

County of Passaic

Board of County Commissioners



OFFICE OF COUNTY COMMISSIONERS

Director John W. Bartlett
Deputy Director Cassandra "Sandi" Lazzara
Orlando Cruz
Terry Duffy
Nicolino Gallo
Bruce James
Pasquale "Pat" Lepore

401 Grand Street
Paterson, New Jersey 07505
Tel: 973-881-4402
Fax: 973-742-3746

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

Date: Feb 02, 2024 - 12:00 PM

Agenda: RESOLUTION AUTHORIZING A HOLD HARMLESS AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND TILCON NEW YORK INC. FOR PROPERTY AT 839 RIVERVIEW DRIVE, BLOCK 171, LOTS 12, 12.01 AND 13, TOTOWA, 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	2/2/2024
Introduced Date	1/18/2024
Adopted Date	
Agenda Item	72.
CAF#	
Purchase Req. #	
Result	

Planning and Economic Development

COMMITTEE NAME

RESOLUTION AUTHORIZING A HOLD HARMLESS AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND TILCON NEW YORK INC. FOR PROPERTY AT 839 RIVERVIEW DRIVE, BLOCK 171, LOTS 12, 12.01 AND 13, TOTOWA, NEW JERSEY.

WHEREAS, the Passaic County Department of Planning and Economic Development is in receipt of a proposed Agreement (attached hereto) by and between the County of Passaic (hereafter “County”) and Tilcon New York Inc. (hereafter “Applicant”) regarding waiver of responsibility for any and all stormwater, silt or debris that enters Applicant’s property from the County right-of-way; and

WHEREAS, Applicant applied to the Passaic County Planning Board (hereafter “Board”) under File No. SP-22-070 for site plan approval for construction at 839 Riverview Drive, Block 171, Lots 12, 12.01 and 13, Totowa, New Jersey (hereafter “Property”); and

WHEREAS, the Board granted conditional approval for the application, which did not show the required driveway profile with a maximum slope of two (2%) percent within fifty (50) feet of the right-of-way line of Minnisink Road (a County right-of-way), and required the Applicant to satisfy several conditions, including but not limited to entering into a hold harmless agreement as memorialized in the Board’s December 20, 2023, correspondence attached hereto; and

WHEREAS, the Board required the Applicant to enter into this hold harmless agreement due to the slope of the site driveway away from Minnisink Road; and

WHEREAS, due to the slope of the Property and the grade away from Minnisink Road, there is concern for stormwater runoff, silt, and debris from Minnisink Road entering the Property; and

WHEREAS, the Board has agreed to the site driveway conditioned on the Applicant’s agreement to protect and hold the County harmless and enter into an Agreement indemnifying the County for any claims or damages to the Applicant’s Property related to stormwater, silt, or debris that enters the property from the County right-of-way; and

WHEREAS, this matter was discussed at the January 10, 2024, meeting of the Planning and Economic Development Committee and is being recommended to the Passaic County Board of County Commissioners for approval;

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 Agreement by and between the County of Passaic and Tilcon New York Inc. as set forth above.

JDP

January 23, 2024