

TO: Members of the Board

FROM: Bruce Steadman
Executive Director and Secretary

DATE: August 19, 2020

SUBJECT: Agenda for Board Meeting of the Authority

1. **Call to Order – Dr. Robert Lucky, Vice-Chairman**
2. **Pledge of Allegiance**
3. **Notice of Public Meeting - Roll Call – Bruce Steadman, Secretary**
4. **Approval of Previous Month’s Board Meeting Minutes**
5. **Welcome – Dr. Robert Lucky, Vice-Chairman**
6. **Secretary’s Report**
7. **Treasurer’s Report**
8. **Public Comment Regarding Board Action Items**
9. **Executive Director’s Report:**
 - Update on Utilities and Infrastructure
 - Update on Fort Monmouth Redevelopment & Marketing
 - Action Items for Next Month
10. **Committee Reports**
 - Audit Committee – Robert Lucky, Chairman
 - Real Estate Committee – Robert Lucky
 - Environmental Staff Advisory Committee – Kenneth J. Kloo, Chairman
 - Historical Preservation Staff Advisory Committee – Jay Coffey, Chairman
 - Housing Staff Advisory Committee – Sean Thompson, Chairman
 - Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Board Actions**

1. Consideration of Approval of the First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Signature Homes for the Suneagles Golf Course in Eatontown.
2. Consideration of Approval of the Third Amendment to the Purchase and Sale & Redevelopment Agreement with Regional Development Group, LLC for Barker Circle.
3. Consideration of Approval to Approve Plan Amendment #15 Permitting an Alternative Development Scenario in Oceanport.

12. **Other Items**

13. **Public Comment Regarding any FMERA Business**

- Responses to questions submitted online or in writing

14. **Adjournment**

Fort Monmouth Economic Revitalization Authority
Board Meeting
July 15, 2020
Via Teleconference

MINUTES OF THE MEETING

Members of the Authority present via teleconference via a roll call vote:

- Robert W. Lucky – Vice-Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) – V
- Jay Coffey – Mayor of Oceanport – V
- Anthony Talerico – Mayor of Eatontown – V
- Tracy Buckley – Tinton Falls Borough Council President – V
- Stephanie Brown – Associate Counsel, Authorities Unit, Office of the Governor – V
- Dave Nuse – Executive VP, Real Estate & Community Development, NJ Economic Development Authority – V
- Kenneth J. Kloo – Director, Site Remediation Program, NJ Department of Environmental Protection
- Sean Thompson – Director, Division of Local Planning Services, NJ Department of Community Affairs
- Baden Almonor – Central Regional Chief, NJ Department of Labor & Workforce Development

V – Denotes Voting Member

Members of the Authority not present:

- Lillian Burry – Monmouth County Freeholder – V
- William Riviere, Principal Planner, NJ Department of Transportation

Also present:

- Bruce Steadman, FMERA Executive Director and Secretary
- Laura Drahushak, Deputy Attorney General (DAG)
- FMERA staff:
 - Kara Kopach – Director of Real Estate Development
 - Sarah Giberson – Manager of Marketing & Development
 - Upendra Sapkota – Senior Planning & Development Officer
 - Kristy Dantes – Director of Facilities & Infrastructure
 - Joe Fallon – Senior Environmental Officer
 - Jennifer Lepore – Accounting Manager

The meeting was called to order by Vice-Chairman Robert Lucky at 7:00p.m., who asked for a moment of silence for unity and safety in lieu of the Pledge of Allegiance to the Flag of the United States of America, given that we needed to meet remotely again.

Bruce Steadman explained the teleconference meeting protocol with regards to the Board and public's participation. He stated that due to the current worldwide health situation, and the need to curtail or eliminate in-person meetings, the FMERA Board meeting for July was being held remotely, with Board, staff, and the public participating via telephone. He stated that all Board votes would be roll-call votes, for the purpose of verifying the Board members' votes, including acceptance of the Minutes from the previous meeting. He noted that at the beginning of the Public Comment periods, he would ask members of the public who wished to make a comment or ask a question to state their name, and that he would call on each of them to make their comment or ask their question.

Mr. Steadman thanked the staff, Board members, and the public for their cooperation in accepting and following these modifications to the normal public meeting routine and noted that otherwise it was FMERA's intention to adhere to a normal meeting agenda.

Bruce Steadman announced that in accordance with the Open Public Meetings Act, notice of the meeting and notice of the change in the meeting to a teleconference was sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, and that the meeting notice has been duly posted on the Secretary of State's bulletin board at the State House, and the FMERA website.

The first item of business was the approval of the June 17th regular meeting minutes. A motion as made to approve the minutes by Tracy Buckley and seconded by Dave Nuse.

Bruce Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Robert Lucky	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: TRACY BUCKLEY Second: DAVE NUSE
 AYes: 6

WELCOME

Vice-Chairman Robert Lucky welcomed attendees to the Authority's teleconference meeting. Dr. Lucky stated that a copy of the Board package was posted to the FMERA website to give the public the opportunity to review the information in advance of the meeting. Dr. Lucky stated that the Board would consider one board action this evening.

Dr. Lucky noted the protocol regarding the two opportunities for the public to address the Board, with the 3-minute limit for agenda items, and the 5-minute limit for all other FMERA business.

The Vice-Chairman continued by stating that in his role he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period. The Vice-Chairman continued by stating that FMERA continues to welcome the public's constructive comments and ideas.

SECRETARY'S REPORT

Bruce Steadman stated that this July board meeting would be a remote teleconference meeting, similar to June's board meeting. He thanked all the participants and noted that it was likely that the August board meeting would also be a remote teleconference meeting. Mr. Steadman stated that the FMERA staff continues to work daily on FMERA business, albeit remotely, and are working on several projects which are still moving forward through reviews, negotiations, approvals, and other tasks. FMERA anticipates having at least 1-3 closings within the next 3 months and continues to work towards that goal.

TREASURER'S REPORT

Jennifer Lepore, Accounting Manager stated that with the close of the second quarter on June 30th, FMERA staff is preparing the financial and operational summary for the first half of 2020. Staff will be meeting to review the first six months of 2020 and assess the performance against the 2020 organization goals. FMERA staff will present the financial and operational summary to the Audit Committee at their next meeting.

PUBLIC COMMENT REGARDING BOARD AGENDA ITEMS (3 minutes re: Agenda Items)

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT

1. Kristy Dantes, Director of Facilities & Infrastructure gave the following update:

The facilities, environmental, and site-maintenance teams continue to maintain the fort through the Covid-19 situation utilizing safe practices and health guidelines. Increased security, police patrols and building inspections continue.

FMERA staff is working on completing the following FOSTs and deeds with the Army:

- The Group 2 Deed, which includes 11 environmental carve-out parcels for a total of 17.7 acres has been signed by the Army and FMERA and will be recorded.
- The Group 3 FOST, which includes 10 environmental carve-out parcels for a total of 9.3 acres, was signed by James Briggs, Chief of the Operation Branch, BRAC Division, on May 4, 2020.
- A draft Group 3 Deed was received by the FMERA for review on June 8, 2020. FMERA is preparing comments to be sent back to the Army Corp.
- The Group 4 Deed is expected to be completed by December.

Other projects in process include:

- Outbound surveys for following parcels in order to move forward with transfer:
 - District A, which includes the Commissary, the Parking Lot, and Post Office Areas
 - Warehouse Parcel
 - Expo Theater and the adjoining parcels
- Planning with New Jersey American Water the installation of a 24" water main extension along Avenue of Memories, presently scheduled to begin in the spring of 2021.
- An 8" water main extension from College Avenue in Eatontown, to Wilson Avenue, to Avenue of Memories is moving forward. Upon execution of the contract, NJAW will put the project out for bid.
- In cooperation with Two Rivers Water Reclamation Authority, an extension of a sanitary force main in the 400 area has been completed. This allows the abandonment of a force main across the Allison Hall and the Lodging parcels, making way for unimpeded development.
- FMERA developed plans for a sanitary main extension on North Drive to serve the Bowling Center and development between Wilson Avenue and Rt. 35.
- Buildings slated for sale or reuse are regularly checked. Sanitary lift stations and generators are inspected weekly, and the fort's electrical power system is monitored.
- The Facilities team continues to assist developers, and supports the real estate development team with RFOTP's, MCR's, and development plans.

2. Sarah Giberson, Manager of Marketing & Development gave an overview on property sales and RFOTPs:

FMERA continues to make good progress on the Fort's redevelopment, with about three-quarters of the Fort's 1,126 acres sold, under contract, in negotiations, or entering the request for proposals process. To date, FMERA has sold 20 properties, and another 16 parcels are under contract or have Board-approved contracts.

FMERA is currently in negotiations with the leading scorer for the Tinton Falls Commercial Parcel.

These projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. With both developers and approving entities having adapted to new ways of working, we're pleased to report that our projects continue to make excellent progress.

FMERA continues to engage with leads and prospective purchasers via teleconference while operating remotely. With less than 25% of its land still available, FMERA remains focused on its mission and will continue to market its remaining parcels for redevelopment. FMERA is closely monitoring on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract.

Our team has also started to market the Parcel B property slated as a mixed-use development in Eatontown. FMERA anticipates making this parcel available through the Requests for Offers to Purchase process in the coming weeks. With

the delivery of goods and services having changed dramatically over the past 10 years, FMERA is eager to re-envision the project in a way that leverages new and unique approaches to mixed-use development and maximizes the economic impact to the surrounding communities. By targeting a broader mix of commercial uses and small-scale, complementary retail amenities, the project is poised for success as a hub for business and community engagement. The successful proposer will also be required to construct 302 housing units, 20% of which must be affordable.

FMERA would like to share the following information about an upcoming event hosted by Beacon of Life. Beacon of Life plans to host a fundraising event to celebrate veterans as well as support the Wounded Warrior Project. The event will take place at Greely Field on Fort Monmouth near the War Memorial. The event is free for veterans and a suggested \$5 donation for anyone else to enter. There will be games, raffle baskets, a 50/50, yoga and Zumba classes, music, giveaways, a food truck and fun for all! The event will be on Wednesday, August 12th from 10am-2pm with a rain date of August 19th. For more information and to RSVP call 732-592-3406.

Our team continues to work remotely and is available during normal business hours via email and cell phone. Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at @fortmonmouthnj for our latest updates.

3. Additional Comments by the Executive Director

Mr. Steadman thanked the Boroughs of Eatontown, Tinton Falls, and Oceanport, and the County of Monmouth for their continued support and help on various day-to-day operating issues while working remotely; and noted the outstanding support and help received from our key state stakeholders: the NJEDA, DEP, the DOT, the DOL, the DCA, and many others.

Bruce Steadman gave an update on FMERA action items:

Action Items for Next Month.

- a) Continued work with the N.J. Department of Environmental Protection and U.S. Army to identify and resolve environmental issues of concern
- b) Continued meetings with interested prospective employers and investors
- c) Continued outreach to our stakeholders in the 3 host municipalities, the County and others
- d) Continued collaboration with the NJEDA Trenton Office on marketing and business development opportunities
- e) Continued work on the water, sewer, and electric system improvements.
- f) Continued drafting and revisions of documents for the 30+ projects underway

COMMITTEE REPORTS

1. AUDIT COMMITTEE (ROBERT LUCKY, CHAIRMAN)

Robert Lucky stated that the Committee did not meet this month.

2. REAL ESTATE COMMITTEE (ROBERT LUCKY)

Robert Lucky stated that the Committee met on June 9th and discussed the following:

- Discussion regarding the Second Amendment to the PSARA with Fort Monmouth Business Center, LLC for the Allison Hall parcel for the Board approved Rule Modification for the release of its 10% RFOTP deposit. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Other Issues
 - Parcel B
 - Howard Commons
 - Expo Theater
 - Sanger Avenue
 - Eatontown Liquor Licenses
 - County & Borough Furloughs
 - Delegated Authority Extensions

- Bowling Center
- Eatontown DPW Parcel
- Chapel
- Oceanport Municipal Complex
- Fitness Center
- Tinton Falls Commercial Parcel RFOTP
- Beacon of Life Event

3. ENVIRONMENTAL STAFF ADVISORY COMMITTEE (KENNETH J. KLOO, CHAIRMAN)

Kenneth J. Kloo stated that the Committee met on July 9th and discussed the following:

FMERA staff provided an update on the Group 2 & 3 Deeds and Group 4 Findings of Suitability to Transfer (FOSTs):

- The Group 2 Deed, which includes 11 environmental carve-out parcels for a total of 17.7 acres has been signed by the Army and FMERA and will be recorded; FMERA now holds title to this property.
- A draft Group 3 Deed was received by FMERA for review on June 8, 2020. FMERA has prepared comments to the Army draft and sent them back to the Army Corp for review. This deed is expected to be executed by the end of August.
- The Group 4 FOST is expected to be completed by December.

FMERA staff provided an update on the Myer Center:

- Neutralization Pit at Myer Center – The Army completed a second round of chemical injections in January and has also completed post injection ground water sampling.
- The Army submitted a pilot test report to the NJDEP on June 4th. The Army is proposing to install three wells and proposing monitored natural attenuation as the final remedy with a classification exception area component.
- Per the NJDEP's suggestion, the Army has agreed to install the third well in order to triangulate and remediate the area more aggressively.

FMERA staff provided an update on the Carve-out Parcels:

- Commissary/PX Parcel (Parcel 57) – A Remedial Investigation/Remedial Action report is being prepared for submission to the NJDEP.
- Former Auto craft Shop – The Army submitted a Remedial Investigation/Remedial Action report to the NJDEP for review in March. The NJDEP has issued a No Further Action (NFA) for the Parcel.
- Former AFFES Gas Station – The Army investigated the 5 hydraulic lifts. No discharge of soil or ground water. The Army did further delineation of the ground water and the work is complete. The Army will conduct monitored natural attenuation to establish a Classification Exception Area (CEA).
- Former Dry-Cleaning Facility – The Army has completed two rounds of chemical injections and will submit a Remedial Investigation/Feasibility Study report to the NJDEP after final review by the Army.
- Landfill Capping Project – The Army is working with NJDEP to obtain the permits to begin the project.

FMERA staff provided an update on the Howard Commons project:

- FMERA and the prospective developer are working to create an area on the site to cap the pesticide soils with the oversight of an LSRP and leave the capped and protected area as open space.

FMERA staff provided an update on the Tidelands Grant Applications:

- FMERA has submitted the grant application and is working to finalize an appraisal regarding the Tidelands claim on the Allison Hall and Lodging Parcels.

FMERA staff provided an update on the Water and Sewer projects:

- Phase 2 water line is in the planning process and NJAW is anticipating being able to schedule the installation within the next 3 months, subject to their public bidding process.
- TRWRA has installed a section of repaired sewer pipe through a portion of the 400 area to connect to the existing Army system which will allow abandonment of an obsolete sewer line in the Lodging Area.
- FMERA staff closed the meeting with an update on the RFOTPs.

4. HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (JAY COFFEY, CHAIRMAN)

Jay Coffey stated that the Committee did not meet this month.

5. HOUSING STAFF ADVISORY COMMITTEE (SEAN THOMPSON, CHAIRPERSON)

Sean Thompson stated that the Committee did not meet this month.

6. VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER DIRECTOR LILLIAN BURRY, CHAIRPERSON)

Bruce Steadman, on behalf of Lillian Burry stated that the Committee did not meet this month

BOARD ACTIONS

- 1. The first item before the Board was the Second Amendment to the Purchase and Sale & Redevelopment Agreement with Fort Monmouth Business Center, LLC for the Allison Hall Parcel in Oceanport.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Jay Coffey and was seconded by Dave Nuse.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: JAY COFFEY Second: DAVE NUSE
AYes: 6

OTHER ITEMS

There were no other items before the Board.

PUBLIC COMMENT REGARDING ANY FMERA BUSINESS (5 minutes re: any FMERA business)

There was no public comment.

There being no further business, on a motion by Jay Coffey and seconded by Tracy Buckley and unanimously approved by all voting members present, the meeting was adjourned at 7:30p.m.

Certification: The foregoing and attachments represent a true and complete summary of the actions taken by the Fort Monmouth Economic Revitalization Authority at its Board meeting.



Bruce Steadman – Secretary

ADOPTED
July 15, 2020

**Resolution Regarding
Second Amendment to Purchase and Sale & Redevelopment Agreement with TetherView Property
Management, LLC, subsequently assigned to Fort Monmouth Business Center for the Allison Hall Parcel in
Oceanport**

WHEREAS, at the June 2015 meeting, the Board authorized staff to offer the Allison Hall Complex for sale through the Offer to Purchase process. FMERA received one proposal in response to its December 29, 2016 Request for Offers to Purchase ("RFOTP"), from TetherView Property Management, LLC ("TetherView"). An evaluation committee reviewed the proposal and found it to be compliant with the RFOTP, and recommended proceeding with negotiations for a PSARA; and

WHEREAS, TetherView's proposal called for the renovation of Allison Hall and Building 210 for office, retail and/or commercial uses and the reuse of Building 210's ground floor as a restaurant and the second floor as office or retail use; the demolition of Building 196, Building 359 and Building 210's annex; the development of either 100,000± sf of office space in one building to accommodate one user, or up to 60,000± sf of business lofts and up to 30,000± sf of retail space along Oceanport Avenue; the reuse of Building 199 for office, retail and/or commercial uses; and the construction of a 12-foot wide promenade along Parkers Creek linking the development to the west with Oceanport Avenue; TetherView's total capital investment in the Project is estimated at \$14 million; and

WHEREAS, the PSARA for the Allison Hall was approved by the Board at its October 2018 meeting and executed by FMERA and TetherView Property Management, LLC on November 26, 2018 and was amended on July 26, 2019 to allow Purchaser an additional sixty days to complete due diligence for the limited purpose of assessing its site once the sewer design plan was received from FMERA; and

WHEREAS, Purchaser is now in the Approvals Period, which will expire on December 5, 2020; and

WHEREAS, TetherView Property Management, LLC assigned the rights to the Project to an affiliate on April 8, 2020, Fort Monmouth Business Center, LLC of which Michael Abboud remains in majority control; and

WHEREAS, on May 20, 2020, the FMERA Board approved a Rule Modification under of Executive Order 103 ("EO 103") for Purchase and Sale & Redevelopment Agreements ("PSARAs"), that allows COVID-impacted development projects with purchase prices over \$2,000,000 or an aggregate purchase price of \$2,000,000 for all the Developer's projects to request the return of its 10% deposit, as defined under N.J.A.C. 19:31C-2.7(b); and

WHEREAS, in consideration of the current irregularities and vagaries of the real estate marketplace caused by the global, country-wide, and state-wide fall-out from COVID-19 and in response to EO 103, the FMERA Board's rule modifications provides assistance to developers who have significant amounts of money held in escrow as a result of N.J.A.C. 19:31C-2.7(b) deposit requirement. This relief would equate to FMERA's release of some or all of the 10% deposit submitted upon entrance into exclusive negotiations or execution of the PSARA; and

WHEREAS, on July 10, 2020, FMBC submitted a request to FMERA via letter, requesting the release of its 10% deposit citing the following COVID-driven impacts to the project: 1) a loss in revenues from related businesses due to contract terminations, unpaid account receivable, and lost leasing income; 2) delays in performance by counter-parties under contract and at times excusable under Force Majeure provisions; and 3) governmental delays impacting approvals for the Project. FMERA is waiting for FMBC's certification citing its rationale for declaring the COVID-driven reason for the deposit request. The release of the 10% deposit will be used to fund remaining environmental due diligence and associated engineering, legal and consulting fees, payroll, utility costs and other qualified business expenses. FMBC shall be required to certify to this financial hardship and use of the deposit prior to its release; and

WHEREAS, the attached amendment to the PSARA includes revisions to material terms as described in the attached memorandum; and

WHEREAS, all other material terms of the PSARA as presented to the Committee and the Board will remain unchanged. The attached Second Amendment to PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Second Amendment to the Purchase and Sale & Redevelopment Agreement ("PSARA") with Fort Monmouth Business Center ("FMBC" or "Purchaser"), for the Allison Hall Parcel in the Oceanport section of Fort Monmouth, on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Attachment

Dated: July 15, 2020

EXHIBIT 1

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

DATE: August 19, 2020

SUBJECT: Monthly Status Report

Summary

The following are brief descriptions of the Fort Monmouth Economic Revitalization Authority (FMERA) staff's monthly activities which include Treasurer's Report, Update on Utilities and Infrastructure; Update on the Fort Monmouth Redevelopment; Update on Marketing; and Action Items for Next Month.

Treasurer's Report

FMERA staff and counsel have been in contact over the past few months with representatives of the County of Monmouth and the Monmouth County Improvement Authority regarding the issuance of subsequent notes relating to the financing of FMERA's 2016 purchase of the Phase 2 EDC properties from the Army. In 2016, the Monmouth County Board of Chosen Freeholders authorized a payment guaranty on the notes for five years. This will be the fifth and final year under the agreement. FMERA staff will be meeting with the Audit Committee in the coming weeks to discuss the note rollover and it is expected to request Board approval at the September meeting.

Executive Director's Report**1. Update on Utilities and Infrastructure**

The facilities, environmental, and site-maintenance teams continue to maintain the Fort through the Covid-19 pandemic utilizing safe practices and health guidelines. Increased security, police patrols and building inspections continue.

The FMERA utility infrastructure maintained its integrity during tropical storms Fay and Isaias. Despite a JCP&L power outage the Fort power grid suffered only one blown fuse and one small utility pole fire caused by a shifting osprey nest in strong winds. Special thanks to the linemen dispatched by First Energy to repair the 40+ transmission lines in the area that were damaged by Isaias.

Our team is currently working on completing the following FOSTs and deeds with the Army:

- The Group 2 Deed, which includes 11 environmental carve-out parcels for a total of 17.7 acres, has been conveyed to FMERA.
- The Group 3 FOST, which includes 10 environmental carve-out parcels for a total of 9.3 acres, was signed by James Briggs, Chief of the Operation Branch, BRAC Division, on May 4, 2020. A copy of the document has been provided to FMERA.
- The Group 3 Deed has been signed and returned to the Army for execution.
- The Group 4 Deed is expected to be completed by December of this year.

The following is a status of the Outbound surveys:

- OPort Partners Parcels, which include the Commissary, Commissary parking, and Post Office areas, is complete.
- Warehouse parcel is complete.
- Expo Theater is in process.
- Barker Circle is complete.
- Eatontown Parks parcel on Nicodemus Avenue will begin in the coming weeks.
- Sanger Avenue is underway in preparation of the road dedication to Monmouth County.

Other projects in process include:

- A 2100-foot 8" water main extension from College Avenue in Eatontown, to Wilson Avenue, to Avenue of Memories, is commencing within the next two-to-three weeks, with an expected completion by mid-October. This is now a New Jersey American Water project, funded by FMERA, which will supply water to the Artists Barracks parcel, Eatontown DPW Parcel, the County Motor Pool, and the Bowling Center.
- The installation of a 5600-foot 24" water main extension along Avenue of Memories, presently scheduled to begin in the spring of 2021 with New Jersey American Water.
- Two Rivers Water Reclamation Authority, has completed an extension of a sanitary force main out of Horseneck Point in the 400 area, which effectively abandons a 500-foot TRWRA force-main through the 400 area, and another force-main across the Allison Hall in Lodging parcels, clearing the way for unimpeded development of over 100 acres.
- New Jersey American Water has eliminated one of two water meters that served the Main Post of Fort Monmouth, thus saving FMERA a substantial monthly surcharge.
- A sanitary main extension on North Drive at Wilson Avenue to serve the Bowling Center and development between Wilson Avenue and Rt. 35 is scheduled following the closing for the Bowling Center.

Buildings slated for sale or reuse are regularly checked. Sanitary lift stations and generators are inspected weekly, and the fort's electrical power system is monitored. The facilities team continues to assist our developers, and support the real estate development team with RFOTP's, MCR's, and development plans.

2. Update on the Fort's Redevelopment

The following is a town-by-town summary of the status of our redevelopment projects.

In **Oceanport**, FMERA has closed on the following nine properties:

- Officer Housing Parcels on January 13, 2017 with RPM Development, LLC. The company renovated the 116 historic housing units, creating 68 market-rate for sale units, and 48 rental units; twenty (20%) percent of the total units are available to low- and moderate-income households.
- Main Post Chapel on February 27, 2017 with Triumphant Life Assembly of God Church who purchased the approximately 16,372 sq. ft. building for use as a house of worship.
- Russel Hall on June 23, 2017 with TetherView Property Management, LLC, a private cloud computing services company who occupies the 40,000 sq. ft. building. Russel Hall currently houses a variety of businesses including tech companies, medical offices, and an architecture firm.
- 13-acre parcel on Murphy Drive on August 16, 2017, where the Borough of Oceanport purchased the property for their new municipal complex.
- Fitness Center on September 26, 2017 enabling Fort Partners Group, LLC, to renovate and expand the facility to emphasize basketball and medically based fitness and wellness programs, and individualized group training and classes.
- Dance Hall parcel on April 4, 2018 to The Loft Partnership, LLC. The developer plans to renovate the Dance Hall as a microbrewery, coffee house, and banquet facility.
- Building 501, on April 24, 2019 with Family Promise of Monmouth County, an approximately 1.7-acre site, via a Legally Binding Agreement (LBA).
- Telecommunications Tower and Land on October 25, 2019 with Global Signal Acquisitions, LLC for an approximately 0.58 parcel of land containing the Telecommunications Tower and adjacent land.

- Squier Hall Complex, on December 18, 2019 with KKF University Enterprises, LLC, an approximately 31-acre site. The developer has secured a commitment from New Jersey City University for use of the site as a satellite campus and anticipates opening in Fall 2020.

Also in **Oceanport**, FMERA has executed or approved contracts on the following ten properties:

- Barker Circle, with Regional Development Group, LLC, an approximately 19.5-acre parcel in the historic district which includes the repurposing of buildings 205, 206, 207, 208, and 287, as well as the Main Post Firehouse and Kaplan Hall, for residential, office and other commercial uses.
- Allison Hall, with Fort Monmouth Business Center, LLC, a 13-acre parcel which includes the reuse of the historic building, as well as retail, office/research & development and open space/recreation uses.
- Lodging Area, with Somerset Development, LLC, a 15-acre site located on Parkers Creek, to be developed with up to 185 new and renovated housing units.
- Marina, with AP Development Partners, LLC, currently operating as a marina/public boat ramp and restaurant.
- Commissary, Post Exchange (PX) complex, Warehouse District and a 1000 Area Parking parcel, with OPort Partners, LLC. Commissary/PX parcel shall permit, Food Service, Flex space, Office, R&D and Instructional Schools and Studios. The Warehouse District will permit Flex Space, Medical Office, Office, and Research & Development.
- Nurses Quarters, with RPM Development, LLC for the 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital.

FMERA intends to issue RFOTPs for the following Oceanport properties in the coming months:

- McAfee Center, a 90,000± sf R&D building with several related support buildings on a 47-acre site
- 400 Area, an 80± acre site east of Oceanport Avenue, zoned for housing and commercial uses.

In **Eatontown**, FMERA has executed or approved contracts on the following five parcels:

- Eatontown Barracks, 6 buildings on Semaphore Avenue on an approximately 4.4-acre parcel, where FMERA entered into a PSARA with Kenneth Schwartz for the development of a commercial arts-related project, including studio, performance and gallery space, as well as short-term residential units for artists.
- Suneagles Golf Course, where FMERA has executed a PSARA with Martelli Development, LLC, to maintain and upgrade the existing Golf Course, renovate historic Gibbs Hall, and construct 75 new housing units. Martelli continues to operate the course in the interim so it remains open to the public as the redevelopment progresses.
- Building 1123, a former general office building at Avenue of Memories and Wilson Avenue with an executed PSARA with the Borough of Eatontown for the reuse by the Borough's Department of Public Works.
- Bowling Center, an approximately 2.8-acre parcel including Building 689, a 20-lane bowling alley and Building 682, a wood frame building to be demolished, where FMERA executed a PSARA with Parker Creek Partners, LLC.

Also in **Eatontown**, FMERA is in negotiations for the sale and redevelopment of the following property:

- Expo Theater, an entertainment facility, previously used as a live theater and cinema; and adjacent properties, including Dean Field and portions of the M3, M5, and M4 landfills; as optional sub-parcels.

FMERA intends to issue the following RFOTPs in Eatontown:

- Vail Hall, a 36,000± sf building on Avenue of Memories planned for office and/or commercial use
- Mallette Hall, a 57,000± sf office building across from Vail Hall slated for reuse or replacement

On June 29th, Lennar Corporation formally terminated the PSARA with FMERA for Parcel B in Eatontown. FMERA hopes to come to the September Board meeting for approval to issue a new RFOTP for Parcel B after discussions with the Real Estate Committee and the Eatontown Ad Hoc Committee.

In **Tinton Falls**, FMERA has closed on the following five properties:

- Fort Monmouth Recreation Center and Swimming Pool, with the Monmouth County Park System and being used for programs which include arts & crafts, sports, exercise classes and a variety of amenities including classrooms, gymnasium and a game room.
- Parcel F-3 with the Monmouth County Park System in conjunction with the adjacent Recreation Center and Swimming Pool. Located along Hope Road, the County has expanded its services and public open space amenities currently offered at the Recreation Center.
- Charles Wood Fire Station, transferring the property to Commvault Systems, Inc. for use as corporate office and training space.
- Parcel C1 with Lennar Corporation, planned for 45 new single-family homes.
- Parcel C with Lennar Corporation, approved for 243 residential units and up to 58,000 sq. ft. of retail development.

FMERA has approved or executed a contract on two properties in Tinton Falls:

- Fabrications Shops (Pinebrook Road Commerce Center), 45,000 sq. ft. of light industrial and flex office space buildings along Pinebrook Road for sale to Pinebrook Commerce Center, LLC, which is slated to close imminently.
- Parcel F-1 – Myer Center and Building 2705, an approximately 36-acre parcel in Tinton Falls where RWJ Barnabas Health (RWJBH) plans to create a health campus. On September 20, 2017, the Board approved a Purchase and Sale Agreement (PSA) with EDA for the parcel. On June 12, 2018, the EDA Board authorized the execution of an Agreement to Assign of the PSA among EDA, FMERA and RWJBH. At the Authority's June 2018 meeting, the Board approved the execution of an Agreement to Assign among FMERA, EDA and RWJBH providing for the assignment of a PSA between FMERA and EDA for the property.

On September 27th, FMERA issued an RFOTP for the Tinton Falls Commercial Parcel, which includes the following.

- Pulse Power, a special purpose facility consisting of 15,690 sf of administrative offices and 10,786 sf of dry lab and testing space.
- Building 2719, consisting of 6,574 sf of administrative space and a 2,448 high-bay garage constructed in 2006.
- Pistol Range, consisting of Building 2627, situated on approximately 1 acre; the Fire and Police Training Area, including Building 2628, situated on approximately 2.3 acres; and the Satellite Road Parcel, an approximately 1.5-acre tract of land.

Proposals were due on May 11th and two proposals were received. FMERA has met with the lead proposer and hopes to bring a PSARA to the Board in the coming months.

3. Marketing Update

FMERA continues to make good progress on the Fort's redevelopment, with about three-quarters of the Fort's 1,126 acres sold, under contract, in negotiations, or entering the request for proposals process. To date, FMERA has sold 20 properties, and another 15 parcels are under contract or have Board-approved contracts. FMERA is currently in negotiations with the leading scorer for the Tinton Falls Commercial Parcel and is finalizing term sheet negotiations with the prospective purchaser of the Expo Theater property, slated for recreation use.

FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. With both developers and approving entities having adapted to new ways of working, we're pleased to report that our projects continue to make excellent progress. As a result of recent Board actions related to the pandemic, FMERA has provided timeline extensions for a number of on-going projects. In addition to the Bowling Center, the Eatontown DPW project has also executed a PSARA amendment for an extended approvals period.

FMERA continues to engage with leads and prospective purchasers via teleconference while operating remotely. With less than 25% of its land still available, FMERA remains focused on its mission and will continue to market

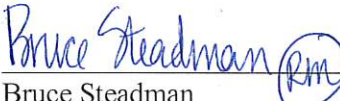
its remaining parcels for redevelopment. FMERA is closely monitoring on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract. Our team has begun hosting virtual meetings with developers and industry professionals regarding the Parcel B property, slated as a mixed-use development in Eatontown. With the delivery of goods and services having changed dramatically over the past 10 years, FMERA is working to re-envision the project in way that leverages new and unique approaches to mixed-use development and maximizes the economic impact to the surrounding communities. These online discussions are intended to gather valuable insight about the marketplace and help inform FMERA's vision for the new RFOTP for the property. By targeting a broader mix of commercial uses and small-scale, complementary retail amenities, the project is poised for success as a hub for business and community engagement.

FMERA would like to acknowledge Beacon of Life's successful fundraising event for the Wounded Warrior Project on August 12th. Thank you to all who supported this initiative. The Fort has several additional upcoming events planned for this fall, including Eatontown's Sesquicentennial 5k race on September 7th and a drive-in movie hosted by the Indie Street Film Festival on September 17th. Stay tuned for more information via our newsletter.

Our team continues to work remotely and is available during normal business hours via email and cell phone. Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at @fortmonmouthnj for our latest updates.

4. Action Items for Next Month.

- Continued work with the N.J. Department of Environmental Protection and U.S. Army to identify and resolve environmental issues of concern
- Continued meetings and tours with interested prospective employers and investors
- Continued outreach to our stakeholders in the 3 host municipalities, the County and others
- Continued collaboration with the NJEDA Trenton Office on marketing and business development opportunities
- Continued work on the water, sewer, and electric system improvements
- Continued drafting and revisions of documents for the 30+ projects underway


Bruce Steadman

Prepared by: Regina McGrade

Resolution Regarding
First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Development Group,
LLC for the Suneagles Golf Course in Eatontown

WHEREAS, on August 2, 2017, the Board authorized the execution of the PSARA between FMERA and Martelli Development Group, LLC (“Martelli” or “Purchaser”) for the Suneagles Golf Course, a 171-acre property that includes an 18-hole golf course designed by noted architect A.W. Tillinghast; a 37,125 sf banquet facility, the historic Gibbs Hall; two ancillary buildings, a sports bar and a golf maintenance building; and 42 vacant officer housing units known as the Megill Housing. Gibbs Hall is listed on the National Register of Historic Places, and a portion of the golf course is subject to an archeological restriction that protects Native American artifacts. The Purchase and Sale Agreement and Redevelopment Agreement (“PSARA”) was executed on December 21, 2017; and

WHEREAS, Martelli proposes to renovate Gibbs Hall as a first-class banquet facility, make capital upgrades to the golf course and restrict it to a golf course use for 40 years, and construct 75 new housing units, broken out as 60 luxury condominium townhomes and 15 affordable rental apartments, and the Megill Housing units would be demolished; and

WHEREAS, under the terms of the PSARA, Purchaser’s Due Diligence Period expired on June 8, 2018; Purchaser then entered into an Approval Period to seek to obtain all required permits and approvals within twelve (12) months from the end of Due Diligence and was entitled to an Extension Period of six (6) months as it was diligently seeking to obtain All Approvals; and

WHEREAS, Purchaser’s Approval Period and Approval Extension Period expired on December 9, 2019, and under the terms of the PSARA, Purchaser was to close within thirty (30) days upon expiration of the Conditions Precedent to Closing; and

WHEREAS, Purchaser was granted a five-month extension to closing under FMERA’s Executive Director’s Delegated Authority to grant extensions for COVID-19 related reasons until August 18, 2020; and

WHEREAS, on July 9, 2020, Purchaser requested an additional extension to closing due to delays in a NJDEP approval and financial conditions imposed by Purchaser’s lender; and

WHEREAS, on July 18, 2019, Gibbs Hall experienced water damage following a sprinkler system failure; and insurance proceeds in the amount of \$732,521.46 were received for the damage; and

WHEREAS, FMERA and Martelli have agreed to share the insurance proceeds based on a percentage for the repairs and damage associated to Gibbs Hall; and Martelli’s portion of the insurance proceeds will be held in escrow until closing; and

WHEREAS, should Martelli fail to close on the property, FMERA will retain the entirety of the insurance proceeds; and

WHEREAS, Martelli owes significant utility bills to FMERA and has agreed that a portion of its insurance proceeds will be used to pay this outstanding debt, and any utility or golf course equipment debt that accrues after this Board action will also be resolved at closing; and

WHEREAS, subject to the Board’s Approval, FMERA agreed to amend the PSARA based on the terms as described in the attached memorandum, including the extension of closing until the sooner of (i) December 1, 2020 or (ii) the receipt of All Approvals; and

WHEREAS, all other terms of the PSARA will remain unchanged. Attached is the First Amendment to the PSARA between FMERA and Martelli which is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Development Group, LLC for Suneagles Golf Course in Eatontown on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Attachment

Dated: August 19, 2020

EXHIBIT 1

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Development Group, LLC for the Suneagles Golf Course in Eatontown

DATE: August 19, 2020

Request

I am requesting that the Board authorize the execution of the First Amendment to the Purchase and Sale & Redevelopment Agreement (PSARA) with Martelli Development Group, LLC (Martelli) for the Suneagles Golf Course (Suneagles) in the Eatontown section of the Fort.

Background

On August 2, 2017, the Board authorized the execution of the PSARA between FMERA and Martelli for the Suneagles Golf Course is a 171-acre property that includes an 18-hole golf course designed by noted architect A.W. Tillinghast; a 37,125 sf banquet facility, the historic Gibbs Hall; two ancillary buildings, a sports bar and a golf maintenance building; and 42 vacant officer housing units known as the Megill Housing. Gibbs Hall is listed on the National Register of Historic Places, and a portion of the golf course is subject to an archeological restriction that protects Native American artifacts. The PSARA was executed on December 21, 2017.

Martelli proposed to renovate Gibbs Hall as a first-class banquet facility, make capital upgrades to the golf course and restrict it to a golf course use for 40 years, and construct 75 new housing units, broken out as 60 luxury condominium townhomes and 15 affordable rental apartments. The Megill Housing units would be demolished. The total capital investment is \$29 million.

Martelli also executed a Use and Occupancy License, dated December 2017, to serve as Suneagles Golf Course's operator to improve and operate the golf course.

Martelli shall pay \$5 million for the 171-acre property; pursuant to EDC Agreement, FMERA will receive 37% of the net sale proceeds, with the Army shall receive the remainder. Purchaser may take title to each of the three sub-parcels (i.e. Gibbs Hall, the golf course and the residential tracts) in separate affiliated entities.

Under the terms of the PSARA, Purchaser's Due Diligence Period expired on June 8, 2018. Purchaser then entered into an Approval Period in which Purchaser was to diligently seek to obtain all required permits and approvals within twelve (12) months from the end of Due Diligence. Purchaser was then entitled to an Extension Period of six (6) months as it was diligently seeking to obtain All Approvals. Purchaser's Approval Period and Approval Extension Period expired on December 9, 2019. Under the terms of the PSARA, Purchaser was to close within thirty (30) days upon expiration of the Conditions Precedent to Closing. By correspondence dated February 20, 2020, Purchaser agreed to close on the Property by May 1, 2020.

By correspondence dated April 6, 2020, Purchaser requested an extension to Closing due to delays in planning board hearings and third-party approvals due to COVID-19 related delays. Under the Delegated Authority granted to FMERA's director on April 15, 2020, FMERA's Executive Director agreed to retroactively extend the date for Closing from March 9, 2020 until August 9, 2020.

On July 9, 2020, Purchaser requested an additional extension to the Closing deadline due to delays in a NJDEP approval and financial conditions imposed by Purchaser's lender. Staff recommends the Board approve an extension to the Closing date until the sooner of: (i) until December 1, 2020 or (ii) such time as All Approvals have been received.

All other terms of the PSARA remain unchanged. Purchaser will commence the Project within 90 days of receipt of permits and approvals and complete the Project in phases, as evidenced by receipt of certificates of occupancy, within 36 months thereafter. In May 2018, the Board approved Reuse Plan Amendment #10 which amended the Reuse Plan to rezone the Property for Purchaser's intended uses and to adjust FMERA's housing cap to allow development of up to 75 housing units on the Property.

Water Damage and Outstanding Utility and Equipment Bills

On July 18, 2019, Gibbs Hall experienced water damage following a sprinkler system failure. FMERA had insured the building and the insurance proceeds in the amount of \$732,521.46 (Insurance Proceeds) were received for the damage. FMERA and Martelli have agreed to share the Insurance Proceeds based on a percentage detailed below for the repairs and damage associated to Gibbs Hall. Martelli's portion of Insurance Proceeds will be held in escrow until closing. If Martelli fails to close on the property, the remaining Insurance Proceeds shall be released to FMERA.

Martelli owes significant utility bills to FMERA and has agreed that a portion of Martelli's Insurance Proceeds will immediately be used to pay this outstanding debt. Any utility or golf course equipment debt that accrues after this Board action will also be deducted from the escrowed Insurance Proceeds at closing.

Purchase and Sale & Redevelopment Amendment

Subject to the Board's Approval, FMERA agreed to amend the PSARA based on the following terms:

1. Martelli's Approval period expired on December 9, 2019. Notwithstanding the foregoing, Martelli was to close within ninety (90) days of the expiration of the Approval period. Subject to the Board's approval to the modification of N.J.A.C. 19:31C-2.7(b), the Executive Director retroactively extended the closing timeline from December 9, 2019 to May 9, 2020.
2. Insurance Proceeds. As long as Purchaser closes on the Property pursuant to the terms of the Agreement and this Amendment, Purchaser shall receive 75% of the Gibbs Insurance Proceeds, less the Outstanding Utilities, any additional unpaid utility bills at Closing, and less any outstanding and unpaid equipment costs. Seller shall receive the balance of the Gibbs Insurance Proceeds. Purchaser agrees that from its share of the Gibbs Insurance Proceeds, the Outstanding Utilities shall immediately be released to Seller and the balance shall be placed in escrow until Closing or termination of the Agreement. Should purchaser fail to close on the Property pursuant to the terms of this Agreement and this Amendment, the balance of the Purchaser's share of the Gibbs Insurance Proceeds shall be immediately released to and become the property of the Seller.
3. Utility and Equipment Costs. Purchaser shall pay all outstanding utility bills due at Closing from Purchaser's share of the Gibbs Insurance Proceeds. FMERA agrees to waive equipment costs due as of July 20, 2020, in the amount of \$50,000.00, but all equipment costs due after July 20, 2020 shall be paid

by Purchaser, first from any remaining Gibbs Insurance Proceeds in escrow and any balance from Purchaser's own funds.

4. Time and Place of Closing. Section 16(a) of the Agreement is hereby amended and modified to provide that the Closing shall the sooner of (i) December 1, 2020 or (ii) such time as All Approvals have been received.
5. Release From Gibbs Hall Water Damage. For itself, its successors and assigns and all those at interest therewith, including, without limitation, the Purchaser (collectively, the "Releasing Parties"), jointly and severally, hereby voluntarily and forever, RELEASE, DISCHARGE AND ACQUIT Seller and their officers, directors, shareholders, employees, agents, successors, assigns, representatives, affiliates and insurers (sometimes referred to below collectively as the "Released Parties") and all those at interest therewith of and from any and all claims, causes of action, liabilities, damages, costs (including, without limitation, attorneys' fees and all costs of court or other proceedings), and losses of every kind or nature at this time known or unknown, direct or indirect, fixed or contingent, which the Releasing Parties, have or hereafter may have arising out of the July 18, 2019 water damage (the "Released Claims"). IT IS THE EXPRESS INTENT OF THE RELEASING PARTIES THAT THE RELEASED CLAIMS SHALL INCLUDE ANY CLAIMS OR CAUSES OF ACTION ARISING FROM OR ATTRIBUTABLE TO THE NEGLIGENCE, GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY OF THE RELEASED PARTIES.

All other terms of the PSARA will remain unchanged. Attached is the First Amendment to the PSARA between FMERA and Martelli which is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board authorize the execution of a First Amendment to the PSARA with Martelli Development, LLC for the Suneagles Golf Course (Suneagles) in the Eatontown section of the Fort.


Bruce Steadman

Attachment: First Amendment to the Purchase and Sale & Redevelopment Agreement
Prepared by: Kara A. Kopach

ATTACHMENT

[The attachment that the preceding memo refers to has been removed from this full agenda.]



ADOPTED
August 19, 2020

Resolution Regarding
Third Amendment to Purchase and Sale & Redevelopment Agreement with Regional Development Group, LLC, subsequently assigned to Barker Circle Partnership, LLC for Barker Circle in Oceanport

WHEREAS, FMERA issued a Request for Offers to Purchase (“RFOTP”) in connection with the planned redevelopment of the Barker Circle Complex in Oceanport on March 8, 2017 and the Barker Circle Complex consists of an approximately 19.5± acre parcel of land containing seven buildings and totaling approximately 198,598 gsf located on Oceanport Avenue in the Main Post Area of Fort Monmouth and is located in the Fort’s National Register Historic District and the buildings are therefore subject to historic preservation covenants; and

WHEREAS, the PSARA was approved by the Board at its September 2019 meeting and executed on November 7, 2019; and

WHEREAS, Regional Development Group, LLC (“RDG”) assigned the PSARA to an affiliate, Barker Circle Partnership, LLC (“BCP”), created specifically for the Project immediately following execution of the PSARA; and

WHEREAS, BCP will pay Four Million Eight Hundred and Fifty Thousand (\$4,850,000) Dollars for the property and proposes to use the Barker Circle Complex for mixed-uses consisting of seventy-five residential units broken out as sixty market rate units and fifteen affordable housing units subject to confirmation that the affordable housing units satisfy Purchaser’s obligation to set aside at least twenty percent of the total residential units as housing that is affordable to low- and moderate-income households in accordance with N.J.A.C. 19:31C-3.23; and

WHEREAS, on May 20, 2020, the FMERA Board approved a Rule Modification under of Executive Order 103 (“EO 103”) for Purchase and Sale & Redevelopment Agreements (“PSARAs”), that allows COVID-impacted development projects with purchase prices over \$2,000,000 to request the return of its 10% deposit, as defined under N.J.A.C. 19:31C-2.7(b); and

WHEREAS, on June 1, 2020, BCP submitted a request to FMERA via letter, requesting the release of its 10% deposit and provided justification which demonstrated COVID-driven impacts to the project and BCP’s letter cited delays obtaining financing through financial institutions and the on-going development of new lending criteria in response to the pandemic, as significant hurdles to the project’s development; and

WHEREAS, the release of the 10% deposit is to be used to fund remaining site-work, planning & design required for the Mandatory Conceptual Review process and the Oceanport Planning Board review and BCP certified this financial hardship and use of the deposit prior to its release via a correspondence on June 9, 2020; and

WHEREAS, as a result, the Deposit under the Agreement was reduced to five percent (5%) of the original Purchase Price in the sum of \$242,500 and the balance of the remaining Deposit in the sum of \$485,000 plus accrued interest was refunded to BCP on July 6, 2020; and

WHEREAS, BCP proposed to reuse the remaining buildings Barker Circle buildings for commercial use; Building 206 as office space, Building 275 as a theater, and Building 282 as a restaurant; and

WHEREAS, on July 1, 2020, FMERA staff received a correspondence from BCP requesting an expansion of the allowable uses permitted in the buildings slated for commercial redevelopment; BCP cited current irregularities and vagaries of the real estate marketplace as cause for concern, noting that the targeted uses for Buildings 206, 275, and 282 have been subject to significant hardship in 2020 and face an unforeseeable future; and

WHEREAS, FMERA staff reviewed this request in conjunction with the RFOTP issued on March 8, 2017, which permitted residential, office/research & development, institutional and/or health care related use-proposals in

Buildings 205-208 and Building 287 and determined it permitted alternate uses for the Fire House (Building 282) and Kaplan Hall (Building 275) included office/research & development, retail, or other commercial uses; museum or arts center uses were also acceptable for Kaplan Hall; and

WHEREAS, based on the aforementioned, FMERA staff believes expanding the allowable uses as described in the attached memorandum will support the advancement and economic impact of Barker Circle's redevelopment; and

WHEREAS, the attached amendment to the PSARA includes the following revisions to material terms: Section 7(b)(i), shall be amended to permit office; medical offices such as physical therapy, business lofts, and accessory childcare in Building 206; restaurant, brewpub, brewery, arts retail such as studios & gallery space, and second-floor office not to exceed fifty percent (50%) of the total square footage in Building 282; and theater, arts uses, and ancillary office use in Building 275; and

WHEREAS, all other material terms of the PSARA as will remain unchanged. The attached Third Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Third Amendment to the Purchase and Sale & Redevelopment Agreement with Barker Circle Partnership, LLC for Barker Circle in Oceanport on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

Attachment

Dated: August 19, 2020

EXHIBIT 2

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Third Amendment to Purchase and Sale & Redevelopment Agreement with Regional Development Group, LLC, subsequently assigned to Barker Circle Partnership, LLC for Barker Circle in Oceanport

DATE: August 19, 2020

Request

I am requesting that the Board approve the Third Amendment to the Purchase and Sale & Redevelopment Agreement (“PSARA”) with Regional Development Group, LLC (“RDG”), subsequently assigned to its affiliate, Barker Circle Partnership, LLC (“BCP” or “Purchaser”) for Barker Circle in the Oceanport section of Fort Monmouth.

Background

FMERA issued a Request for Offers to Purchase (“RFOTP”) in connection with the planned redevelopment of the Barker Circle Complex in Oceanport on March 8, 2017. The Barker Circle Complex consists of an approximately 19.5± acre parcel of land containing seven buildings (Buildings 205, 206, 207, 208, 275, 282, and 287) totaling approximately 198,598 gsf located on Oceanport Avenue in the Main Post Area of Fort Monmouth. The Barker Circle Complex is located in the Fort’s National Register Historic District and the buildings are considered contributing historic resources and are therefore subject to historic preservation covenants.

Responses to the RFOTP were due on June 2, 2017 and four responses were received from Regional Development Group, Tigger House, Winn Companies, and RPM Development, LLC. An evaluation committee scored the proposals and RDG and RPM Development, LLC were the highest ranked proposals. FMERA requested that both proposers submit a best and final offer and RDG was considered the highest ranked proposal, based on purchase price. As RDG’s proposal was also compliant with the RFOTP, the evaluation committee recommended proceeding with negotiations for a PSARA.

The PSARA was approved by the Board at its September 2019 meeting and executed by FMERA and RDG on November 7, 2019.

With staff prior approval, RDG assigned the PSARA to an affiliate, BCP, created specifically for the Project immediately following execution of the PSARA. BCP remains subject to section 27 of the PSARA and including but is not limited to Chapter 51 compliance, demonstration of financial ability to complete the project, and unqualified and unconditional acceptance of the terms and conditions of the PSARA. The PSARA approved by the Board, and subsequently assigned to BCP, included the following terms, which remain unchanged:

BCP will pay Four Million Eight Hundred and Fifty Thousand (\$4,850,000) Dollars for the property. Purchaser proposes to use the Barker Circle Complex for mixed-uses consisting of 75 residential units broken out as sixty (60) market rate units and fifteen (15) affordable housing units (for sale or for rent, solely at Purchaser's option), subject to confirmation that the affordable housing units satisfy Purchaser's obligation to set aside at least twenty (20%) percent of the total residential units as housing that is affordable to low- and moderate-income households in accordance with N.J.A.C. 19:31C-3.23. Purchaser will use best efforts to target a portion of the affordable housing units for occupancy by veterans. Purchaser proposes to reuse the remaining buildings for commercial use. Purchaser intends to ground lease Buildings 275 and 282 from FMERA and take title to the balance of the Property. Purchaser's site plan and subdivision will be subject to FMERA's Mandatory Conceptual Review and Oceanport's planning board review.

First Amendment

The PSARA was executed on November 7, 2019 and included a due diligence period of ninety (90) days, with the option to extend the due diligence period for an additional sixty (60) days. Based on the complexity of the site and the historic nature of the property, additional time was required to fully assess and characterize the site. Under the Executive Director's discretion to administer the Board-approved PSARA, due diligence was extended until April 5, 2020. On April 1, 2020, BCP's counsel issued a letter to FMERA that conditionally terminated the PSARA to prevent due diligence from expiring and sought FMERA staff to ask the Board to provide an additional extension to the due diligence period. At its April 2020 meeting, FMERA staff recommended and the Board approved reinstating the PSARA and extending the due diligence period for approximately sixty (60) days from April 5, 2020 to allow for BCP to continue and conclude its due diligence investigations.

Second Amendment & Rule Modification

On May 20, 2020, the FMERA Board approved a Rule Modification under of Executive Order 103 ("EO 103") for Purchase and Sale & Redevelopment Agreements ("PSARAs"), that allows COVID-impacted development projects with purchase prices over \$2,000,000 to request the return of its 10% deposit, as defined under N.J.A.C. 19:31C-2.7(b).

On June 1, 2020, BCP submitted a request to FMERA via letter, requesting the release of its 10% deposit and provided justification which demonstrated COVID-driven impacts to the project. BCP's letter cited delays obtaining financing through financial institutions and the on-going development of new lending criteria in response to the pandemic, as significant hurdles to the project's development. The release of the 10% deposit is to be used to fund remaining site-work, planning & design required for the Mandatory Conceptual Review process and the Oceanport Planning Board review. BCP certified this financial hardship and use of the deposit prior to its release via a correspondence on June 9, 2020. As a result, the Deposit under the Agreement was reduced to five percent (5%) of the original Purchase Price in the sum of \$242,500 and the balance of the remaining Deposit in the sum of \$485,000 plus accrued interest was refunded to BCP on July 6, 2020.

Third Amendment

BCP proposed to reuse the remaining Barker Circle buildings for commercial use; Building 206 as office space, Building 275 as a theater, and Building 282 as a restaurant.

On July 1, 2020, FMERA staff received a correspondence from BCP requesting an expansion of the allowable uses permitted in the buildings slated for commercial redevelopment. BCP cited current irregularities and vagaries of the real estate marketplace as cause for concern, noting that the targeted uses for Buildings 206, 275, and 282 have been subject to significant hardship in 2020 and face an unforeseeable future.

FMERA staff reviewed this request in conjunction with the RFOTP issued on March 8, 2017, which permitted residential, office/research & development, institutional and/or health care related use-proposals in Buildings 205-208 and Building 287. In addition, it permitted alternate uses for the Fire House (Building 282) and Kaplan Hall (Building 275) included office/research & development, retail, or other commercial uses. Museum or arts center uses were also accepted for Kaplan Hall.

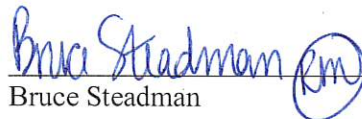
Based on the aforementioned, FMERA staff believes expanding the allowable uses to include the following will support the advancement and economic impact of Barker Circle's redevelopment. The proposed expanded uses for Buildings 206, Building 275, and Building 282 are as follows: Building 206 may include office, medical offices - excluding overnight stays - such as physical therapy, business lofts, and accessory childcare; Building 282 may include restaurant, brewpub, brewery, arts retail such as studios & gallery space, and second-floor office not to exceed fifty percent (50%) of the total square footage; and Building 275 may include theater, arts uses, and ancillary office use. FMERA staff has reviewed this request and recommends revising Section 7(b)(i), "Redevelopment Project," to expand the scope of the Project. The scoring for all compliant proposals remains unchanged and Regional Development Group remains the highest-ranking proposer.

The attached amendment to the PSARA includes the following revisions to material terms: Section 7(b)(i), shall be amended to permit office, medical offices such as physical therapy, business lofts, and accessory childcare in Building 206; restaurant, brewpub, brewery, arts retail such as studios & gallery space, and second-floor office not to exceed fifty percent (50%) of the total square footage in Building 282; and theater, arts uses, and ancillary office use in Building 275.

All other material terms of the PSARA will remain unchanged. The attached Third Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board approve the Third Amendment to the Purchase and Sale & Redevelopment Agreement ("PSARA") with Barker Circle Partnership, LLC, for Barker Circle in the Oceanport section of Fort Monmouth.


Bruce Steadman

Attachment: Third Amendment to Purchase and Sale & Redevelopment Agreement
Prepared by: Sarah Giberson

ATTACHMENT

[The attachment that the preceding memo refers to has been removed from this full agenda.]



ADOPTED
August 19, 2020

Resolution Regarding
Approval of Plan Amendment #15 Permitting Alternative Development Scenario in Oceanport

WHEREAS, the FMERA Act, P.L. 2010, c.51, in N.J.S.A. 52:27I-26(c), and the Land Use Rules, in N.J.A.C. 19:31C-3.27, authorize FMERA to amend the Reuse Plan from time to time as development progresses; and

WHEREAS, pursuant to the Land Use Rules, FMERA must transmit any proposed Reuse Plan amendment to the governing body of the three municipalities for a 45-day comment period and then consider any comments prior to the Board approving or disapproving the amendment; and

WHEREAS, the proposed Amendment #15, prepared by prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development and FMERA's planning consultant Phillips Preiss (PPG) envisions the redevelopment of the Oceanport Reuse Area for approximately 1.75 million square feet of non-residential space and 720 residential units which would include a high-tech/green-industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground; and

WHEREAS, in accordance with the FMERA Act and the Land Use Rules, the Board approved transmitting the proposed Reuse Plan Amendment #15 to the host municipalities at its June 17, 2020 meeting; and

WHEREAS, the 45-day comment period commenced on July 3, 2020; and

WHEREAS, the comment period expired on August 17, 2020 and correspondence was received from Eatontown, Oceanport and Tinton Falls; and

WHEREAS, FMERA staff reviewed the correspondence and provided responses to all comments to the Real Estate Committee and recommended that Plan Amendment #15 be modified in response to certain comments from the Borough of Oceanport; and

WHEREAS, the Real Estate Committee has reviewed the responses to the comments from the three host municipalities for the Reuse Plan Amendment #15 and recommends adoption of Amendment #15 to the Board.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority adopts the responses contained in the attached memorandum, to the comments from the Boroughs of Eatontown and Oceanport, Tinton Falls.
2. As expressed in the attached memorandum, the Authority approves Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan that would permit an alternative development scenario in the Oceanport Reuse Area.
3. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: August 19, 2020

EXHIBIT 3

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Recommendation to Approve Plan Amendment #15 Permitting an Alternative Development Scenario with respect to the Commissary and PX Complex, the Parking Lot, the Warehouse District, and the Post Office Area in Oceanport.

DATE: August 19, 2020

Request

I am requesting that the Board approve Plan Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”) that would permit an alternative development scenario regarding the Commissary and PX Complex, the Parking Lot, the Warehouse District, and the Post Office Area in Oceanport.

Background

In 2008, the Reuse Plan was completed and accepted by the U.S. Department of Housing and Urban Development and the U.S. Department of Defense and serves as the Plan for the redevelopment and revitalization of Fort Monmouth to be implemented by FMERA. FMERA’s enabling legislation, P.L. 2010 c. 51 (the “Act”), the Land Use Rules subsequently adopted in 2013, N.J.A.C. 19:31C-3 et seq. (“Land Use Rules”), and the Reuse Plan contemplate that amendments to the Reuse Plan would be required from time to time. Specifically, the Act authorizes FMERA “to adopt, revise, adjust, and implement ... any aspect of the plan.”

Reuse Plan amendments allow FMERA to respond to opportunities that arise through the Request for Offers to Purchase (“RFOTP”) process. The amendment is required to be a report or statement with proposals that include the following:

1. Objectives, assumptions, and standards on which the plan is based;
2. The relationship to statewide, county and municipal planning objectives;
3. Proposed land uses; and
4. Any significant relationship to municipal and county plans as well as the State Development and Redevelopment Plan.

According to the Land Use Rules, the FMERA Board shall consider the following as guidance when reviewing a proposed amendment:

1. Whether the proposed amendment would result in a material change in the overall development yield or affordable housing obligations of the host municipality, or would result in any negative impact to the Authority’s obligations pursuant to the Fair Housing Act of 1985;
2. Whether the proposed amendment would result in any significant adverse impact on other areas of Fort Monmouth;

3. Whether the proposed amendment would substantially impair the intent and purposes of the Reuse Plan;
4. Whether the proposed amendment would have any negative impact on the Authority's obligations pursuant to the Base Realignment and Closure Act ("BRAC") and any agreement with the U.S. Army conveying Fort Monmouth property to the Authority; and
5. Whether the proposed amendment would have significant adverse infrastructure ramifications different from those envisioned in the Reuse Plan.

In accordance with the Act and the Land Use Rules, prior to approving an amendment to the Plan, the amendment must be transmitted to the governing body of each host municipality for a 45-day comment period, at the end of which each municipality may provide FMERA with a written report containing the municipality's recommendations. Staff will review the report from each host municipality and prepare a preliminary analysis with reasons for accepting or not accepting the recommendations. This report shall be presented to the Board for its consideration and approval.

Development Contemplated under the Reuse Plan

The Reuse Plan envisions the redevelopment of the Oceanport Reuse Area for approximately 1.75 million square feet of non-residential space and 720 residential units. The development would include a high-tech/green-industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground.

With respect to the Commissary & PX Complex and Parking Lot, the Reuse Plan as well as Reuse Plan Amendment #2 contemplates the renovation and reuse of The Commissary as a retail and/or community center and the demolition of the PX Complex. With respect to the Warehouse District, the Reuse Plan as well as Reuse Plan Amendment #2 contemplates the demolition of all seven buildings on the Warehouse District and the construction of new housing; however, FMERA has identified an alternate placement for housing. With respect to the Post Office Area, the Reuse Plan as well as Plan Amendment #2 contemplates the demolition of all four buildings on the Post Office Area parcel and the construction of a new public elementary school within the parcel however, the Borough of Oceanport has since identified an alternate resolution for a new public elementary school.

The Proposed Reuse Plan Amendment

The attached proposed Plan Amendment #15 prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development and FMERA's planning consultant Phillips Preiss (PPG) would permit the following on the subject parcels:

DISTRICT A

The Post Office Area, Commissary & PX-Complex and Parking Lot

The proposed amendment would permit the following on the Commissary & PX Complex:

- a. Permitted Principal Uses
 1. Food Service - Research & Development (R&D)
 2. Flex Space
 3. Office
 4. Research & Development
 5. Instructional Schools and Studios
- b. Permitted Uses for Commissary Building

The Commissary Building must be adaptively reused. The following uses are permitted for the adaptive reuse of the Commissary Building.

 1. Craft Production facility
 2. Food Service - Related Establishment
 3. Food Service - Research & Development (R&D)
- c. Floor Area Ratio (FAR): The permitted Floor Area Ratio will not exceed 0.30.

- d. Building Height: The standard set forth in the FMERA Land Use Rules *N.J.A.C. 19:31C-3.5(c)* shall apply to this proposed amendment. Pursuant to N.J.A.C. 19:31C-3.5(c)(3) rooftop appurtenances, such as parapets and other design features, may exceed the permitted building height by up to 15 percent above the permitted building height set forth herein.
- e. Maximum Impervious Lot Coverage: The permitted Maximum Impervious Lot Coverage for this Area shall not exceed 75%
- f. Additional Modifications to the Reuse Plan as reflected in the Attached Amendment

The Warehouse District

The proposed amendment would permit the following on the Warehouse District:

- a. Permitted Principal Uses
 - 1. Flex Space
 - 2. Medical Office
 - 3. Office
 - 4. Research & Development
- b. Floor Area Ratio (FAR): The permitted Floor Area Ratio shall not exceed 0.30
- c. Building Height: The standard set forth in the FMERA Land Use Rules *N.J.A.C. 19:31C-3.5(c)* shall apply to this proposed amendment. Pursuant to N.J.A.C. 19:31C-3.5(c)(3) rooftop appurtenances, such as parapets and other design features, may exceed the permitted building height by up to 15 percent above the permitted building height set forth herein.
- d. Maximum Impervious Lot Coverage: The permitted Maximum Impervious Lot Coverage for this Area shall not exceed 70%
- e. Additional Modifications to the Reuse Plan as reflected in the Attached Amendment

Parking Requirements:

The parking requirement, including Shared Parking ratio shall be applicable to both Warehouse District and District A.

Each use permitted shall provide the minimum number of automobile parking spaces indicated in the table below.

- 1. Flex Space shall minimally require one space per 800 square feet of GFA.
- 2. Office shall minimally require four spaces per 1,000 square feet of GFA.
- 3. Research & Development shall minimally require four spaces per 1,000 square feet of GFA.
- 4. Food Service - Research and Development shall minimally require four spaces per 1,000 square feet of GFA.
- 5. Entertainment & Recreation Use shall minimally require four spaces per 1,000 square feet of GFA.

Shared Parking: Shared parking calculation shall be calculated per FMERA Land Use Rules 19:31C-3.7 (b) (1-4)

Loading Requirements:

- 1. The Loading space requirements for the Warehouse District and District A shall be modified to allow the following minimum requirements:
 - a. One space/first 10,000 sq. ft. and then 1 space/40,000 sq. ft.
- 2. All other loading requirements as set forth in FMERA's Land Use Rules 19:31C-3.7(c)(1-3) shall be applicable for loading.

Staff has reviewed the Amendment with regard to the criteria in the Land Use Rules, in N.J.A.C. 19:31C-3.27(c)(5), for reviewing a proposed amendment and proposes the following conclusions:

- 1) This Amendment affects only the Oceanport Reuse Area. This amendment does not contemplate the construction of any residential square footage. This Amendment is consistent with the Reuse Plan and permits up to 720 residential dwelling units in the Oceanport Reuse Area.
- 2) This Amendment permits diverse tech-oriented uses and these uses are consistent with the goal and uses contemplated in the Reuse Plan.
- 3) This Amendment would not adversely impact any of the "Transportation Circulation Improvement Goals" established in the Reuse Plan.
- 4) This Amendment does not impact any active recreation or open space contemplated in the Reuse Plan. Furthermore, this Amendment aims to encourage the concept of placemaking and the development of public space, plaza, and walkways within the redevelopment area which is consistent with the Reuse Plan.
- 5) This Amendment is well aligned with the sustainably element of the Reuse Plan.
- 6) The uses contemplated in this Amendment are compatible with the surrounding land uses anticipated in the Reuse Plan and subsequent amendments.
- 7) This Amendment permits up to +/- 268,700 Sq. ft commercial and R& D related uses in the Warehouse-Commissary-Post Office area, with the maximum permitted FAR range 0.30 which is not significantly high for the uses contemplated in the Reuse Plan. Therefore, the proposed uses and the total increase of square footage as a result of the proposed amendment, will not generate significant additional traffic above what was anticipated in the Reuse Plan. As such, the existing road network system as contemplated in the Reuse Plan is expected to accommodate any additional traffic generated from the commercial and R& D uses. A detailed traffic analysis would be prepared as part of any site plan review related to the reuse and/or development of this parcel. Any necessary traffic mitigation would be addressed at that time.
- 8) This Amendment would maintain the overarching land use concepts, objectives and principles of the Reuse Plan and addresses the relationship of the new uses at the subject parcel with the surrounding uses. Thus, the Reuse Plan would remain a rational coordinated land use plan.
- 9) This Amendment is consistent with the Authority's BRAC obligations and the existing Phase 2 Economic Development Conveyance ("EDC") agreement with the Army by incorporating open space uses envisioned in the Reuse Plan approved as part of the BRAC process.

In accordance with the Act and the Land Use Rules, on June 17, 2020, the FMERA Board approved the transmittal of proposed Amendment #15 to the governing body of each municipality for a 45-day comment period. The municipalities received Amendment #15 on July 3, 2020, upon expiration of the Governor's 10-day veto period; the comment period ended on August 17, 2019. The correspondence received from Oceanport, Eatontown and Tinton Falls is attached ("**Exhibit A**").

The letter from the Tinton Falls Council President states that the Borough Council reviewed the amendment and has no comment.

The letter from the Eatontown Mayor states that the Borough Council reviewed the amendment and has no comment.

The Authority received a formal correspondence from the Borough of Oceanport August 13, 2020. The correspondence states that Amendment #15 solicited comments from the Borough Planner, Borough Engineer, Environmental Commission, Planning Board, Police Department, First Aid, Fire Department and Office of Emergency Management. The correspondence also states that the Borough is supportive of the alternative development plan, if appropriately designed for the area and includes a report prepared by Borough's Planner Kendra Lelie, PP, AICP, LLA from Kyle +McManus Associates, also attached as Exhibit A. The Planner's report highlights salient features of the proposed amendment and include some comments and recommendations.

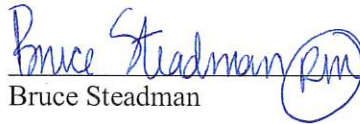
Per FMERA's Land Use Rules, Authority staff must review reports from each municipality and provide a preliminary analysis of reasons for accepting or not accepting recommendations received from host municipalities. FMERA has responded to all of these public comments in the attached report ("**Exhibit B**").

FMERA did not receive any specific feedback relative to the proposed uses and the bulk standards from the Borough of Oceanport. The comments received from the Borough of Oceanport concerning traffic impact, circulation, and connectivity will be addressed during FMERA's MCR process and site plan review process. With regard to concerns and questions raised about architectural design and building layout, any development within Fort Monmouth must adhere to the design guidelines in FMERA's Land Use Rules. Additionally, all development on Fort Monmouth is subject to FMERA's Mandatory Conceptual Review ("MCR") and Borough Planning Board review. Further, it is anticipated that during the Borough's approval process any pertinent departments will have the opportunity to review the application. As such, the authority believes that Amendment #15 as proposed needs no further modification and revision.

After reviewing the comments of the host municipalities, FMERA staff recommends the Board's approval of the proposed Plan Amendment #15. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

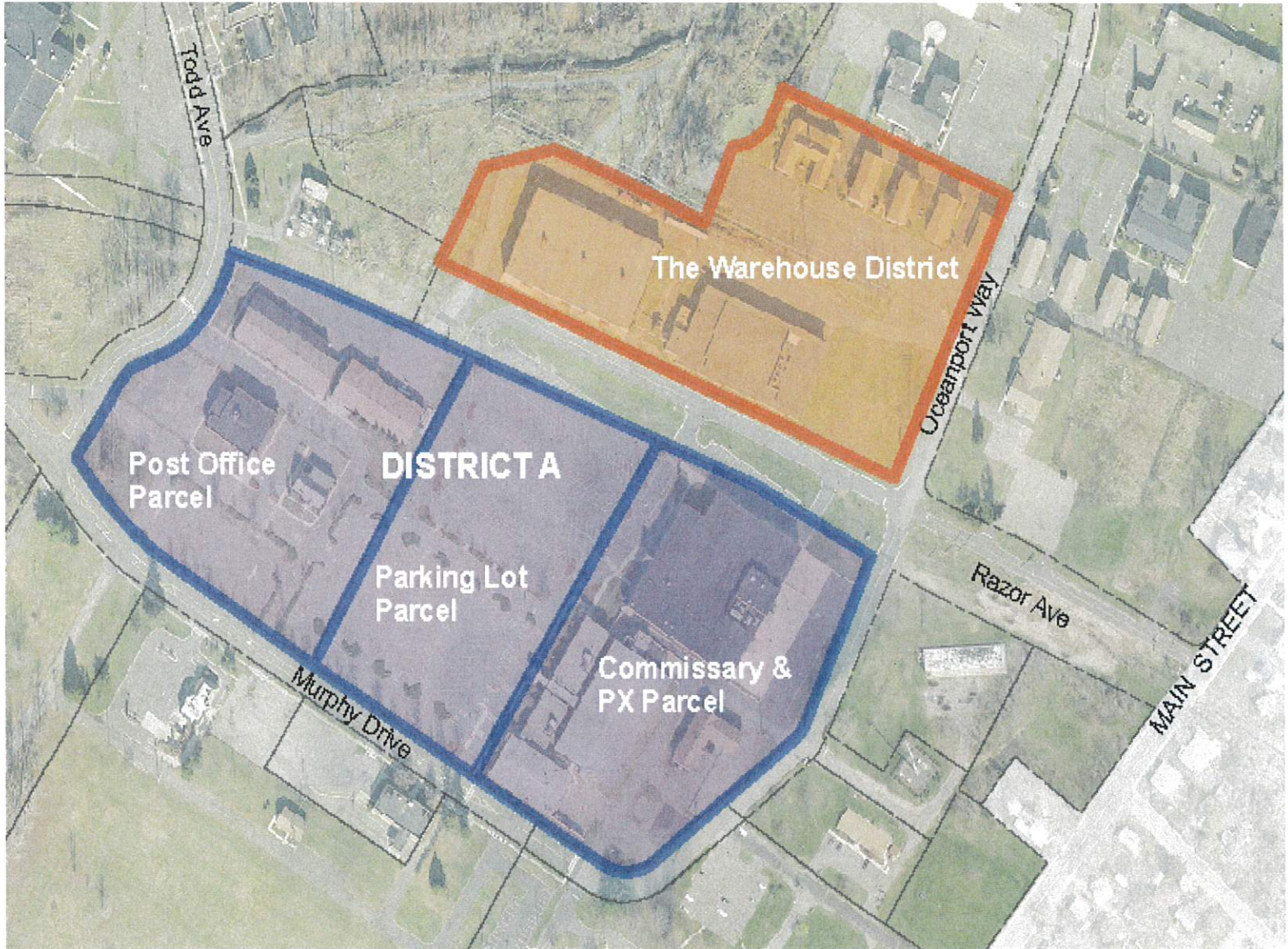
In summary, I am requesting that the Board approve Plan Amendment #15 to the Reuse Plan that would permit an alternative development scenario regarding the Commissary and PX Complex, the Parking Lot, the Warehouse District, and the Post Office Area in Oceanport.


Bruce Steadman

Attachments: Reuse Plan Amendment #15
Reports from Host Municipalities ("**Exhibit A**")
Plan Amendment #15 Comment Report ("**Exhibit B**")
Prepared by: Upendra Sapkota

Amendment #15 to the
Fort Monmouth Reuse and
Redevelopment Plan

August 2020



Fort Monmouth Economic Revitalization Authority



Amendment #15 to the
Fort Monmouth Reuse and Redevelopment Plan

Prepared by:

Upendra Sapkota, PP, AICP, LEED AP
New Jersey Professional License #8200
Senior Officer- Planning and Development
The Fort Monmouth Economic Revitalization Authority

Fort Monmouth Reuse and Redevelopment Plan, adopted: October 2008

Amendments to the Fort Monmouth Reuse and Redevelopment Plan

- Amendment #1:** Parcel E in Tinton Falls, adopted May 2012
- Amendment #2:** Patterson Clinic in Oceanport, adopted December 2012
- Amendment #3:** Several parcels in Tinton Falls, adopted November 2015
- Amendment #4:** Russel Hall and Dance Hall in Oceanport, adopted January 2016
- Amendment #5:** Pistol Range in Tinton Falls, adopted May 2016
- Amendment #6:** Two parcels in Oceanport, adopted July 2016
- Amendment #7:** Fitness Center in Oceanport, adopted August 2016
- Amendment #9:** Eatontown Barracks and DPW in Eatontown, adopted December 2017
- Amendment #10:** Suneagles Golf Course in Eatontown, adopted May 2018
- Amendment #11:** Allison Hall in Oceanport, adopted December 2018
- Amendment #12:** Myer Center in Tinton Falls, adopted January 2019
- Amendment #13:** Squier Hall in Oceanport, adopted April 2019
- Amendment #14:** Lodging Area in Oceanport, adopted May 2019

ACKNOWLEDGEMENTS

Fort Monmouth Economic Revitalization Authority (FMERA) Board

Robert W. Lucky – Interim Chairman & Public Member, Fort Monmouth Economic Revitalization Authority
Lillian Burry – Monmouth County Board of Chosen Freeholders
Jay Coffey – Mayor of Oceanport
Anthony Talerico – Mayor of Eatontown
Vito Perillo – Mayor of Tinton Falls
Kevin A. Quinn – NJEDA Board Chairman
Brian Wilton – Governor's Representative
Catherine McCabe – Commissioner Director, Site Remediation Program, NJ Department of Environmental Protection
Diane Gutierrez Scaccetti – Commissioner, NJ Department of Transportation
Robert Asaro-Angelo – Commissioner, Central Regional Chief, NJ Department of Labor & Workforce Development
Sheila Oliver – Commissioner, New Jersey Department of Community Affairs

Planning Consultant

Elizabeth Leheny, AICP, PP/ Principal
Phillips Preiss Grygiel Leheny Hughes LLC

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I. Introduction

The Fort Monmouth Reuse and Redevelopment Plan (“the Reuse Plan”) was adopted by the Fort Monmouth Economic Revitalization Planning Authority (“FMERPA”) Board on October 15, 2008. Subsequently, the Reuse Plan has been amended 14 times since its first adoption to address the changing development climate.

To further support redevelopment opportunities and economic vitality within the Fort area, pursuant to P.L.2010, c. 10 (N.J.S.A. 52:27I-18 et. seq.), the Fort Monmouth Economic Revitalization Authority (“FMERA”) is considering amending the Reuse Plan to revise development standards (bulk standards) and provide the option for an alternative development scenario on the following parcels that are located in the former Fort Monmouth property in the Borough of Oceanport, New Jersey (“Oceanport Reuse Area”) as shown on Appendix A.

This amendment does not purport to delete any provisions of the Reuse Plan but rather supplements the Plan by proposing alternative development scenarios for the parcels in the Fort area as shown as shown on Appendix B. Under N.J.A.C. 19:31C-3.19(a)(1), principal land uses permitted in the *Reuse Plan* are specifically permitted under the Land Use Rules. Thus, this amendment is incorporated into the Land Use Rules for the Reuse Area in a manner similar to an “overlay zone,” whereby an alternative set of requirements are superimposed on the area allowing for alternative land use scenarios to be realized. With regard to the alternative land use scenario, the overlay zoning provides alternative opportunities for development that do not apply unless the land is developed in accordance with the purposes for which the overlay zoning is adopted.

This amendment, referred to as “Amendment #15,” is consistent with the planning objectives and principles articulated in the Reuse Plan and is necessary to fulfill the Authority’s main objectives, specifically job creation, economic development, and leveraging existing Fort assets.

This is the eighth amendment to the *Reuse Plan* for the Oceanport Reuse Area. Amendment #2 permitted the reuse of the Patterson Army Health Clinic as a medical clinic. Amendment #4 allowed for office/research uses in Russel Hall (Building 286) and permitted the Dance Hall (Building 552) to be reused for commercial/retail uses including outdoor dining accessory uses and provided for the maintenance of Van Kirk Park as open space. Amendment #6 allowed for a 13-acre parcel in the southern section of the Oceanport Reuse Area to be reused by the Borough of Oceanport and a 3-acre parcel to be developed as a County emergency homeless shelter; the *Reuse Plan* contemplated these government/civic/institutional uses of the Oceanport Reuse Area, but in other locations. In particular, the *Reuse Plan* called for a 15,000 square foot emergency shelter to be located on the Squier Hall parcel in Building 288. Amendment #6 moved that use to the new 3-acre site and designated Building 288 to be used for office and/or open space. Amendment #7 allowed for Building 114 (the Fitness Center) to be reused as a privately- operated commercial recreation facility, and Amendment #11 allowed for a variety of commercial and office uses on the Allison Hall parcel and transfers the residential units proposed on Allison Hall parcel to the Lodging parcel and permits the boutique hotel to be built on the Allison Hall site. Amendment #13 to the *Reuse Plan* contemplates the reuse of the Building 283 (Squier Hall) for higher education classrooms and ancillary uses, permits the demolition of Buildings 291 and 295 and allows for

institutions of higher education and all ancillary uses, which include, but are not limited to, classrooms, labs, libraries, residence halls, parking garages, arts centers, athletic facilities, both buildings and fields, cafeterias, bookstores, and similar uses that are typical to a college campus. Reuse Plan Amendment #14 (the "Amendment") to the Reuse Plan permits an alternative development scenario on the subject property known as the "Lodging Area Parcel". The Amendment permits demolition of Buildings 360, 361, 362, 363, 364, and 365 and reuse of Buildings 270 and 271 for affordable housing. Additionally, the Amendment permits the construction of 144 market-rate townhomes and development of at least a ±50-foot-wide waterfront esplanade along Parkers Creek including a 12-foot wide walkway designed in a complimentary coordinated style to the adjacent Allison Hall riverfront promenade.

The Fort Monmouth *Reuse and Redevelopment Plan* involved years of careful consideration and study as well as an extensive effort to draw input from residents, the three host municipalities and the County, State and Federal government. As such, this amendment does not change the underlying Plan vision for the Oceanport Reuse Area. Instead, it provides land use options that afford FMERA with the necessary flexibility to respond to changed circumstances in a manner that does not compromise the overall *Reuse Plan* goals and objectives.

The following chapter describes the nature and scope of the amendment, while succeeding chapters discuss its relationship to the elements, objectives and planning principles of the *Reuse Plan*, as well as to FMERA's own directive, and to relevant State, County and Municipal planning objectives.

II. Goals and Objectives

The primary goal of this Amendment is to further sustainable economic development of the Fort Monmouth area by encouraging a mix of futuristic uses with greater economic viability. The amendment also aims to promote sustainable and resilient development strategies. Some of the key plan goals and policy objectives are outlined below:

- a. Encourage reinvestment and redevelopments within the Fort Monmouth area.
- b. Encourage and promote a well-planned mixed-use environment with commercial, research and development (R & D) cluster and office uses consistent with the *Reuse Plan* to build a competitive advantage in the Fort Area.
- c. Promote the creation of vibrant retail, commercial and office spaces and create job opportunities for local residents.
- d. Address some of the limitations of FMERA's current land use rules and development standards and revise those standards to provide desired flexibility for current & future redevelopment projects.
- e. Enhance economic viability and livability of the area through improved pedestrian connectivity and walkability.

III. Scope of the *Reuse Plan* Amendment

The Fort Monmouth properties in Oceanport Reuse Area total approximately 419 acres and are bounded generally by New Jersey Transit's North Jersey Coast Line, Main Street and Oceanport Creek to the south, Parkers Creek to the north, and the former Fort properties in Eatontown to the west. The *Reuse Plan* envisions redevelopment of Oceanport Reuse area for approximately 1.75 million square feet of non-residential space and 720 residential units. Such development would include a high-tech/green industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground.

This amendment maintains the development concepts and plans articulated in the *Reuse Plan* but further permits alternative development scenarios on the Warehouse District Parcel and District A (a merger of the Commissary and PX Complex, Parking Lot and the Post Office Area) parcels located in the Oceanport Reuse Area as shown in Appendix A. The details of the amendment to the land use plan and alternative development scenario contemplated in this amendment are provided below.

a. Amendment to Land Use Plan

The "Land Use Plan" is a figure in the *Reuse and Redevelopment Plan* which divides the Fort into the following broad land use categories: low density/residential; medium density residential; mixed/multi use; commercial/retail; lodging; office/R&D; Institutional; and Open Space. As shown in Appendix B, this amendment modifies that Land Use Plan with regard to the Warehouse District and District A.

Please note that throughout the former Fort Monmouth, the land use categories provided in the Land Use Plan shall be expanded and refined to include the uses listed in N.J.A.C. 19:31c-3.4 of the Land Use Rules, as well as those uses described below.

1. Commercial/Retail

- a. "Craft Production" as defined in Amendment #4, i.e., shall mean "a commercial use that involves the production of arts, crafts, foods, beverages or other product with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Craft production establishments are compatible and are often co-located with retail sales and service uses. This use category includes but is not limited to coffee roasting and alcoholic beverage production. Establishments engaged in the craft production of alcoholic beverages including craft wineries, craft breweries, and craft distilleries shall be limited to no more than 10,000 gallons of product per year for brewpubs; 20,000 gallons for craft distilleries; and 300,000 gallons for microbreweries." The definition is further expanded in this amendment to specify that commercial establishments such as breweries, distilleries, and wineries shall be licensed by the Alcoholic Beverage Commission pursuant to N.J.S.A 33:1-10.
- b. "Instructional Schools and Studios" which shall mean "an establishment containing recreational facilities, such as dance schools, martial arts, yoga studios, Pilates, karate and dance studios, or similar group uses involving group instruction. This use may include accessory saunas, showers, massage rooms and lockers, snack bars providing non-alcoholic drinks and pre-packaged snacks not prepared on the premises, and sports equipment and clothing shops customarily accessory to the principal use."

2. Office/Research and Development

- a. "Food Service-Related Establishments" which shall mean "a building or establishment used for preparing, manufacturing, processing, bottling, packaging, assembly of food goods, and storage and distribution of food-related goods and products. Food Service-Related Establishment may also contain the following uses accessory to the principal use: ghost kitchen, shared kitchen, kitchen incubator, restaurant, cafe, event space and catering kitchen."
- b. "Food Service- Research & Development" which shall mean "a building or establishment used for food educational & research facilities, culinary school, demonstration kitchens, media kitchens, food membership, food testing, rooftop and interior growing of food products, nutritional health facilities and storage, and distribution of food-related goods and products. Uses may include cafeteria and other ancillary uses related to Research and Development."
- c. "Flex Space" shall mean "a building, or part of a building, used for research, office, and light industrial/fabrication/assembly uses (as defined in Amendment #3)¹ that is suitable or capable of

¹ In the Amendment #3, Light Industrial/Fabrication/Assembly is defined as follows: A land use where the primary activity involved is one of the fabrication, maintenance, alteration, repairing, finishing, or assembling of standardized parts as contrasted to a processing activity which would involve a physical or chemical process that could change the nature or character of the product of raw material or which would cause or result in toxic or objectionable or corrosive fumes, vapors, odors, effluent, gas, smoke, dust, glare, flashes or excessive noise or vibration. Any and all manufacturing, fabrication, maintenance, alteration, repairing, finishing, or assembling shall be carried on within and confined to an enclosed structure or structures. Light Assembly is also permitted which refers to the process of assembling pre-manufactured materials or components with minimal use of chemical and/or mechanical processes. In addition to the fabrication and assembly of goods, light industrial uses may include, but are not limited to, warehousing; distribution; research and development facilities as defined in the Land Use Rules; and contractor services (contractor services shall mean a business which provides a service which is primarily performed off-site. Few customers visit the site. Common examples of contractor services include plumbing, heating, electrical, and air conditioning service, exterminator service, lawn and garden service, and construction services.). Light industrial uses also permit incidental offices and limited retail sales. The regulations in the Land Use Rules for Building Setbacks and Building Height for office/R&D uses shall apply to light industrial/fabrication/assembly uses.

being changed to accommodate a variety of uses and designed to be used on a short- or long-term basis.

3. Prohibited Uses Applicable to This Amendment Only

- a. For this amendment only the term "Medical Office" shall not include inpatient services.

b. Bulk Regulations

1. The Warehouse District

The Warehouse District parcel consists of an approximately 8-acre site containing seven buildings: two circa 1954 warehouses, Building 975 (36,000 sf) and Building 976 (26,880 sf); Building 909, a circa 1942, 5,269 sf administrative building; and Buildings 910, 911, 912 & 913, four circa 1943 administrative buildings, each totaling 4,720. The parcel borders on Razor Avenue and Murphy Drive AKA Oceanport Way in the Oceanport Reuse Area of the Fort.

The *Reuse Plan* as well as the Reuse Plan Amendment #2 contemplate the demolition of all seven buildings on the Warehouse District and the construction of new housing. As the residential housing has been targeted in other areas, the proposed amendment would permit the following on the Warehouse District:

- a. Permitted Principal Use
 1. Flex Space
 2. Medical Office
 3. Office
- b. Research & Development
Permitted Accessory Use
 1. Interior storage or small warehouse space may also be accessory to the principal use of the building but under no circumstance shall be greater than 35% of total built space or 25,000 sq. ft, whichever is less.
- c. Floor Area Ratio (FAR): The permitted Floor Area Ratio shall not exceed 0.3.
- d. Building Height: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(c) shall apply to this proposed amendment.²
- e. Street Facing Building Setback: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.14(d) shall apply to this proposed amendment.
- f. Maximum Impervious Lot Coverage: The permitted Maximum Impervious Lot Coverage shall not exceed 70%.
- g. Side lot line setbacks: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.
- h. Rear Yard Set Back: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.

² For the avoidance of doubt, pursuant to N.J.A.C. 19:31C-3.5(c)(3) rooftop appurtenances, such as parapets and other design features, may exceed the permitted building height by up to 15 percent above the permitted building height set forth herein.

1.1 Additional Requirements

The following additional requirements will be applicable to the Warehouse District

- a. Street intersections shall be located at least 150 feet from other new or existing intersections.
- b. Up to three (3) entrances from Murphy Drive AKA Oceanport Way to the Subject Parcel are permitted, subject to approvals by the County and municipality.
- c. Driveways or curb cuts shall be up to 40 feet in width, subject to approvals by the County and municipality. FMERA Land Use Rules 19:31C-3.9 (c) shall be applicable for all other requirements driveways or curb cuts.
- d. The site is not required to propose any lighting along Murphy Drive AKA Oceanport Way.
- e. No setback from the adjacent property line or public right of way is required for existing Northern Private road and the relocated Anson Avenue.

2. District A

The amendment will create an alternative development scenario applicable to the - District A as shown in Appendix A. The District A consists of the Post Office Area, the Commissary & PX, and Parking Lot parcels.

2.1 The Post Office Area

The Post Office Area parcel totals an approximately six (6) acres of land containing four (4) buildings: the 7,641± sf former Post Office (Building 1005), constructed in 1971; Tickets & Tours (Building 1010), a 2,600± sf building constructed in 1970; Building 800, a circa 1942 14,964± sf administration and classroom building renovated by the Army; and Building 801, the 9,267± sf recreation equipment checkout facility built in 1941. The Post Office Area parcel borders on Todd, Alexander and Rasor (aka Anson) Avenues in the Oceanport Reuse Area of the Fort. The *Reuse Plan* as well as the Reuse Plan Amendment #2 contemplate the demolition of all four buildings on the Post Office Area parcel and the construction of a new public elementary school within the parcel. As the Borough has identified an alternate resolution for a new public elementary school, the proposed amendment would not include school as a permitted use.

2.2 The Commissary, PX Complex & Parking Lot

The Commissary, PX complex and the Parking Lot parcels totals approximately eleven (11) acres. The Commissary and PX Complex includes the 25,626 sf. Post Exchange (Buildings 1000, 1001, 1002 & 1003), the 53,700-sf. former grocery (Building 1007) and the 5,563 sf. Army Community Service Center (Building 812). The Commissary and PX Complex, is approximately 6.385 acres in area. The Parking Lot consists of an approximately 4.90-acre paved lot. The Property borders on Rasor Avenue and Murphy Drive AKA Oceanport Way in the Oceanport Reuse Area of the Fort.

The *Reuse Plan* as well as the Reuse Plan Amendment #2 contemplate the renovation and reuse of The Commissary as a retail and/or community center and the demolition of the PX-Complex.

2.3 Permitted Uses in District A

The following uses are permitted in District A.

Permitted Principal Uses

1. Food Service - Research & Development (R&D)
 2. Flex Space
 3. Office
 4. Research & Development
 5. Instructional Schools and Studios
- a. Permitted Accessory Use
- a. Interior storage or small warehouse space may also be accessory to the principal use of the building but under no circumstance shall be greater than 25% of total built space or 10,000 sq. ft, whichever is less.
- b. Permitted Uses for Commissary Building

The Commissary Building must be adaptively reused. The following uses are permitted for the adaptive reuse of the Commissary Building.

1. Craft Production facility
2. Food Service - Related Establishments
3. Food Service - Research & Development

2.4 Bulk Regulations Applicable to District A

The following bulk requirements will be applicable to District A.

- a. Floor Area Ratio (FAR): The permitted Floor Area Ratio shall not exceed 0.3.
- b. Building Height: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(c) shall apply to this proposed amendment.³
- c. Street Facing Building Setback: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.14(d) shall apply to this proposed amendment.
- c. Maximum Impervious Lot Coverage: The permitted Maximum Impervious Lot Coverage shall not exceed 75%.
- d. Side lot line setbacks: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.
- e. Rear Yard Set Back: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.

³ For the avoidance of doubt, pursuant to N.J.A.C. 19:31C-3.5(c)(3) rooftop appurtenances, such as parapets and other design features, may exceed the permitted building height by up to 15 percent above the permitted building height set forth herein.

2.5 Additional Requirements Applicable to District A

The following additional requirements will be applicable to District A.

- a. The Property shall provide screening for the existing loading area to comply with 3.7(c)1. Notwithstanding the height requirement in 3.10(g)1, a 6-8' wall shall be permitted in the Commissary loading area. This wall shall comply with all sight triangle requirements.
- b. Notwithstanding the loading requirement in 19:31C-3.7(c)2, existing loading area on Murphy Drive AKA Oceanport Way is permitted for the Commissary Building.
- c. The development on the site is not required to propose any lighting along Alexander Ave, Todd Ave and Murphy Drive AKA Oceanport Way.
- d. Up to four (4) entry driveway from adjacent roadways to the Subject Parcel are permitted, subject to approvals by the County and municipality.
- e. Driveways or curb cuts shall be up to 40 feet in width, subject to approvals by the County and municipality. FMERA Land Use Rules 19:31C-3.9 (c) shall be applicable for all other requirements driveways or curb cuts.

3. Parking and Loading Requirements:

The following shall apply to both Warehouse District and District A with regard to Parking and Loading.

- a. Parking:

Each use permitted shall provide the minimum number of automobile parking spaces indicated in the table below.

Land Use	Minimum Space Required
Flex Space	One space per 800 square feet of GFA
Food Service-Related Establishments	Four spaces per 1,000 square feet of GFA
Research & Development/Food Service - Research & Development	Four spaces per 1,000 square feet of GFA
Instructional Schools and Studios	Four spaces per 1,000 square feet of GFA

- b. Shared Parking: Shared parking requirements are indicated in the table below. Shared parking calculation shall be done as per FMERA Land Use Rules 19:31C-3.7 (b) (1-4)

Weekday Rates	Flex Space	Food Service Related Establishments	Research & Development/Food Service - Research & Development	Instructional Schools and Studios
Daytime (8 AM-6PM)	90%	100%	100%	100%
Evening (6PM-Midnight)	80%	80%	50%	40%
Nighttime (Midnight-8 AM)	5%	5%	5%	5%

Weekend Rates	Flex Space	Food Service Related Establishments	Research & Development/Food Service – Research & Development	Instructional Schools and Studios
Daytime (8 AM-6PM)	80%	50%	40%	100%
Evening (6PM-Midnight)	50%	5%	5%	10%
Nighttime (Midnight-8 AM)	5%	5%	5%	5%

1. The parking ratio set forth in the FMERA Land Use Rules 19:31C-3.7(a) shall apply for Office use, including Medical Office.
2. The shared parking requirements set forth in the FMERA Land Use Rules 19:31C-3.7(b) shall apply for Office use, including Medical Office.

c. Loading:

1. The following loading space requirement shall be applicable to both Warehouse District and District A.

Land Use	Minimum Space Required
Flex Space	One space per first 10,000 sq. ft. and One space per 40,000 thereafter.
Food Service-Related Establishments	One space per first 15,000 sq. ft. and One space per 40,000 thereafter.
Research & Development (R&D) Food Service - Research & Development	One space per first 15,000 sq. ft. and One space per 40,000 thereafter.
Instructional Schools and Studios	One space per first 20,000 sq. ft. and One space per 40,000 thereafter.

2. No loading space is required for Office Use as defined under N.J.A.C. 19:31C -3.2(b).
3. All other requirements related to loading as set forth in FMERA Land Use Rules 19:31C-3.7 (c) (1-3) shall be applicable for the loading.

4. Signage:

The following requirement shall be applicable to both Warehouse District and District A.

a. **Ground Signs:**

1. Maximum two ground signs are permitted in each district. The maximum sign area shall be 80 square feet. The maximum sign height shall be ten feet above grade.
2. FMERA Land Use Rules 19:31C-3.9 (d) shall be applicable for all other requirements related ground signs.

b. **Wall Signs:**

1. For buildings containing more than one tenant, the provisions set forth in FMERA Land Use Rules 19:31C-3.9 (d) shall apply to the exterior surface of each tenant space or leased portion of the building.

V. Relationship to Elements, Objectives and Principles of the *Reuse Plan* and FMERA Directive

a. Relationship to Reuse and Redevelopment Plan and its Elements

In considering the impacts of the Reuse Plan amendment, the following *Reuse Plan* elements were considered: land use and circulation, infrastructure, environmental issues, historic preservation, and community impacts. The relationship between the amendment and these Plan elements are described below.

1. Land Use and Circulation

Total Non-Residential Square Footage Yield

The Warehouse District and District A:

The Reuse Plan envisions redevelopment of the Warehouse District and District A for education, medical campus, residential and commissary uses.

For the Warehouse District, the Reuse Plan as well as the Reuse Plan Amendment #2 calls for the demolition of all seven buildings on the Warehouse District and the construction of new housing in its place. As the residential housing has been targeted in other areas, the proposed amendment would permit non-residential uses related to office, research and development and flex space. The proposed uses for the Warehouse District will complement the surrounding proposed uses for District A in terms of R & D cluster development. The maximum permitted FAR for the district is 0.3 which allows low-density non-residential development with required parking spaces. The Amendment would permit up to +/- 98,000 sq. ft. of new development on the Warehouse District to house office, medical offices, research and development and flex space.

For the purposes of the Redevelopment of the Post Office Area, Commissary and PX Complex and the Parking Lot, the parcels shall be merged for one section of the Redevelopment Project. District A shall include the reuse of the Commissary building and the demolition of all the remaining buildings in District A. For the Commissary building, the *Reuse Plan* contemplated approximately 53,700 sq. ft. of uses related to commissary and retail. The proposed Amendment would permit the adaptive reuse of the commissary building into a +/- 53,700 sq. ft. of commercial and retail uses related to food service establishments, research & development and craft production. The Commissary is to be redeveloped as an enrichment center incorporating a provision for food services, a culinary school, crafts production, arts adaptation (including music and art facilities for enrichment learning for all ages) as well as the display of art. The complex may also potentially include retail, office, entertainment, research and development. The Commissary and PX Complex may also include flex-space/warehouse space provided that such flex-

space/warehouse space is: (i) in support of another principal use such as office or research and development; and (ii) not the primary use of any building on the Commissary and PX Complex. The *Reuse Plan* and Amendment #2 did anticipate that once the excess buildings were demolished, a new public elementary school would be constructed within the parcel. As the Borough has identified an alternate resolution for a new public elementary school, District A shall also allow up to 140,000 sq ft of commercial space uses of commercial uses related to food service establishments, research & development, flex space, office, and instructional schools and studios.

The *Reuse Plan* calls for the demolition of the PX complex and development of residential uses. As the residential housing has been targeted in other areas, the proposed amendment permits non-residential uses related to research and development and flex space to be incorporated into District A.

For the Parking Lot area, the *Reuse Plan* contemplates the development of parking for Commissary uses. The proposed amendment permits the Parking Lot to be merged into District A's 140,00 sq ft. of commercial space uses related to research and development, office and flex space, and instructional schools and studios as discussed in the previous section. The maximum permitted FAR for District A (the entire Post Office Area, Commissary & PX-Complex and Parking Lot area) will be 0.27 which will allow the development of adequate parking spaces for the various uses.

Total Residential Development Yield

The amendment does not propose any changes relative to the residential uses, the residential units on the Oceanport Reuse Area will remain 720 units as was contemplated in the *Reuse Plan* and subsequent amendments to the Oceanport Reuse Area.

Compatibility with Surrounding Land Uses

The uses contemplated in this amendment are compatible with the surrounding land uses anticipated in the *Reuse Plan* and subsequent amendments.

The amendment permits diverse tech-oriented uses for the Warehouse and District A areas and these uses are consistent with the goal and uses contemplated of the *Reuse Plan*. As this tech-center clustered development will complement the surrounding land uses.

Circulation

As there will be no school in District and residential in the Warehouse District as contemplated by the *Reuse Plan*, there will be slight change to the interior road network as contemplated by the *Reuse Plan*. However, the amendment does not propose any changes to Rasor Avenue and Murphy Drive AKA Oceanport Way and is consistent with the "Transportation Circulation Improvement Goals" established in the *Reuse Plan*. As such, the amendment would not adversely impact any of the "Transportation Circulation Improvement Goals" established in the *Reuse Plan*.

2. Open Space

The amendment does not impact any active recreation or open space contemplated in the *Reuse Plan*. Furthermore, this amendment aims to encourage the concept of placemaking and the development of

public space, plaza, and walkways within the redevelopment area which is consistent with the *Reuse Plan*.

3. Sustainability

This amendment would not preclude incorporation of any of the sustainability measures outlined in the *Reuse Plan*. Specifically, the reuse of Commissary Building would further the *Reuse Plan*'s green building sustainability goal to maximize the adaptive reuse of existing buildings and infrastructure.

4. Infrastructure

As indicated in the *Reuse Plan*, impacts on the existing gas, electric, water, wastewater and telephone utilities servicing Fort Monmouth will have to be evaluated at site plan review for a specific project. This assessment is unaffected by the amendment.

5. Traffic

Though the amendment permits up to +/- 268,700 sq. ft. commercial and R&D related uses in the Warehouse District A area, the maximum permitted FAR is 0.3 which is not significantly high for the non-residential uses contemplated in the *Reuse Plan*. Therefore, the proposed uses and the total increase of square footage as a result of the proposed amendment, will not generate significant additional traffic than what has been anticipated in the *Reuse Plan*. The existing road network system as contemplated in the *Reuse Plan* is expected to accommodate any additional traffic generated from the commercial and R & D uses. A detailed traffic analysis would be prepared as part of any site plan review related to the reuse and/or development of this parcel. Any necessary traffic mitigation would be addressed at that time.

6. Environmental Issues

The portions of this parcel anticipated to be developed by this amendment are not environmentally constrained per Geographic Information System (GIS) layers provided by the New Jersey Department of Environment Protection (NJDEP). Any environmentally constrained areas within the land area associated with this amendment would be preserved and protected accordingly.

7. Historic Preservation

None of the buildings affected by the proposed amendment are listed in State and National Registers of Historic Places. Likewise, none of the buildings or parcels included in the amendment are subject to FMERA's Historic Preservation Guidelines.

8. Community Impacts and Affordable Housing

As noted in the *Reuse Plan*, the host communities, including Oceanport, rely on taxation for the largest portion of their municipal revenues. The Fort's closure, and the resulting loss of the Fort's workforce is expected to result in a larger share of the tax burden falling to residential property owners. The potential offered by this amendment to increase non-residential tax revenues would lessen the burden on local residents.

The commercial/R&D uses contemplated for the Warehouse and District A areas in this amendment typically generate more positive fiscal impacts for a municipality, i.e., generate more tax revenues, than do other land uses, including residential development. Additional non-residential square footage on these areas is expected to have a positive fiscal impact on the tax base of Oceanport. The commercial/retail uses would not generate an increase in the number of school children. Thus, there would be no negative impact on the construction of affordable housing as delineated in the *Reuse Plan*.

b. Relationship to Objectives and Principles of the *Reuse Plan*

The amendment would fulfill the objectives and planning principles outlined in the *Reuse Plan*. Those planning objectives articulated in the *Reuse Plan* include the following:

1. Be consistent with State, County, and Municipal planning policies.
The amendment is consistent with State, County, and Municipal planning policies, as set forth in the ensuing chapter.
2. Focus on business retention and attraction, job replacement, and employee training.
This amendment would provide for increased flexibility to aid FMERA in its efforts to attract suitable businesses that wish to relocate to Fort Monmouth and that have the potential to replace jobs lost when the Fort closed.
3. Be founded on market and economic analysis. This amendment responds to the marketplace by permitting an alternative development scenario designed to attract futuristic R&D businesses to the Oceanport Reuse Area.
4. Leverage Fort assets (people, infrastructure, location).
The amendment affords FMERA with an opportunity to leverage existing assets through the Reuse of the Commissary building in District A and the redevelopment of the Warehouse District and the remaining land in District A area within the Oceanport Reuse Area and to attract new non-residential uses that generate much-needed local employment and tax revenues.
5. Be a green community model.
The adaptive reuse of the Commissary Building with surrounding redevelopments furthers the Plan's green building sustainability goal to maximize the adaptive reuse of existing buildings and infrastructure system.

The amendment further advances a number of key planning principles from which the overall concepts in the *Reuse Plan* were devised:

Principle #1: Decreasing Density West to East & Creating Mixed-Use Live/Work/Leisure Centers.
The amendment contemplates a mix of uses in existing and new buildings in a manner that promotes these planning principles.

- Principle #2: Link centers & increase mobility with connected transit infrastructure serving the region and the Fort.*
The amendment does not preclude the potential to create an extensive system of bikeways, pedestrian trails and side-walks as envisioned in the *Reuse Plan*.
- Principle #3: Enhance auto mobility and redevelopment capacity with targeted roadway infrastructure improvements.*
This amendment does not preclude the enhancement of auto mobility and redevelopment capacity with targeted roadway infrastructure improvements as set forth in the *Reuse Plan*.
- Principle #4: Combine open space, habitat, and water resources to establish a continuous Blue – Green belt.*
The amendment does not preclude the creation of an open space network consisting of environmentally sensitive areas, including wetlands, watercourses, and habitats. The amendment promotes green roof and other low impact development strategies that will further improve the natural environment of the Fort area.
- Principle #5: Utilize the Blue – Green belt as an armature for enhanced bicycle and pedestrian mobility throughout the Fort.*
The amendment would not preclude the development of the bike path or trails envisioned as part of the *Reuse Plan*.
- Principle #6: Remove Fort boundaries & extend existing land uses to reconnect the Fort to the communities.*
The proposed amendment encourages a well-connected campus within the proposed development area as well as creates opportunities to build strong connection between the local community and the Fort Area both physically and economically. Further, the amendment would not preclude any gates into the Fort, nor inhibit public access to the Fort's amenities.
- Principle #7: Leverage existing Fort Monmouth assets (People, Buildings, Technology, and Infrastructure).*
The amendment affords FMERA with an opportunity to leverage existing assets of the Oceanport Reuse Area, i.e., reuse of Commissary building, and redevelopment of District A and the Warehouse District area, attract new office, commercial and R&D tenants and food-based cluster development that would generate much-needed local employment and tax revenues. The amendment would not involve the removal of any buildings identified in the *Reuse Plan* as being required for preservation.

In summary, the amendment is consistent with the *Reuse Plan* elements, objectives and planning principles.

c. Relationship to FMERA Directive

To implement the *Fort Monmouth Reuse and Redevelopment Plan*, the New Jersey State legislature empowered the Fort Monmouth Economic Revitalization Authority (FMERA) to adopt any modifications or amendments to the *Reuse Plan* and adopt development and design guidelines and land use regulations to implement the plan. Pursuant to P.L.2010, c. 10 (N.J.S.A. 52:27I-18 et. seq.), FMERA's purpose is the following:

to oversee, administer, and implement the [Reuse Plan] as provided in this act, in a manner that will promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare; to conserve the natural resources of the State; to provide housing, including housing to address identified needs related to homelessness; and to advance the general prosperity and economic welfare of the people in the host municipalities, the county, and the entire State by cooperating and acting in conjunction with other organizations, public and private, to promote and advance the economic use of the facilities located at Fort Monmouth.

The *Reuse Plan* amendment would advance both FMERA's stated purpose and the public welfare, by promoting, developing, encouraging and maintaining employment and economic development, and it would advance the public welfare by furthering the adaptive reuse of an existing facility and roadway network at the Fort.

d. Relationship to FMERA's Land Use Rules

This Amendment creates alternative development scenario and creates an overlay zone superseding some provisions of FMERA's Land Use Rules. In all situations where zoning issues and bulk standards are not specifically addressed herein, the FMERA's Land Use Rules, however, shall remain in effect.

VI. Relationship to State, County and Municipal Planning Objectives

a. State Development and Redevelopment Plan (SDRP)

On March 1, 2001, the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the SDRP, the Oceanport Reuse Area is classified as Planning Area 1, Metropolitan Planning Area (PA-1). The SDRP defines Metropolitan Planning Areas as areas that "provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." The amendment is well-reconciled with the guiding policies and policy objectives of the adopted SDRP for the Planning Area 1, Metropolitan Planning Area.

Consistent with the goals for the PA-1, the amendment promotes the type of redevelopment needed to transform this area of the Oceanport Reuse Area, into a vibrant, mixed-use community with compact development that will ensure efficient utilization of scarce land resources while also carefully protecting the character of surrounding communities. Also, in accordance with the objectives for PA-1, the amendment allows for redevelopment in a location well served by existing transportation networks, which is consistent with the plans for the Oceanport Reuse Area.

b. Monmouth County Open Space Plan

The Monmouth County Open Space Plan, adopted by the Monmouth County Planning Board in August 2006 as an element of the Monmouth County Growth Management Guide, specifically advocates the acquisition of a portion of the Fort Monmouth property as a new County park site. To fulfill this acquisition, Monmouth County filed a Notice of Interest for park and recreation lands within Fort Monmouth. The County subsequently filed an application to the National Park Service's Federal Lands to Park Program for a Public Benefit Conveyance, which was endorsed by the three host municipalities of Eatontown, Oceanport and Tinton Falls. This amendment is not inconsistent with the County's goals for open space in the Oceanport Reuse Area.

c. Fort to Village Plan: A Vision for Oceanport's Fort Monmouth

Although the development of the former Fort properties in Oceanport will be governed by the land use regulations and design guidelines adopted by FMERA, as a point of information, the former Fort properties in Oceanport are included within the "master plan" for Fort Monmouth, i.e., the *Reuse and Redevelopment Plan*. However, a vision for the redevelopment of the fort is provided in ***Fort to Village Plan: A Vision for Oceanport's Fort Monmouth***. This document was incorporated as an amendment to the Master Plan which was adopted by the Oceanport Planning Board on April 23, 2008.

The Fort to Village Plan calls for the area surrounding the Patterson Medical Center Area, presently Beacon of Life Pace Program-an adult care facility area, to be zoned for mixed-use medical office park uses, schools, and residential uses to allow townhouse. The Warehouse district and District A are in close proximity to the Beacon of Life Pace Program- adult care facility area. The amendment permits a mix of medical & professional offices and R& D uses in the Warehouse District and District A and these uses are well aligned with the uses contemplated for the area in the Fort to Village Plan. As the Borough has identified an alternate resolution for a new public elementary school and the residential housing has been targeted in other areas, repurposing the area with a mix of commercial, office and R & D uses affords FMERA the flexibility to create a cluster development of compatible and complementary land uses in the area as contemplated in the Fort to Village Plan.

d. Oceanport Zoning

The area affected by the proposed amendment lies within the Borough's R-1: Single-Family Residential District under the municipality's current zone plan. This designation permits single-family detached dwellings, parks and playgrounds, municipal buildings, libraries and public schools. The minimum lot size is 30,000 square feet, the maximum height is two stories, or thirty-five feet and the maximum density is 1.5 dwelling units per acre. The *Reuse Plan* and Land Use Rules, however supersedes the Oceanport Zoning.

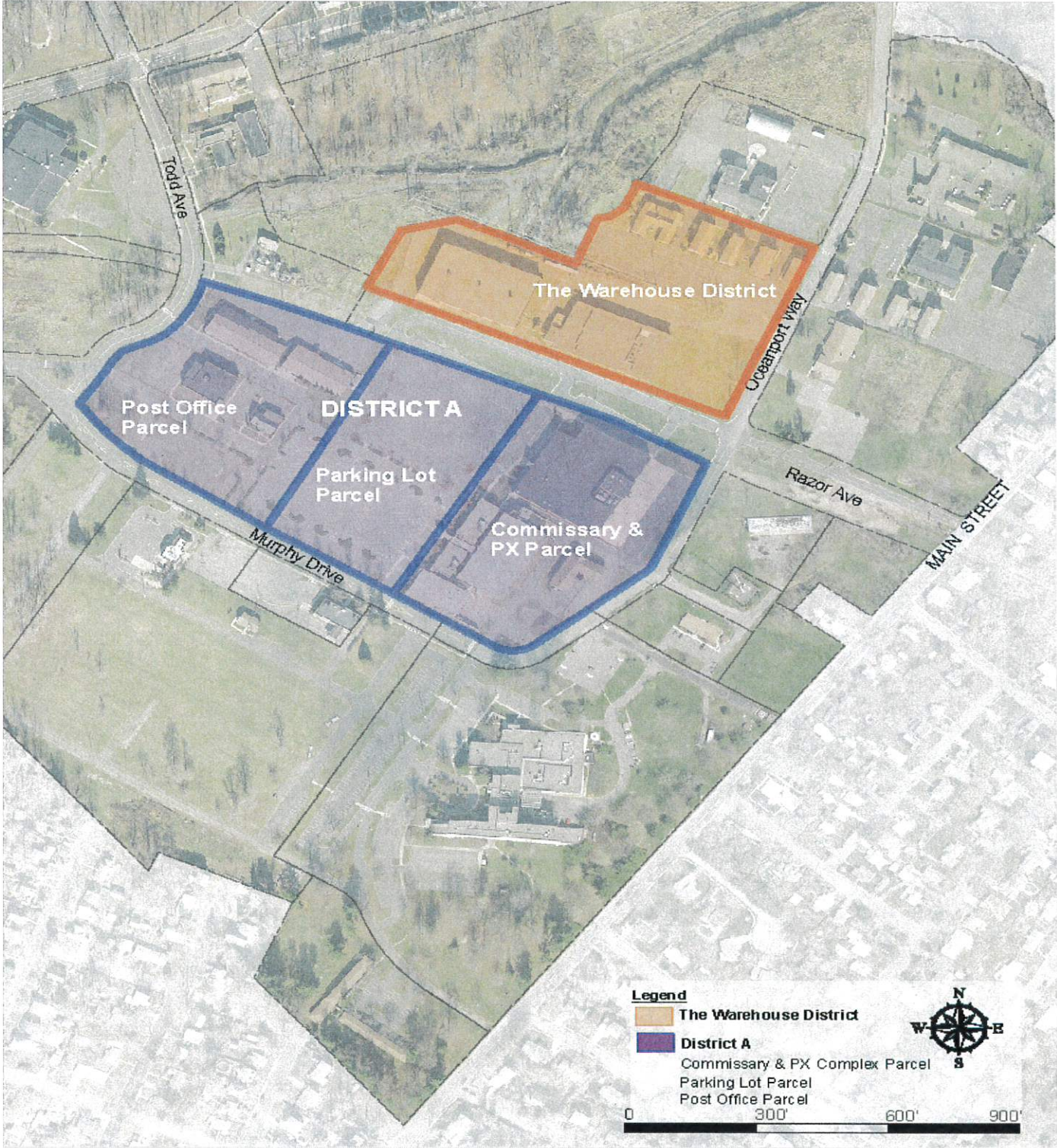
VI. Conclusion

The subject amendment, referred to as Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan, maintains the land use concepts and plans articulated in the Reuse Plan. However, the amendment permits alternative development scenarios for the Oceanport Reuse Area.

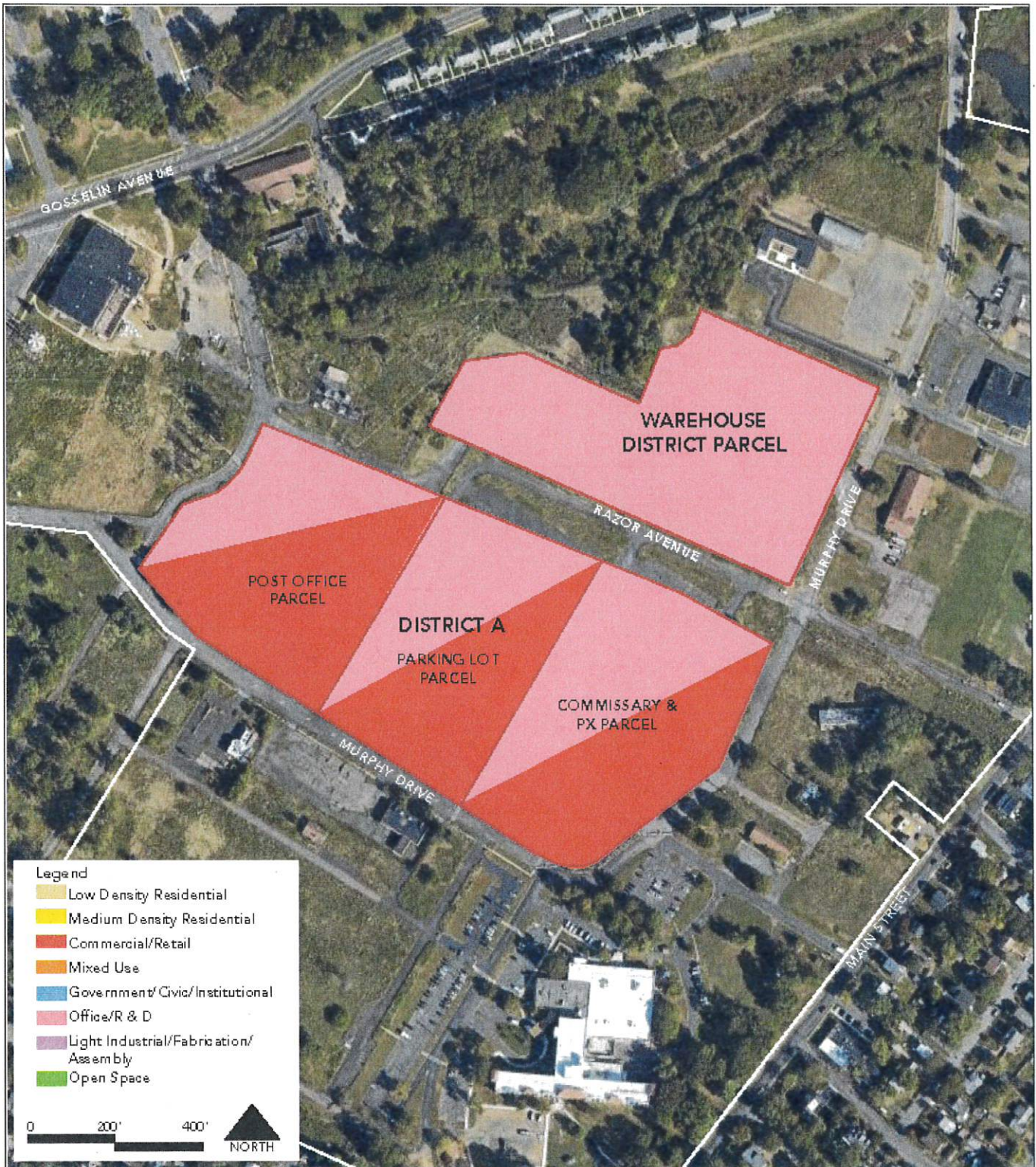
This amendment is consistent with the objectives and principles in the Reuse Plan, as well as State, County and Municipal planning objectives. Furthermore, the amendment advances the public welfare, particularly with regard to promoting, developing, encouraging and maintaining employment. Lastly, the amendment provides flexibility for FMERA to more effectively attract potential non-residential users to the Oceanport Reuse Area, thereby enabling it to fulfill its statutory mandate to create new jobs, regenerate the local tax base and advance the general prosperity and welfare of the people most impacted by the Fort's closure.

APPENDIX A

MAP SHOWING PARCELS AFFECTED BY THE AMENDMENT



APPENDIX B – LAND USE MAP



Land Use Plan AMENDMENT #15 in the Oceanport Reuse Area

PHILLIPS FREISS GRYGIEL LEHENY HUGHES LLC 2020

EXHIBIT A

**RESOLUTION OF THE BOROUGH OF OCEANPORT
THE FORT MONMOUTH REUSE PLAN AMENDMENT #15 AND THE
MUNICIPAL 45 DAY REVIEW PERIOD AND FORMULATION OF THE
BOROUGH RECOMMENDATIONS AND COMMENTS TO THE FORT
MONMOUTH ECONOMIC REVITALIZATION AUTHORITY**

**Resolution #2020-173
07/16/20**

WHEREAS, the decision to close Fort Monmouth was made per Federal BRAC legislation in September of 2005 and the Fort Monmouth Economic Revitalization Authority (FMERA) was created by the State of New Jersey (C52:271 et. seq.) to implement comprehensive conversion and revitalization of the Fort Monmouth Property; and

WHEREAS, the Fort Monmouth Redevelopment and Reuse Plan was adopted September 3, 2008 and as subsequently amended; and

WHEREAS, the statute provides for a 45-day municipal review period for comment and recommendations on amendments to the Fort Monmouth Reuse Plan by each of the three host communities. On July 3, 2020 the Borough Clerk received a request to review the Reuse Plan Amendment #15 for which review period shall end August 17, 2020; and

WHEREAS, the Borough of Oceanport has solicited comment on the Reuse Plan Amendment #15 from the Borough Planner, Borough Engineer, Environmental Committee, Planning Board, Police Department, First Aid, Fire Department, Office of Emergency Management and others in order to review the Amendment and consider its impact on the Borough and its residents.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that the municipality has performed its statutory duties as a host municipality concerning the review of the proposed Fort Monmouth Redevelopment and Reuse Plan Amendment #15 and offers the following and attached comments and recommendations:

1. The Borough is supportive of the alternative development plan, if appropriately designed for the area.
2. Strong consideration should be made concerning the intensity and density of the proposed development and its appropriateness for the site and its existing infrastructure.
3. Traffic study analysis is strongly recommended to demonstrate the impact of proposed developments in and around the Fort and outside.
4. Amendment should identify the acreage that will be lost due to the removal of the public school and its impact on open space previously slotted for that parcel.
5. Additional studies including but not limited to circulation/traffic, open space, environmental and parking should be provided or performed to support and substantiate the intensity of use proposed.

BE IT FURTHER RESOLVED, that a copy of the comments received be forwarded with this Resolution to the Fort Monmouth Economic Revitalization Authority Board for their consideration.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Gallo, Councilman
SECONDER:	Thomas Tvrdik, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik
ABSENT:	Walker

I certify that the foregoing Resolution #2020-173 was adopted by the Oceanport Governing Body at the Regular Meeting held July 16, 2020



JEANNE SMITH, RMC
BOROUGH CLERK



45 East Broad Street, 2nd Floor
Hopewell, NJ 08525
609-257-6705 (v)
609-374-9939 (f)
info@kylemcmanus.com

To: Oceanport Borough Council
From: Kendra Lelie, PP, AICP, LLA
Re: **Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan
Planning Review**
Date: July 14, 2020

The following provides a planning review of FMERA's *Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan* (hereinafter the "Reuse Plan"), detailing its consistency with the Borough's master plan documents, identifying the impact of the development which the proposed change permits, and identifying questions and concerns which are relevant to planning in the Borough of Oceanport.

1.0 Site & Surrounding Area

1.1 Amendment 15 addresses land referred to as the Warehouse District (8 acres) and District A (17 acres) which merges the Post Office Parcel, Parking Lot Parcel and Commissary & PX Parcel. This 25-acre area ("the subject area") is entirely within the Borough of Oceanport and located within the southeast corner of Fort Monmouth Reuse and Redevelopment Plan area. The site is in close proximity to the Borough's southern boundary shared with the Borough of Eatontown.

1.2 Razor Avenue bisects the subject area with the Warehouse District to the north and District A to the south. District A is bounded by Todd Avenue to the west and Murphy Drive (AKA Oceanport Way) to the south and east side. The Warehouse District is also bounded by Murphy Drive (AKA Oceanport Way) to the east side.

1.3 The subject site is currently improved with the following:

a. Warehouse District (seven buildings)

- 1) Building #975: circa 1954 warehouse (36,000 sf)
- 2) Building #976: circa 1954 warehouse (26,880 sf)
- 3) Building #909: circa 1942 administrative building (5,269 sf)
- 4) Building #910: circa 1943 administrative building (4,720 sf)



- 5) Building #911: circa 1943 administrative building (4,720 sf)
- 6) Building #912: circa 1943 administrative building (4,720 sf)
- 7) Building #913: circa 1943 administrative building (4,720 sf)

b. District A (ten buildings)

- 1) Building #1005: former Post Office constructed in 1971 (7,641 sf)
- 2) Building #1010: Tickets & Tours constructed in 1970 (2,600 sf)
- 3) Building #800: circa 1942 administration and classroom building (14,964 sf)
- 4) Building #801: circa 1941 recreation equipment checkout facility (9,267 sf)
- 5) Buildings #1000, 1001, 1002 & 1003: Post Exchange (25,626 sf)
- 6) Building #1007: Commissary (53,700 sf)
- 7) Building #812: Army Community Service Center (5,563 sf)

The total floor area of the existing buildings on the subject site is 206,390 sf.

2.0 The Reuse Plan

2.1 There are 419 acres of land within the Borough of Oceanport which are subject to the *Reuse Plan*. Adopted in 2008, the Reuse Plan provides for redevelopment of the Fort Monmouth property with approximately 1.75 million square feet of nonresidential space and 720 residential units.

2.2 The Reuse Plan, or its subsequent amendments, plan the subject area for residential housing (townhomes) and a new public elementary school with the Commissary building being preserved, renovated, and reused for retail and/or a community center. With the exception of the Commissary building (Building #1007), all other buildings would be demolished.

3.0 Overview of Amendment 15

3.1 The proposed amendment will serve as functional equivalent of overlay zoning. As such, the Amendment creates an additional option to how the parcel may be developed but does not eliminate the existing regulations.

3.2 The amendment recognizes that Oceanport Borough has identified an alternate resolution for the construction of a new elementary school within the Reuse Plan area and as such the proposed amendment will no longer include a school as a permitted use. In addition, as residential housing is now targeted in other areas within the Reuse Plan boundaries including the AcuteCare and the Nurses Quarters developments which are in close proximity to the subject site, alternate uses will be permitted within the subject area including the following:

- a. Commissary (Building #1007): adaptive reuse as a craft production facility or food service and visualized as an enrichment center for food services, a culinary school, crafts production and arts adaptation;



- b. Flex space which includes research, office, light industrial/fabrication/assembly uses;
 - c. Medical Office provided it does not include inpatient (overnight hospital) services;
 - d. Office;
 - e. Research and Development
 - f. Instructional Schools and Studios; and
 - g. Accessory Uses including limited areas for storage or warehouse space provided it is accessory to the principle use.
- 3.3** The Amendment recognizes that the proposed additional uses permitted will create a potential tech-center clustered development. The Amendment permits up to 268,700 sf of nonresidential uses which equates to an additional 16,300 sf of nonresidential uses than that permitted by the Reuse Plan. This additional nonresidential area does not include the Commissary Building as the Reuse Plan contemplated the reuse of that building for nonresidential uses and the square footage area associated with the public school.
- 3.4** The amendment identifies regulations proposed to define and limit development on the parcels. These include, but are not limited to, the following:
- a. Maximum floor area ratio (FAR): 0.3
 - b. Maximum lot coverage: 70% (Warehouse) and 75% for District A
 - c. Parking ratios per each type of land use as follows:
 - 1) Flex Space – 1/800 sf of GFA
 - 2) Food Service – 4/1,000 sf of GFA
 - 3) Research & Development – 4/1,000 sf of GFA
 - 4) Instructional Schools/Studios – 4/1,000 sf of GFA
 - d. Shared parking permitted in accordance with certain rates per land use as determined by the time of day.
 - e. Loading requirements per each type of land use as follows;
 - 1) Flex Space – 1 per first 10,000 sf and 1 per 40,000 sf thereafter
 - 2) Food Service and Research and Development – 1 per first 15,000 sf and 1 per 40,000 sf thereafter
 - 3) Instructional Schools and Studios – 1 per first 20,000 sf and 1 per 40,000 sf thereafter
 - f. Requirement to screen the existing loading area associated with the Commissary Building;
 - g. Additional sign and wall regulations.
- 4.0 Comparison to Borough Policies**
- 4.1** The site is within Oceanport's R-1 zoning district. This district principally permits single family detached



homes with a building height of 2.5 stories. As such, the proposed uses are inconsistent with the Borough's zoning. However, the Reuse Plan supersedes the Borough's zoning.

4.2 The Borough adopted the *Fort to Village Plan* in 2008 as an amendment into the Borough's Master Plan in order properly plan for the redevelopment of Fort Monmouth. The Plan called for the subject site to provide single-family attached townhomes, a new elementary school, office use (90,000-130,000 sf) and open space including a centralized park area. The uses were envisioned as supporting the Patterson Medical Center which would be the focus of the development area. The *Fort to Village Plan* states the following regarding this area: "These buildings would be organized around a passive park area which will be an amenity for both workers and patients" and "This plan maintains the existing character of Main Street by organizing the new development around a new internal park and the open space corridor along Oceanport Creek."¹ As such, the proposed development plan is inconsistent with the Borough's Master Plan and will permit an increase of the development intensity envisioned by the Borough.

5.0 Circulation Comments

5.1 While the amendment no longer permits an elementary school, the increased floor area from nonresidential uses may increase traffic along Razor Avenue. Additionally, streets within the Borough used to access Fort Monmouth will experience increased traffic, including, but not be limited to, Main Street. A detailed traffic analysis will be required as part of any site plan application and reviewed by the Borough's traffic engineer to ensure that any necessary traffic mitigation measures are required as part of the approval process.

5.2 The Borough may want to consider recommending that prior to adopting the Amendment, a traffic study should be performed to identify the impact to streets within and outside of Fort Monmouth and within and outside of the Borough of Oceanport. This study should identify the impact on traffic flow and safety, as well as intersection and other improvements that may be necessary to safely accommodate the increased traffic. The Reuse Plan should identify which party will be responsible for these circulation improvements and the timing for implementing them.

5.3 Pedestrian and bicycle facilities and improvements should be accommodated on the site and surrounding streets. The Commissary will be a destination use and as such employees, patients and residents may want to rely upon alternative forms of transportation (pedestrian, bicycle, mass transit) and it is critical that this development area properly accommodate the needs of the development users. Pedestrian and bicycle facilities should connect this site as well as nearby destination uses and the surrounding communities.

6.0 Open Space and Environment Comments

6.1 While the public elementary school is not needed in this location any longer, significant areas of the subject site were provided as open space for the school as well and will be removed from the development plan without a plan for the replacement of the open space. The Amendment should identify the acreage that will be lost due to the removal of the public school.

¹ From Fort To Village, A Vision for Oceanport's Fort Monmouth, 2008, pg. 18



6.2 Additional open space to be permanently preserved and available for public use should be incorporated into the Amendment.

7.0 Infrastructure Comments

7.1 The ability of existing and planned infrastructure is deferred to the Borough Engineer and other Borough professionals, as may be appropriate.

8.0 Affordable Housing Comments

8.1 The Amendment has no impact on the Borough's affordable housing obligation or how it can be met.

9.0 Historic Preservation Comments

9.1 The Amendment has no impact on any buildings listed on the State or National Registers of Historic Places.

10.0 Design Comments

10.1 The Amendment did not include a concept plan for the subject site. As such, design comments are not provided. The Borough may want to request a concept plan to better understand how the proposed Amendment will functionally and visually relate to the existing AcuteCare development. In addition, Razor Avenue is a gateway access to Main Street and as such, the proposed development for the subject site should provide for clear and appropriate architectural design treatments. The Borough may also want to request the Amendment include specific architectural design regulations.

C. Jeanne Smith, RMC

RESOLUTION 145 -2020

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

RESOLUTION APPROVING AMENDMENT NO. 15 TO THE FORT MONMOUTH REUSE AND REDEVELOPMENT PLAN

WHEREAS, the Fort Monmouth Economic Revitalization Authority ("FMERA") is considering amending the Fort Monmouth Reuse and Redevelopment Plan ("Reuse Plan") a 15th time in order to provide an Alternative Development Scenarios in the Oceanport Reuse Area; and,

WHEREAS, the Reuse Plan, under Amendment No. 15 maintains the development concepts and plans articulated in the Reuse Plan but further permits alternative development scenarios on the Warehouse District Parcel and District A (a merger of the Commissary and PX Complex, Parking Lot and the Post Office Area) parcels located in the Oceanport Reuse Area to expand permitted uses in such areas; and

WHEREAS, Amendment No. 15 was submitted to and reviewed by the Borough Planning Board and the Planning board has no comment on the Amendment.

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of its residents and taxpayers to support the development of Fort Monmouth in all of the municipalities comprising Fort Monmouth.

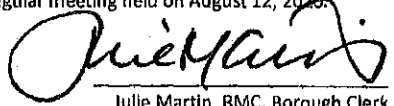
NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough of Eatontown does hereby recommend and approve proposed Amendment No. 15 to the Fort Monmouth Reuse and Redevelopment Plan as proposed by FMERA.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Fort Monmouth Economic Revitalization Authority

	MOTION	SECONDED	AYE	NAY	ABSTAIN	ABSENT
Council President Gonzalez			X			
Councilmember Story	X		X			
Councilmember Olsavsky			X			
Councilmember Regan, Jr.		X	X			
Councilmember Escalante						X
Councilmember Corcoran			X			
Mayor Talerico						

CERTIFICATION
I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on August 12, 2020.


 Julie Martin, RMC, Borough Clerk



**BOROUGH OF EATONTOWN
OFFICE OF THE BOROUGH ADMINISTRATOR**

47 Broad Street, Eatontown, NJ 07724

Phone: 732-389-7621

Fax: 732-389-7668

admin@eatontownnj.com

August 14, 2020

Bruce Steadman, Executive Director
Fort Monmouth Economic Revitalization Authority
PO Box 267
Oceanport, New Jersey 07757

RE: PROPOSED AMENDMENT #15 TO FORT MONMOUTH REUSE AND REDEVELOPMENT PLAN

Dear Mr. Steadman:

The Mayor and Council of the Borough of Eatontown have had the opportunity to review the Draft Copy of the above entitled document which was provided to them by FMERA. Also, a copy of the amendment plan was forwarded to the Eatontown Planning Board for review and comment. The Eatontown Planning Board offered no comments on the amendment. As of this date, I have not received any negative feedback or objections to the plan. At their Regular Meeting of August 12, 2020 the Eatontown Borough Council adopted a Resolution recommending the approval of Proposed Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan. I have enclosed a copy of that Resolution for your review.

If you have any questions on this matter, please feel free to contact me at (732) 389-7622 or at the above-listed email address.

Respectfully submitted,

William P. Lucia, III
Interim Borough Administrator

Cc: Mayor & Council
Julie Martin, Borough Clerk
Andrew J. Bayer, Borough Attorney



**Borough of
Tinton Falls
New Jersey**

Borough Council

MUNICIPAL CENTER
556 TINTON AVENUE
TINTON FALLS, NJ 07724-3298
PHONE #: 732-542-3400 EXT. 221
FAX #: 732-542-2075

July 23, 2020

Mr. Bruce Steadman
Executive Director
Fort Monmouth Economic Revitalization Authority
P.O. Box 267
Oceanport, NJ 07757

RE: Plan Amendment #15 Permitting Alternative Development Scenario in Oceanport

Dear Mr. Steadman:

The Mayor and Council of the Borough of Tinton Falls have received the draft proposed amendment #15. The Mayor and Council have reviewed this amendment and have no comments as these changes are located solely in the Borough of Oceanport. The Mayor and Council concurs with the proposed *"Plan Amendment #15 Permitting Alternative Development Scenario in Oceanport."*

Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

Tracy A. Buckley
Council President

cc: David Nuse, FMERA via email (dnuse@njeda.com)

EXHIBIT B

Response to Written Comments Made on Amendment #15 to the Fort Monmouth
Economic Revitalization Authority

Prepared by:

The Fort Monmouth Economic Revitalization Authority
PO Box 267
Oceanport, NJ 07757

August 2020

Introduction

This document was prepared in response to comments received by the Fort Monmouth Economic Revitalization Authority (“FMERA”) on the draft Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan. The comments include written correspondence to FMERA during the public comment period. As evidenced by the written comment letters, annexed as Appendix A, there was duplication in some of the comments. Accordingly, comments made were grouped by topic into the following categories:

Comments by Topic	Code
Additional Studies Needed	ASU
Architecture & Design	ARCHD
Infrastructure & Utilities	IU
Open Space	OS
Traffic/Circulation	T/C
Zoning/Master Plan	Z/MP

Each author of a written comment was assigned a code beginning with the letter “C” (e.g., C1). Then each comment from each author was assigned a number (e.g., C1-1 for comment 1 by author 1). All written correspondence with comment designations is included in Appendix A. The following table lists each author and their code.

Author	Code
Mayor and Council of the Borough of Oceanport	C1
Kendra Lelie, Kyle + McManus Associates	C2

Additional Studies Needed (ASU)

ASU#1: While the amendment no longer permits an elementary school, the increased floor area from nonresidential uses may increase traffic along Razor Avenue. The increased floor area from nonresidential uses may increase traffic along Razor Avenue. Additionally, streets within the Borough used to access Fort Monmouth will experience increased traffic, including, but not be limited to, Main Street. A detailed traffic analysis will be required as part of any site plan application and reviewed by the Borough's traffic engineer to ensure that any necessary traffic mitigation measures are required as part of the approval process. **(C2-1)**

Response: *FMERA acknowledges the Borough's concerns that some of the surrounding roadways and intersection may experience increased traffic. Pursuant to N.J.A.C. 19:31C-3.20, prior to or simultaneous with submitting an application for subdivision or site plan approval to the planning board (or to the County planning board, the application has to be submitted to the Authority for Mandatory Conceptual Review (MCR). FMERA requires a traffic impact study as part of FMERA's MCR process. To ensure all necessary documents, including the traffic impact study, are submitted to the Oceanport Planning Board during site plan application, FMERA conducts initial review of the submitted documents prior to submission of the application before the Oceanport Planning Board and advises the developer to furnish any additional documents if necessary. Thus, the Oceanport Planning Board will have full opportunity to review the submitted documents before taking any formal action on the application submitted for subdivision or site plan review.*

Further, within next few months the developer for the proposed area is expected to submit MCR & Site Plan applications for Phase -1 development, which includes redevelopment of Commissary Building. The Authority has already advised the developer to prepare a detailed traffic impact study for the proposed development in the Warehouse District and District A, including Phase-1 redevelopment.

ASU#2: The Borough may want to consider recommending that prior to adopting the Amendment, a traffic study should be performed to identify the impact to streets within and outside of Fort Monmouth and within and outside of the Borough of Oceanport. This study should identify the impact on traffic flow and safety, as well as intersection and other improvements that may be necessary to safely accommodate the increased traffic. The Reuse Plan should identify which party will be responsible for these circulation improvements and the timing for implementing them. **(C2-2)**

Response: *Please see response ASU#1. It should be also noted that some of the proposed non-residential uses such as uses for Commissary building, flex space and craft production facility might not follow the standard 9:00 am to 5:00 pm traffic pattern and instead will involve activity at off-peak hours. As such, the proposed use will not likely to compete directly with other peak/daytime uses nearby.*

ASU#3: Traffic study analysis is strongly recommended to demonstrate the impact of proposed developments in and around the Fort and outside. **(C1-1)**

Response: *Please see responses ASU# 1 and ASU # 2.*

ASU#3: Additional studies including but not limited to circulation/traffic, open space, environmental and parking should be provided or performed to support and substantiate the intensity of use proposed. **(C1-2)**

Response: Regarding Traffic and Circulation: *Please see responses ASU# 1 and ASU# 2 with respect to the traffic study. With regard to pedestrian and bicycle mobility and circulation, the proposed amendment does not alter or override any requirements included under N.J.A.C. 19:31C-3.14(c), N.J.A.C. 19:31C-3.15(e)(1)(iv) and N.J.A.C. 19:31C-3.15(e)(3) with respect to sidewalks, pedestrian connectivity and bicycle parking.*

Regarding open space impacts: *Per the Fort Monmouth Economic Revitalization Act (FMERA Act), P.L. 2010, c.51 (N.J.S.A. 52:27I-18 et seq.), which is the Act that created FMERA, FMERA's land use regulations and the Fort Monmouth Reuse and Redevelopment Plan ("Reuse Plan") are the zoning regulations and Master Plan which govern development within the former Fort's boundaries. The Reuse Plan does not designate any of the areas proposed to be designated as dedicated open space. Further, this Amendment does not impact any active recreation or open space contemplated in the Reuse Plan. The amendment as proposed aims to encourage the concept of placemaking and the development of public space, plaza, and walkways within the redevelopment area which is consistent with the Reuse Plan.*

Regarding environmental impacts: *Pursuant to N.J.A.C. 19:31C-3.20, prior to or simultaneous with submitting an application for subdivision or site plan approval to the planning board (or to the County planning board, the application has to be submitted to the Authority for Mandatory Conceptual Review (MCR). FMERA requires a study related to storm water and environmental impacts as part of FMERA's MCR process. To ensure all necessary documents, including the storm water and environmental studies are submitted to the Oceanport Planning Board during site plan application, FMERA conducts initial review of the submitted documents prior to submission of the application before the Oceanport Planning Board and advises the developer to furnish any additional documents if necessary.*

Additionally, as a part of MCR, pursuant to N.J.A.C. 19:31C-3.20(c)(7) where the site plan or subdivision application involves open space to be preserved or sensitive environmental features identified in the natural resources inventory, the Authority's the Environmental Staff Advisory Committee ("ESAC") is required to review and comment on the application. ESAC reviews the application based on several criteria including but not limited impact on soil disturbance, stormwater management, water bodies, wetlands, flood hazard, endangered wildlife and vegetation species habitat and historic & archeological resources. Any comments and recommendation from the ESAC are included the MCR report.

Thus, the Oceanport Planning Board will have full opportunity to review the submitted documents before making any formal action on the application submitted for subdivision or site plan review.

Regarding parking impacts: The proposed amendment includes the parking criteria based on the proposed uses for Warehouse District and District A. As mentioned above in the comments **ASU#2**, the proposed non-residential uses such as uses for Commissary building, flex space and craft production facility might not follow the standard 9:00 a.m. to 5:00 p.m. traffic pattern and instead will involve activity at off-peak hours. It should be also noted that requiring excessive parking could have detrimental impact on storm water and other environmental aspect of the area. As such, proposed parking including a shared parking approach included in the amendment is expected meet the parking demand for the area while not causing excessing burden on storm water infrastructure.

Further, parking impact relative to the new development under the proposed Plan Amendment #15 are to be considered during MCR and site plan review by the Oceanport Planning Board. The Oceanport Planning Board will have full opportunity to review the submitted documents before making any formal action on the application submitted for subdivision or site plan review.

Architecture & Design (ARCHD)

ARCHD#1: The Amendment did not include a concept plan for the subject site. As such, design comments are not provided. The Borough may want to request a concept plan to better understand how the proposed Amendment will functionally and visually relate to the existing AcuteCare development. In addition, Razor Avenue is a gateway access to Main Street and as such, the proposed development for the subject site should provide for clear and appropriate architectural design treatments. The Borough may also want to request the Amendment include specific architectural design regulations. **(C2-3)**

Response: Please note that several requirements relative to the architectural design, massing of the building and its relationship with the surrounding both visually and physically are set forth under FMERA's Land Use Rules N.J.A.C.19:31C-3.18. The proposed amendment does not alter or override any requirements included under N.J.A.C.19:31C-3.18 with respect architectural design standards As such both FMERA and the Borough of Oceanport's planning Board will have full opportunity to review the site plan application for compliance with above-mentioned standards during MCR & Site Plan review process.

Infrastructure and Utilities (IU)

IU#1 Strong consideration should be made concerning the intensity and density of the proposed development and its appropriateness for the site and its existing infrastructure. **(C1-3)**

Response: *Infrastructure and utilities relative to the new development under the proposed Plan Amendment #15 are to be considered during FMERA's Mandatory Conceptual Review ("MCR") and site plan review by the Oceanport Planning Board. The MCR review entails evaluation of impacts on the existing gas, electric, water, wastewater and telephone utilities servicing Fort Monmouth. This assessment is unaffected by the amendment. Further, the new uses proposed such as flex space, medical office and general office uses in the Warehouse District and uses related to Research and Development, office, instructional school and studios promotes a cluster development in the area and complements the intensity and density of the area.*

Open Space (OS)

OS#1: While the public elementary school is not needed in this location any longer, significant areas of the subject site were provided as open space for the school as well and will be removed from the development plan without a plan for the replacement of the open space. The Amendment should identify the acreage that will be lost due to the removal of the public school. **(C2-7)**

Response: *Please note that per the Fort Monmouth Economic Revitalization Act (FMERA Act), P.L. 2010, c.51 (N.J.S.A. 52:27I-18 et seq.), which is the Act that created FMERA, FMERA's land use regulations and the Fort Monmouth Reuse and Redevelopment Plan ("Reuse Plan") are the zoning regulations and Master Plan which govern development within the former Fort's boundaries. The Reuse Plan does not call for a substitution or replacement of similar uses if the proposed land use could not be materialized due to any reason.*

OS#2: Amendment should identify the acreage that will be lost due to the removal of the public school and its impact on open space previously slotted for that parcel. **(C1-4)**

Response: *Please note that per the Fort Monmouth Economic Revitalization Act (FMERA Act), P.L. 2010, c.51 (N.J.S.A. 52:27I-18 et seq.), which is the Act that created FMERA, FMERA's land use regulations and the Fort Monmouth Reuse and Redevelopment Plan ("Reuse Plan") are the zoning regulations and Master Plan which govern development within the former Fort's boundaries. The Reuse Plan does not designate any of the areas proposed to be designated as dedicated open space.*

OS#3: Additional open space to be permanently preserved and available for public use should be incorporated into the Amendment. **(C2-8)**

Response: *Please see response to OS#2.*

Transportation and Circulation (T/C)

T/C#1: Pedestrian and bicycle facilities and improvements should be accommodated on the site and surrounding streets. The Commissary will be a destination use and as such employees, patients and residents may want to rely upon alternative forms of transportation

(pedestrian, bicycle, mass transit) and it is critical that this development area properly accommodate the needs of the development users. Pedestrian and bicycle facilities should connect this site as well as nearby destination uses and the surrounding communities. **(C2-9)**

Response: *The Reuse Plan envisioned an extensive multi-purpose walking trail connecting all major development within the fort area. The proposed amendment does not impact the alignment of the multi-purpose walking trail as envisioned by the Reuse Plan. Furthermore, this amendment aims to encourage the concept of placemaking and the development of public space, plaza, and walkways within the redevelopment area which is consistent with the Reuse Plan.*

Please note several requirements relative to the sidewalk, multi-purpose trail standards and bicycle lane are set forth under FMERA's Land Use Rules N. J. A. C. 19:31C-3.14 (c). Pursuant to N.J.A.C. 19:31C-3.15(e)(1)(iv), for all non-residential buildings and medium-density residential buildings, secure indoor bicycle racks should be provided within the garage area or within a separate secure storage room. Pursuant to N.J.A.C. 19:31C-3.15(e)(3), the number of bicycle parking in each required area should be based on the expected number of occupants, visitors, and or workers at the building. The proposed amendment does not alter or override any of these requirements. As such both FMERA and the Borough of Oceanport's planning Board will have full opportunity to review the site plan application for compliance with above-mentioned standards during MCR & Site Plan review process.

Zoning & Planning (ZP)

ZP#1 The site is within Oceanport's R-1 zoning district. This district principally permits single family detached homes with a building height of 2.5 stories. As such, the proposed uses are inconsistent with the Borough's zoning. However, the Reuse Plan supersedes the Borough's zoning. **(C2-10)**

Response: *Per the Fort Monmouth Economic Revitalization Act (FMERA Act), P.L. 2010, c.51 (N.J.S.A. 52:271-18 et seq.), FMERA's land use regulations and the Fort Monmouth Reuse Plan are the zoning regulations and Master Plan which govern development within the former Fort's boundaries. As noted, the Reuse Plan and FEMRA Land Use Rules supersede the Borough's zoning.*

ZP#2 The Borough adopted the *Fort to Village Plan* in 2008 as an amendment into the Borough's Master Plan in order properly plan for the redevelopment of Fort Monmouth. The Plan called for the subject site to provide single-family attached townhomes, a new elementary school, office use (90,000-130,000 sf) and open space including a centralized park area. The uses were envisioned as supporting the Patterson Medical Center which would be the focus of the development area. The *Fort to Village Plan* states the following regarding this area: "These buildings would be organized around a passive park area which will be an amenity for both workers and patients" and "This plan maintains the existing character of Main Street by organizing the new development around a new internal park and the open space corridor along Oceanport Creek."¹ As such, the proposed development plan is

inconsistent with the Borough's Master Plan and will permit an increase of the development intensity envisioned by the Borough. **(C2-11)**

Response: *Please see response ZP# 1.*

Additionally, pursuant to N.J.A.C. 19:31C-3.1(b), the Fort Monmouth Reuse and Redevelopment Plan and the Land Use Rules (N.J.A.C. 19:31C-3 et seq.) supersede the master plans, the zoning and land use ordinances and regulations, and the zoning maps of the host municipalities adopted pursuant to the Municipal Land Use Law and county development regulations, except as to procedures for site plan and subdivision approval.

Plan Amendment #15 as proposed is consistent with the stated goals and objectives regarding the former Fort property in Oceanport's most recent Master Plan adopted October 2016. The Master Plan emphasizes restoration and reuse of structures within the Fort Monmouth area, including Commissary building which is proposed to be reused for Craft Production facility, Food Service - Related Establishments and Food Service - Research & Development.

It should also be noted that the Fort to Village Plan calls for the area surrounding the Patterson Medical Center Area, presently Beacon of Life Pace Program-an adult care facility area, to be zoned for mixed-use medical office park uses, schools, and residential uses to allow townhouse. The Warehouse District and District A are in close proximity to the Beacon of Life Pace Program- adult care facility area. The amendment permits a mix of medical & professional offices and R& D uses in the Warehouse District and District A and these uses are well aligned with the uses contemplated for the area in the Fort to Village Plan.