County Commissioners of the County of Passaic authorizes the encroachment permit for property located at 85 Fifth Avenue, Block 1901, Lot 1, in the City of Paterson subject to the above-stated terms and conditions.

**BE IT FURTHER RESOLVED**, that the aforesaid encroachment permit is not to be considered a change of policy by the County of Passaic and future requests for encroachment permit shall be considered on a case-to-case basis.

**BE IT FURTHER RESOLVED**, the Director, Clerk of the Board and County Counsel are hereby authorized to execute an Encroachment Agreement on behalf of Passaic County

ZMQ

June 23, 2026