

County of Passaic
Board of County Commissioners



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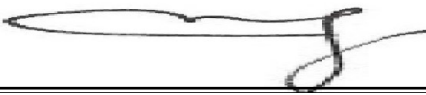
Matthew P. Jordan, Esq.
Administrator
Nadege D. Allwaters, Esq.
County Counsel
Louis E. Imhof
Clerk Of The Board


Date: Apr 22, 2025 - 5:30 PM

Agenda: RESOLUTION AMENDING RESOLUTION NO. R-24-1258 AUTHORIZING AN “IF AND WHEN” AGREEMENT BETWEEN PASSAIC COUNTY AND POMPTON DEVELOPMENT LLC APPLICANT/OWNERS OF 438 POMPTON ROAD, BLOCK 2904, LOT 2, TOWNSHIP OF WAYNE, NEW JERSEY TO REFLECT THE CHANGE IN ENTITY

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	4/22/2025
Introduced Date	4/16/2025
Adopted Date	
Agenda Item	38.
CAF#	
Purchase Req. #	
Result	

Planning and Economic Development
COMMITTEE NAME

RESOLUTION AMENDING RESOLUTION NO. R-24-1258 AUTHORIZING AN “IF AND WHEN” AGREEMENT BETWEEN PASSAIC COUNTY AND POMPTON DEVELOPMENT LLC APPLICANT/OWNERS OF 438 POMPTON ROAD, BLOCK 2904, LOT 2, TOWNSHIP OF WAYNE, NEW JERSEY TO REFLECT THE CHANGE IN ENTITY

WHEREAS, the Passaic County Planning Board wishes to amend Resolution No. R-24-1258 which was passed by the Board of County Commissioners on December 30, 2025, to reflect a recent change in entity; and

WHEREAS, the Passaic County Department of Planning and Economic Development is in receipt of a proposed Agreement (attached hereto) relating to premises located at 438 Pompton Road, Block 2904, Lot 2, Township of Wayne, New Jersey (hereafter “Property”); and

WHEREAS, this agreement was previously between Pompton Development LLC with an address at 17 Sunset Lane, Harrison, New York 10528 and the County of Passaic with an address at 401 Grand Street, Room 417, Paterson, New Jersey 07505;

WHEREAS, the agreement should now reflect that it is between Excore Development, LLC, with an address at 4 Ginamarie Court, Wayne, NJ 07470 and the County of Passaic, with an address at 401 Grand Street, Room 417, Paterson, New Jersey 07505; and

WHEREAS, a Site Plan, originally dated February 29, 2024, revised as of November 27, 2024, (“Site Plan”), prepared by MidAtlantic Engineering Partners was submitted for approval to the Passaic County Planning Board (“County Board”), received County Board approval with conditions on November 22, 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 the full half-width 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 (“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 Applicants/Owners dedicate the full half-width of its property that extends 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 Pompton Road Master Plan Right-of-Way, if and when requested by the County Engineer or the County Board; and

WHEREAS, Pompton Road has a Master Plan right-of-way of sixty-six (66) feet and is depicted on the Applicant’s Site Plan; and

WHEREAS, the Applicant’s Site Plan provides a Varying Width Right-of-Way in partial compliance with the Master Plan Right-of-Way, leaving the Applicant with providing for an additional future right-of-way dedication of varying width; and

WHEREAS, the dedication would be provided by the Applicants/Owners if and when requested by the County and at no cost to the County; and

WHEREAS, the attached agreement has been reviewed by staff and the most recent Planning Board Review Letter dated November 22, 2024 is also attached for reference; and

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

WHEREAS, this matter was discussed on April 9, 2025 with the Planning and Economic Development Committee and is being recommended to the Passaic County Board of County Commissioners for approval; and

NOW THEREFORE, LET IT BE RESOLVED, that all other terms and conditions set forth in Resolution R-24-1258, to the extent not inconsistent with this Resolution, shall remain in full force and effect.

LET IT BE FURTHER 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 Excore Development, LLC and the County of Passaic, as set forth above.