

# County of Passaic

## Board of County Commissioners



### OFFICE OF COUNTY COMMISSIONERS

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

Date: Apr 09, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING AN ENCROACHMENT PERMIT FOR A BUILDING LOCATED AT 1026-1038 MAIN AVENUE IN THE CITY OF CLIFTON FOR AN EXISTING STORE FRONT CANOPY THAT ENCROACHES INTO THE COUNTY RIGHT-OF-WAY ALONG MAIN AVENUE IN THE CITY OF CLIFTON, PURSUANT TO N.J.S.A. 40:20-1

THIS RESOLUTION WAS REQUESTED BY:  
ENGINEERING

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REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

Official Resolution#	
Meeting Date	4/9/2024
Introduced Date	4/2/2024
Adopted Date	
Agenda Item	56.
CAF#	
Purchase Req. #	
Result	

Public Works

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COMMITTEE NAME

**RESOLUTION AUTHORIZING AN ENCROACHMENT PERMIT FOR A BUILDING LOCATED AT 1026-1038 MAIN AVENUE IN THE CITY OF CLIFTON FOR AN EXISTING STORE FRONT CANOPY THAT ENCROACHES INTO THE COUNTY RIGHT-OF-WAY ALONG MAIN AVENUE IN THE CITY OF CLIFTON, PURSUANT TO N.J.S.A. 40:20-1**

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

**WHEREAS**, pursuant to N.J.S.A. 40:20-1 the Board of County Commissioners of the County of Passaic (hereafter “Board”) is vested with managing the property, finances, and affairs 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 Planning Board; and

**WHEREAS**, an encroachment permit, attached hereto and made a part hereof is required for County Planning Board as part of County Planning Board approval for Site Plan Application No. SP-22-041, has been made for the property located 1026-1038 Main Avenue (Block 8.04 Lot 1) in the City of Clifton, New Jersey; and

**WHEREAS**, the encroachment permit application is to allow Louay Associates, LLC, owner of 1026-1038 Main Avenue in the City of Clifton to retain an existing store front canopy that encroaches into the Main Avenue right-of-way in the City of Clifton; and

**WHEREAS**, Louay Associates, 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, Louay Associates, 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 Louay Associates, 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 March 27, 2024 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 to Louay Associates, LLC, owner of 1026-1038 Main Avenue in the City of Clifton (Block 8.04 Lot 1) to retain an existing store front canopy that encroaches into the Main Avenue right-of-way in the City of Clifton subject to the above-stated terms and conditions.

**LET IT BE 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.

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