

County of Passaic

Board of County Commissioners



OFFICE OF COUNTY COMMISSIONERS

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Clerk Of The Board

Date: Apr 22, 2025 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING AN ENCROACHMENT PERMIT FOR A PROPOSED MIXED-USE BUILDING TO BE LOCATED AT 442-446 TENTH AVENUE IN THE CITY OF PATERSON FOR LIGHTS AND SECURITY CAMERAS THAT WILL ENCROACH INTO THE COUNTY RIGHT-OF-WAY ALONG TENTH AVENUE IN THE CITY OF PATERSON, PURSUANT TO N.J.S.A. 40:20-1

THIS RESOLUTION WAS REQUESTED BY:
ENGINEERING

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	25.
CAF#	
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

RESOLUTION AUTHORIZING AN ENCROACHMENT PERMIT FOR A PROPOSED MIXED-USE BUILDING TO BE LOCATED AT 442-446 TENTH AVENUE IN THE CITY OF PATERSON FOR LIGHTS AND SECURITY CAMERAS THAT WILL ENCROACH INTO THE COUNTY RIGHT-OF-WAY ALONG TENTH AVENUE IN THE CITY OF PATERSON, 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 Commissioners; and

WHEREAS, an encroachment permit application, 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-24-028, has been made for the property located 442-446 Tenth Avenue (Block 3310 Lot 1) in the City of Paterson, New Jersey; and

WHEREAS, the encroachment permit application requests permission to allow NBS Realty, LLC, owner of 442-446 Tenth Avenue in the City of Paterson, to install lights and security cameras on the front of the mixed-use building that will encroach into the Tenth Avenue right-of-way in the City of Paterson; and

WHEREAS, NBS Realty, 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, NBS Realty, 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 NBS Realty, 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 April 9, 2025 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 NBS Realty, LLC, owner of 442-446 Tenth Avenue in the City of Paterson (Block 3310 Lot 1) to install lights and security cameras along a store front of a proposed mixed-use building that encroaches into the Tenth Avenue right-of-way in the City of Paterson 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.