

# County of Passaic

## Board of County Commissioners



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

Date: Feb 25, 2025 - 5:30 PM

Agenda: RESOLUTION OF AN "IF AND WHEN" AGREEMENT BETWEEN PASSAIC COUNTY AND BASIS INDUSTRIAL ACQUISITIONS LLC APPLICANT/OWNERS OF 555 PATERSON-HAMBURG TURNPIKE, BLOCK 2800, LOT 7, TOWNSHIP OF WAYNE, 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	2/25/2025
Introduced Date	2/20/2025
Adopted Date	
Agenda Item	47.
CAF#	
Purchase Req. #	
Result	

Planning and Economic Development

COMMITTEE NAME

**RESOLUTION OF AN “IF AND WHEN” AGREEMENT BETWEEN PASSAIC COUNTY AND BASIS INDUSTRIAL ACQUISITIONS LLC APPLICANT/OWNERS OF 555 PATERSON-HAMBURG TURNPIKE, BLOCK 2800, LOT 7, TOWNSHIP OF WAYNE, 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 555 Paterson-Hamburg Turnpike, Block 2800, Lot 7, Township of Wayne, New Jersey (hereafter “Property”); and

**WHEREAS**, a Site Plan, originally dated September 26, 2022, revised as of January 15, 2025, (“Site Plan”), prepared by Jacquelyn Giordano, P.E. (N.J. License No. 53558) of Dynamic Engineering Consultants, PC, was submitted for approval to the Passaic County Planning Board (“County Board”), and received County Board approval with conditions on October 29, 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 additional five (5) feet of its property extending fifty (50) 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 additional five (5) feet of its property extending fifty (50) 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 Paterson-Hamburg Turnpike Master Plan Right-of-Way, if and when requested by the County Engineer or the County Board; and

**WHEREAS**, Paterson-Hamburg Turnpike has a Master Plan right-of-way of one hundred (100) 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 October 29, 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 February 13, 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** 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 Basis Industrial Acquisitions LLC and the County of Passaic, as set forth above.

ZMQ

February 25, 2025