

## AGREEMENT

THIS AGREEMENT, made on \_\_\_\_\_, 2025, between, Yizhang Chen ("Applicant") with an address at 165 Newark Pompton Turnpike, Wayne, NJ 07470 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-24-040) for Site Plan Approval ("Application") to construct and develop real property on a Passaic County roadway located at 265 Newark Pompton Turnpike, Wayne, New Jersey, Block 1505, Lot 11 ("Project"); and

WHEREAS, a Site Plan, originally dated January 23, 2023, revised on November 27, 2024, ("Site Plan"), prepared by Darmstatter, Inc. 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:

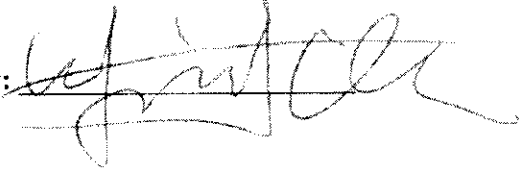
1. The Applicant waives any and all claims against the County of Passaic for any and all damage to Applicant's Property that may be caused by any stormwater, silt, or debris that enters the Applicant's Property from the County right-of-way.
2. The Applicant shall indemnify and hold the County harmless 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.

4. This Agreement shall be governed by the Laws of the State of New Jersey and shall only be amended in writing signed by all Parties.

**Witness:**

  
**Name:** Kathy C. Heck  
**Title:** Notary Public  
State of New Jersey

**Applicant:**  
**YIZHANG CHEN**

**By:** 

**COUNTY OF PASSAIC**

\_\_\_\_\_  
**Name:** Louis E. Imhof III  
**Title:** Clerk to the Board

**By:** \_\_\_\_\_  
**Name:** Pat Lepore  
**Title:** County Commissioner Director

RECORD AND RETURN TO:  
OFFICE OF THE COUNTY COUNSEL  
401 GRAND STREET, ROOM 214  
PATERSON, NJ 07505

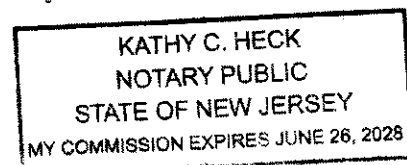
STATE OF NEW JERSEY }

COUNTY OF PASSAIC }

I CERTIFY that on April 15, 2025, YIZHANG CHEN, 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.

Kathy C. Heck  
Notary Public



STATE OF NEW JERSEY }

COUNTY OF PASSAIC }

I CERTIFY that on \_\_\_\_\_, 2025, Pat Lepore, 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](http://www.passaiccountynj.org)

Andras Holzmann AICP, PP  
Director

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

January 28<sup>th</sup>, 2025

Wayne Planning Board  
475 Valley Road  
Wayne, NJ 07470

Re: Site Plan Review – Chen Pole Barns – 265 Newark Pompton Turnpike, Passaic; Block 1505, Lot 11 (Passaic County File Number SP-24-040)

Members of the Board,

The above referenced site plan prepared by William J. Darmstatter, P.E. (N.J. Lic. No. 25796), dated January 23<sup>rd</sup>, 2023 and revised as of November 27<sup>th</sup>, 2024, was reviewed by Passaic County Planning Board 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:

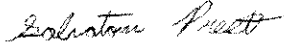
1. The applicant shall dimension the proposed driveway. **Complete.**
2. The applicant shall remove the proposed driveway from within 10 feet of the side property line. **A waiver request has been submitted. For the waiver to be considered, the applicant shall dimension the curb cut opening off the extension of the side property line. The applicant shall also dimension the distance to the adjacent driveway on the neighboring lot.**
3. Driveways intersecting with a county road shall have maximum grades of no more than +/- 2% for 50 feet back from the right of-way line. The applicant shall provide a driveway profile at the driveway on the county road, ensure the following is labeled on the profile all percent grade changes including the counter slope of the road, the right of way line, the curb, and the point 50 feet from the right of way line. **A waiver request has been submitted. For the waiver to be considered, the applicant shall provide a profile exhibit with the following labelled on the profile: the right-of-way line, the curb line, the property line, and the percent grade changes within 50 feet of the right of way line.**

Passaic County Planning Board  
Chen Pole Barns (SP-24-040)  
265 Newark Pompton Turnpike, Wayne  
Block 1505; Lot 11

4. The applicant shall be required to enter into a hold harmless agreement for all silt, stormwater, and debris that enters the site from the County right-of-way. An agreement template will be provided for the applicant's review and signature. **Incomplete.**
5. The drop curb across the driveway shall be replaced. **Complete.**
6. The applicant shall enter into an "if and when" agreement with the county to install sidewalk along the site frontage. An agreement template will be provided for the applicant's review and signature. **Incomplete.**
7. The applicant shall provide a traffic statement for the site. **The applicant shall provide a description of the proposed commercial use of the site.**
8. The applicant shall provide the Corridor Enhancement Fee of \$2,000.00 payable to Passaic County. **Complete.**

**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,



Salvatore Presti, AICP  
Assistant Planner

Cc: Yizhang Chen  
Darmstatter Inc.

A. Michael Rubin, Esq.  
File

