

County of Passaic

Board of County Commissioners



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Date: Mar 11, 2025 - 5:30 PM

Agenda: RESOLUTION OF AN "IF AND WHEN" AGREEMENT ASSOCIATED WITH A PASSAIC COUNTY PLANNING BOARD APPLICATION FOR SUBDIVISION APPROVAL TO CONSTRUCT AND DEVELOP REAL PROPERTY WITH FRONTAGE ALONG ALPS ROAD (CR 504) IN 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	3/11/2025
Introduced Date	3/6/2025
Adopted Date	
Agenda Item	15.
CAF#	
Purchase Req. #	
Result	

Health and Human Services

COMMITTEE NAME

RESOLUTION OF AN “IF AND WHEN” AGREEMENT ASSOCIATED WITH A PASSAIC COUNTY PLANNING BOARD APPLICATION FOR SUBDIVISION APPROVAL TO CONSTRUCT AND DEVELOP REAL PROPERTY WITH FRONTAGE ALONG ALPS ROAD (CR 504) IN WAYNE, NEW JERSEY.

WHEREAS, the Passaic County Department of Planning and Economic Development is in receipt of a proposed “If and When” Agreement (attached hereto) relating to premises located at the Villas at Wayne Hills, 1361 Alps Road, Block 2329; Lots 1 & 17, Wayne, New Jersey 07470 (hereafter “Property”) for application for Subdivision Approval to construct and develop real property with frontage along Alps Road (CR 504) in Wayne, New Jersey; and

WHEREAS, RLS-CAL Wayne LLC, a Delaware Limited Liability Company (hereafter “Applicant/Owner”), whose address is 3200 Park Center Drive, Suite 1000, Costa Mesa, CA 92626, applied to the Passaic County Planning Board (hereafter “Board”) under File No. SU-23-002 for Subdivision Approval for the Property; and

WHEREAS, a Subdivision Plat, originally dated January 27, 2021, revised thorough May 31, 2024 (“Subdivision”), prepared by Langan Engineering was submitted to the Board, received a Review Letter (hereafter “Subdivision Review Letter” attached hereto) granting conditional approval of the application, subject to certain terms and conditions as set forth therein; and

WHEREAS, the Subdivision Review Letter, specifically requires the Applicant to enter into an Agreement to dedicate 100.28 feet of its property that extends 33 feet from Alps Road roadway centerline toward the Project (“Dedication”), at a later date if and when requested by the Passaic County Engineer (hereafter “County Engineer”) or the County Board at no cost to the County; and

WHEREAS, if and when the County requests that the Applicant/Owner dedicate 100.28 feet of its property that is shown on the Subdivision Plat prepared by David R. Avery, P.L.S., dated April 28, 2022, revised on January 10, 2024 (hereafter “Site Subdivision”), the Applicant/Owner must comply with the additional right-of-way dedication; and

WHEREAS, the site has frontage along Alps Road (CR 504) in Wayne; and

WHEREAS, Alps Road has a Master Plan right-of-way of 66 feet,

WHEREAS, the existing right-of-way at this location 60 feet which results in a 3 foot discrepancy along the Applicant’s property frontage; and

WHEREAS, this “If and When” Agreement was required by the Planning Board to allow for the County to request a right-of-way dedication at a future date; and

WHEREAS, the dedication would be provided by the property owner if and when requested by the County and at no cost to the County; and

WHEREAS, the attached “If and When” Agreement has been reviewed by staff and the most recent Planning Board Review Letter and Subdivision Plat are also attached for reference; and

WHEREAS, this matter was discussed at the February 27, 2025, meeting of 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 RLS-CAL Wayne LLC and the County of Passaic, as set forth above.