

**Fort Monmouth Economic Revitalization Authority  
Board Meeting  
January 18, 2017  
FMERA Offices, 502 Brewer Avenue, Oceanport, NJ**

**MINUTES OF THE MEETING**

**Members of the Authority present:**

- James V. Gorman – Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) – V
- Lillian Burry – Monmouth County Freeholder – V
- Gerry Turning – Mayor of Tinton Falls – V
- Patti Cooper – Oceanport Councilwoman – V
- Dennis Connelly – Mayor of Eatontown – V
- Dr. Robert Lucky – Public Member – V
- Tom Huth – Assistant Counsel, Authorities Unit, Office of the Governor – V
- Tim Lizura – President and COO, NJ Economic Development Authority – V
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection
- Gina Fischetti, Chief Counsel, Local Planning Services, NJ Department of Community Affairs
- William Riviere, Principal Planner, NJ Department of Transportation
- John Raue, Senior Policy Advisor to the Commissioner, NJ Department of Labor & Workforce Development

V – Denotes Voting Member

**Members not present:**

**Also present:**

- Bruce Steadman, FMERA Executive Director
- Gabriel Chacon, Deputy Attorney General (DAG)
- FMERA staff

The meeting was called to order by Chairman James V. Gorman at 7:05p.m. and who led the meeting in the Pledge of Allegiance to the flag of the United States of America.

In accordance with the Open Public Meetings Act, FMERA Secretary Bruce Steadman announced that the notice of the meeting 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 as the approval of the December 14<sup>th</sup> regular meeting minutes. A motion was made to approve the minutes by Lillian Burry and seconded by Robert Lucky.

AYes: 6

Dennis Connelly abstained from voting stating he was not at the December meeting.  
Patti Cooper abstained from voting stating he was not at the December meeting.

**WELCOME**

Chairman James V. Gorman welcomed attendees to the meeting. Mr. Gorman stated that copies of the Board package were available at the door, and the Board package was posted to the FMERA website in the afternoon to give the public the opportunity to review the information in advance of the meeting.

Chairman Gorman stated that on Tuesday, January 17<sup>th</sup>, together with the County of Monmouth, Avenue of Memories (County Road 537) was opened to the public, thanks to the determination of Freeholder Director Lillian Burry. Chairman Gorman, on behalf of the FMERA Board, thanked Freeholder Burry for her contributions over the years during the redevelopment of Fort Monmouth, this key economic engine of Monmouth County. The opening of Avenue of Memories provides all interested parties with the ability to see for themselves what is new at Fort Monmouth, and to connect Route 35 in Eatontown with Oceanport Avenue in Oceanport. This is the first that the Avenue of Memories has been open to the public since September 11, 2001. At tonight's meeting, the public will also be hearing of the plans that are being made to accelerate the redevelopment further during 2017.

Chairman Gorman stated that FMERA announced the sale of the historic Officer Housing units in Oceanport to RPM Development Group on January 13<sup>th</sup>. The sale marks the first Phase 2 property sold since FMERA closed with the U.S. Army in November 2016, and the first residential development project at the former Fort. RPM, a leader in the development of both market-rate and affordable housing in New Jersey, will be renovating the 117 historic housing units that surround the Parade Grounds in Oceanport. Per FMERA's statute, 20% of the housing will be available to low and moderate income households. RPM is led by founder and president Ed Martoglio and VP of Development Brendan McBride. Mr. Gorman thanked Mr. Martoglio and Mr. McBride for their steadfast determination to make the project a reality and the resoluteness to work through the many attendant issues on this long and arduous process. Mr. Gorman stated that seeing these historic homes renovated and occupied by the new residents of the community will be a great thing for Oceanport, Monmouth County and FMERA.

Mr. Gorman stated that the Board would consider two board actions: 1) Consideration of Approval of Use Type Variances for Parcel C in Tinton Falls; 2) Consideration of Approval of Memorandum of Understanding with Two Rivers Water Reclamation Authority for Survey and Design work.

The Chairman went on to state that there will be two public comment periods at the meeting based on the Authority's public meetings protocol, 3 minutes per speaker for the first, and 5 minutes per speaker for the second. The Chairman reiterated his request for the public's cooperation in keeping comments as brief as possible. The Chairman continued by stating that in his role as Chairman he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period. The Chairman concluded by stating that FMERA continues to welcome the public's constructive comments and ideas.

### **SECRETARY'S REPORT**

Bruce Steadman stated that there was no secretary's report.

### **TREASURER'S REPORT**

Jennifer Lepore, Senior Finance Officer stated that FMERA staff is beginning to prepare the Authority's 2016 Annual Report for presentation to the Audit Committee with the audited financial statements, which serve as FMERA's comprehensive annual report to meet the requirements of Executive Order No. 37 (2006). It is expected that a draft report and statements will be available for review in mid-March, and finals presented to the Board in April.

The Authority's independent auditors, Clifton Larson Allen, will begin work on their audit of the Authority's operations in early February. The auditors will report on the Authority's financial statements and accompanying notes, as well as report on the Authority's internal controls and compliance in accordance with Government Auditing Standards and OMB Circular A-133. Field work will begin the week of February 27.

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

There was no public comment.

## EXECUTIVE DIRECTOR'S REPORT

Kara Kopach, Senior Marketing Officers stated that as reported last month, FMERA and the Army executed a Phase 2 Economic Development Conveyance (EDC) Agreement authorizing the transfer of the balance of the Main Post acreage. FMERA acquired title to the 563 acres from the Army on November 17, 2016. The transfer paved the way for FMERA to begin redevelopment of nearly one square mile of property in Eatontown and Oceanport, and enabled traffic to flow as of January 17<sup>th</sup> on the Avenue of Memories, also known as County Route 537 Extension, for the first time since September 11, 2001. FMERA and the Army continue to have weekly conference calls regarding the approximately 40 carve-outs, totaling 100+ acres, that FMERA did not take title to. These 40 areas were carved out of the Phase 2 EDC transfer because they have ongoing environmental work. Army and the NJ Department of Environmental Protection (DEP) continue to work on the carve-outs with the goal of eventual transfer to FMERA when the environmental work is completed to the satisfaction of the NJ DEP.

The following is a summary of the status of RFPs and Contracts that FMERA has issued:

### Auctioneer:

- The Auctioneer's Group is finalizing the results for the December auctions and working with the successful bidders to remove their purchases from the buildings. They have scheduled a large auction of the contents of two 45,000 sf warehouses for March 18<sup>th</sup>. Plans are underway for a small lot general public auction on Saturday May 13<sup>th</sup>, which will give individuals an opportunity to take home a piece of Fort Monmouth. We are also planning an auction of the contents of the Lodging Area buildings which contain residential furniture.

### Utilities:

- FMERA is working with the Army contractor group to transfer all Phase 2 utility accounts to FMERA. A water main extension has been designed, under a Memorandum of Understanding (MOU) with the Borough of Oceanport, to serve a large part of the Phase 2 property. That application will be submitted to New Jersey American Water in the coming weeks. JCP&L has started to evaluate the Phase 2 electrical system in anticipation of the transfer from FMERA. Staff will present a recommendation to approve an MOU with Two Rivers Water Reclamation Authority for the survey and design work for replacement sewer system in the Oceanport section of the Fort.

### Suneagles Golf Course:

- Our operator reports that play has been slow due to the temperatures and snow, although the course reopened for play on January 12<sup>th</sup>, holding 43 rounds. Leaf removal and mulching, irrigation system and pump station winterization, and snow mold fungicide application in greens was completed. The two-cup system on greens has been implemented as well as geese control.

### Property Management/Maintenance:

- Chenega Operations Services (COS) and the Army caretakers continue to monitor buildings and property for safety, security and marketing purposes. COS and FMERA staff are now in the process of shutting down utilities and draining buildings that are planned for demolition, and adjusting temperatures in buildings to be reused in an attempt to reduce utility usage.

### Security Guard Services:

- FMERA issued an RFP for Security Services on December 9, 2016. Proposals were due January 9<sup>th</sup> and 5 proposals were received. Staff hopes to identify a successful bidder for approval at the February Board meeting.

Candice Valente, Senior Planning and Development Officers gave the following town-by-town summary of the status of our redevelopment projects.

In Oceanport, FMERA closed on the Officer Housing parcels on January 17<sup>th</sup>. RPM Development will be renovating the 117 historic housing units, creating 68 market-rate for sale units, and 48 rental units. Twenty (20%) percent of the rental units will be available to low- and moderate-income households. This closing marks the first residential project on the Fort, as well as the first Phase 2 property transaction.

Also in Oceanport, FMERA has executed contracts on 4 parcels:

- Fitness Center, where FM Partners, LLC, is proposing to renovate and expand the facility;
- Russel Hall, the 40,000 square-foot former Garrison Headquarters building, to TetherView Property Management, LLC, a private cloud computing services company from New York.
- Dance Hall, a 16,000 square-foot former recreation building on Brewer Avenue, to AP Development Partners, for commercial and retail uses, including entertainment and restaurant purposes.
- Main Post Chapel, an approximately 16,372 square foot building on 5 acres that is slated for reuse as a house of worship, under contract to Triumphant Life Church.

FMERA is in negotiations for the sale and redevelopment of the following 3 properties:

- Nurses Quarters, a 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital;
- the Marina, currently approved for exclusive negotiations with AP Development Partners, LLC, and currently operating as a marina/public boat ramp and restaurant.
- Squier Hall Complex, an approximately 31-acre site currently under negotiations with the sole bidder, that is slated for office/research, institutional/civic (including educational) and open space/recreation uses. The future developer will be required to retain Squier Hall, which is listed on the National Register of Historic Places.

On December 29<sup>th</sup>, FMERA issued two RFOTPs for the Lodging Area and Allison Hall. The Lodging Area RFOTP is seeking proposals for medium density residential, institutional/civic, and/or office/research development of the approximately 15-acre site. The Allison Hall RFOTP is seeking proposals to reuse the historic Allison Hall for a boutique hotel, as well as retail, office/research and open space/recreation uses in the approximately 13-acre parcel. Proposals that include both parcels in a comprehensive redevelopment project will receive additional points. Proposals in response to both RFOTPs are due on March 31.

FMERA received authorization from the Board to issue an RFOTP for Barker Circle, also in the historic district in Oceanport.

In Eatontown, FMERA is in negotiations for the sale and redevelopment of 3 properties:

- Howard Commons on Pinebrook Road, zoned for up to 275 homes and up to 15,000 square feet of retail space, where FMERA is in negotiations with the lead proposer;
- Parcel B, an expanded parcel including up to 89 acres for a mixed-use town center along Route 35 to include up to 350,000 square feet of retail space and other commercial space and 302 housing units, where Fort Monmouth Parcel B Redevelopment, LLC, has been approved for exclusive negotiations.
- Eatontown Barracks, 6 buildings on Semaphore Avenue on an approximately 4.4-acre parcel, where FMERA received one proposal for an arts/cultural center use. FMERA is in negotiations with the proposer and expects to present a recommendation to the Board shortly.

FMERA issued an RFOTP for the Suneagles Golf Course on October 7, 2016, and received four proposals on December 7. FMERA sought proposals for a use consistent with the plan, namely reuse of the Golf Course and construction of a hotel/conference center, or for an alternate use which includes the reuse of the Golf Course and up to 75 residential units within the 10-acre former Megill Housing area. An evaluation committee has been formed to begin scoring the proposals.

In Tinton Falls, FMERA has executed contracts on five projects:

- Parcels C and C1, with Lennar Corporation, approved for 288 residential units over the two parcels, and up to 58,000 square feet of retail development;
- Fabrications Shops (Pinebrook Road Commerce Center), 45,000 square feet of light industrial and flex office space buildings along Pinebrook Road for sale to Pinebrook Commerce Center, LLC;
- Pistol Range and Satellite Road Parcel, under contract with Kiely Realty Group for the reuse and upgrades of the former Pistol Range, and additional office and commercial uses on the combined approximately 5-acre parcel.
- Parcel F-3, the former gas station and convenience store along Hope Road, which the Monmouth County Park System will utilize in conjunction with the adjacent Recreation Center and Swimming Pool, to expand services and public open space amenities.
- Recreation Center and Swimming Pool, under contract to the Monmouth County Park System, is currently open to the public through a lease with the County.

FMERA is in negotiations with the lead bidder for a contract related to the sale and redevelopment of the Charles Wood Fire Station, an approximately 4-acre parcel along Corregidor Road in the Tinton Falls Reuse Area.

FMERA has also received Board approval to issue an RFOTP for Parcel F-2, which includes Building 2719, and will evaluate options for issuing an updated RFOTP for Parcel F-1, the Myer Center site.

#### Marketing Update

FMERA and Cushman & Wakefield (Cushman), the Authority's Master Broker, continue to conduct several tours per week. FMERA will host an informational media event at the Marina in Oceanport next week, to provide members of the media with a chance to learn more about the Fort's next phase of redevelopment. Several contracted purchasers will be available to answer questions about their future projects and plans for redevelopment.

Please refer to our website, [www.fortmonmouthnj.com](http://www.fortmonmouthnj.com), for more information and to sign up for our monthly digital newsletters.

Bruce Steadman gave an update on FMERA action items:

- Continued work with the N.J. Department of Environmental Protection 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

Bruce Steadman stated that one of the things about the Avenue of Memories that the Army was most proud of are the monuments commemorating lost World War II soldiers. Mr. Steadman stated that the County, under the direction of John Tobia have taken special pride in the monuments, and have begun to refurbish them and the landscaping surrounding the monuments. This means a lot to the families of those whom the monuments recognize.

Mr. Steadman stated that the net sale proceeds from the sale of the Officer Housing to RPM Development will be used as the first installment to pay back the debt that FMERA received from the Monmouth County Improvement Authority. This amounts to about one-fifth of the total debt.

Chairman Gorman extended thanks to NJDEP Commissioner Martin for his assistance with the Fort's controlled deer hunt.

## COMMITTEE REPORTS

### a) AUDIT COMMITTEE (ROBERT LUCKY, CHAIRMAN)

Robert Lucky stated that the Committee did not meet this month. A meeting will be scheduled in April to review the Auditors report.

### b) REAL ESTATE COMMITTEE (JAMES V. GORMAN, CHAIRMAN)

Chairman Gorman stated that the Committee met on January 17<sup>th</sup> and discussed the following:

- Presentation by Paramount Realty Services, the parent company of Fort Monmouth Parcel B, LLC, currently in exclusive negotiations with FMERA for the redevelopment of Parcel B in Eatontown. The principals provided an update on the status of negotiations related to the project, as well as pre-development work they have completed to date, and a visual overview of the site. The Committee discussed the layout of the site, the status of discussions related to traffic planning and the final deal points under negotiation.
- Discussion regarding the use-type variance application submitted by Lennar in relation to Parcel C in Tinton Falls. The Committee discussed the request and the Hearing Officer's recommendations, and supports the FMERA staff's recommendation to approve the recommendations, with a modification to clarify the use requested. The Committee reached a consensus and agreed to recommend Board approval.
- Discussion regarding the request to approve a Memorandum of Understanding (MOU) with Two Rivers Water Reclamation Authority for the planning (including preparation of all applications and associated, prerequisite environmental and engineering services), survey and design for a replacement sewer service for the portion of the former Fort Monmouth located within the Borough of Oceanport. The Committee reached a consensus and agreed to recommend Board approval of the MOU with Two Rivers.
- Update of the negotiations with the sole bidder on the Squier Hall Parcel in Oceanport. The Committee discussed the environmental issues at the site, the redevelopment plans proposed by the developer and the term sheet currently in negotiations.
- Other issues discussed:
  - Oceanport Municipal Complex
  - Main Post Chapel
  - January Media Event
  - Marketing and Sales Strategy
  - Myer Center
  - McAfee Center

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

Kenneth J. Kloo stated that the Committee met on January 9<sup>th</sup> and discussed the following:

- Discussion regarding a potential project currently in negotiations for the Squier Hall parcel in Oceanport, which may include use of the former landfills known as FTMM-08 and FTMM-18. A portion of the parcel is within environmental carve-outs and the developer has expressed interest in a potential lease of the property in order to begin investigations and site work. The Army has prepared a Finding of Suitability to Lease (FOSL) for the Squier Hall building and surrounding development area. FMERA staff shared details of the FOSL, which was available for public comment until December 27<sup>th</sup>. The Committee discussed the leasing process, the potential redevelopment on and near the landfills, and the landfill closure plan under development.
- Discussion regarding the Mandatory Conceptual Review (MCR) application received from Pinebrook Commerce Center, LLC, the contracted purchaser of the former Fabrication Shops in Tinton Falls. No detrimental impacts were identified in the Environmental Features Checklist submitted by the applicant, therefore, no further action by the Committee is warranted.

- Update on Parcels 28, 38 and 69. These three environmental carve-outs have received No Further Action (NFA) letters from the NJDEP. The Army has begun drafting the Finding of Suitability to Transfer (FOST) for these three parcels and, when complete, the drafts will be posted for public review and comment.
  - Discussion regarding a proposed trail network that incorporates the planned blue/green belt system envisioned in the FMERA Reuse Plan with the current and upcoming development projects, the Army's potential landfill closure plan and existing wetlands mapping.
  - FMERA staff provided an update on the controlled bow hunt approved by the NJDEP Division of Fish and Wildlife, which will continue until January 28<sup>th</sup>.
  - Update on discussions with the NJDEP Bureau of Safe Drinking Water, and the plan to advise tenants and visitors to the site that no potable water will be available for a period of time. A program of bottled water distribution will begin in the interim.
  - FMERA staff provided a summary of the current Requests for Offers to Purchase (RFOTPs) for the Lodging Area and Allison Hall Complex in Oceanport.
- d) HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (BRUCE STEADMAN, INTERIM CHAIRMAN)

Bruce Steadman stated that the Committee did not meet this month. Mr. Steadman stated that Mayor Coffey has agreed to Chair the Committee and a meeting has been scheduled for February 1<sup>st</sup> at 3:30.

- e) HOUSING STAFF ADVISORY COMMITTEE (GINA FISCHETTI, CHAIRPERSON)

Gina Fischetti stated that the Committee met on January 12<sup>th</sup> and discussed the following:

- Discussion regarding Officer Housing: FMERA and RPM Development Group closed on the property on January 17<sup>th</sup>. RPM will renovate the units creating 68 market rate units and 48 rental units which include the 20% affordable (22 units).
- Discussion regarding Parcels C & C1. FMERA has executed a PSARA with Lennar Corporation. Parcel C will be developed to accommodate up to 239 residential units and Parcel C1 up to 49 residential units. 20% affordable (57 units).
- Discussion regarding Parcel B. FMERA continues the exclusive negotiations with Fort Monmouth Parcel B Redevelopment, LLC. Parcel B will include retail and/or commercial development on the parcel with the number of housing units at 302, with 20% affordable (60 units).
- Discussion regarding Suneagles Golf Course. 5 proposals were received in response to the RFOTP. The RFOTP included an alternate use which includes the reuse of the Golf Course and up to 75 residential units within the 10-acre former Megill Housing, 15 of which will be affordable.
- Discussion regarding Howard Commons which is zoned for up to 275 homes. FMERA has begun discussions with the lead developer.
- Discussion regarding the Nurses Quarters. The buildings will be developed as 24 one and two bedroom apartments with 20% affordable.
- Other Discussion Items:
  - Current and Upcoming RFOTPs: Lodging Area, Allison Hall, and Barkers Circle,.

- f) VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER LILLIAN BURRY, CHAIRPERSON)

Lillian Burry stated that the Committee did not meet this month, but a meeting is scheduled for February 8<sup>th</sup>. Ms. Burry stated that two new members will be joining the Committee.

**BOARD ACTIONS**

A) The first item before the Board was Consideration of Approval of Use-Type Variances for Parcel C in Tinton Falls.

Candice Valente read a summary of the Board memo.

Kara Kopach read a summary of the Hearing Officer’s report which is attached hereto.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Robert Lucky and was seconded by Tim Lizura.

Bruce Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
James V. Gorman	X		
Lillian Burry	X		
Gerry Turning			X
Patti Cooper	X		
Dennis Connelly	X		
Robert Lucky	X		
Tom Huth	X		
Tim Lizura	X		

Gerry Turning abstained from voting stating that he is a member of the Tinton Falls Planning Board and the Planning Board has not yet reviewed and voted on the variance.

Motion to Approve: ROBERT LUCKY      Second: TIM LIZURA  
AYes: 7

B) The second item before the Board was the Consideration of Approval of Memorandum of Understanding with Two Rivers Water Reclamation Authority for Survey and Design work.

Candice Valente read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Tim Lizura and was seconded by Robert Lucky.

Motion to Approve: TIM LIZURA      Second: ROBERT LUCKY  
AYes: 8

**OTHER ITEMS**

Dennis Connelly introduced Al Baginsky, a newly elected Eatontown Councilman who was in attendance at the meeting.

Lillian Burry thanked FMERA staff for their cooperation and assistance with the opening of the Avenue of Memories (County Road 537).



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

Al Baginsky of Eatontown asked if there will be running and biking paths implemented throughout the Fort property.

Bruce Steadman stated that a plan is being developed by FMERA staff that was set forth conceptually in the Reuse and Redevelopment Plan for both a walking/running path and a bike path throughout the Main Post and the Charles Wood area.

There being no further business, on a motion by Lillian Burry seconded by Dennis Connelly and unanimously approved by all voting members present, the meeting was adjourned at 8:00p.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.



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Bruce Steadman –Secretary

**ADOPTED**  
**August 17, 2016**

Resolution Regarding  
**Application for Use-Type Variances at Parcel C in Tinton Falls**

**WHEREAS**, the FMERA Act, N.J.S.A. 52:27I-34(e), and the FMERA Land Use Rules, in N.J.A.C. 19:31C-3.21(b), grant FMERA sole and exclusive jurisdiction to grant certain use-type variances from the requirements of the Reuse Plan and Land Use Rules; and

**WHEREAS**, an application for use-type variances in relation to the development of Parcel C was submitted by Lennar Corporation, the contracted purchaser of Parcels C and C1 in Tinton Falls; and

**WHEREAS**, pursuant to the Land Use Rules, a public hearing was noticed and held at the FMERA offices on December 21, 2016; and

**WHEREAS**, a Hearing Officer has prepared a report based on the evidence presented and transcripts of the hearing, which includes the Hearing Officer's recommendations to the Board; and

**WHEREAS**, the Hearing Officer recommends that the Application for use-type variance approval pursuant to N.J.A.C. 19:31C-3.21(b)(1)(i) for the addition of an accessory drive-thru to an approved restaurant or cafe and a height variance for townhouses pursuant to N.J.A.C. 19:31C-3.21(b)(1)(v) be approved. However, the hearing officer recommends that the drive-thru variance pursuant to N.J.A.C. 19:31C-3.21(b)(1)(i) be limited to a café/coffee shop uses only and to continue the prohibition of an accessory drive-thru for any other restaurant; and

**WHEREAS**, FMERA staff recommends the adoption of the Hearing Officer's recommendations with the addition of the following definition of café/coffee shop: an informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold; and

**WHEREAS**, the attached report, evidence and transcript of the hearing includes the determinations made by the Hearing Officer to reach her recommendations in detail; and

**WHEREAS**, FMERA staff has reviewed the report and recommends Board approval of the recommendations.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons articulated in the Hearing Officer's report and based on the evidence and transcript of the hearing, the Authority adopts the Hearing Officer's findings of fact contained in the attached report for the use-type variance application submitted by Lennar Corporation for Parcel C in Tinton Falls and incorporates and memorializes the findings of fact as if recited here.

2. For the reasons articulated in the Hearing Officer's report and based on the evidence and transcript of the hearing, the Authority adopts the Hearing Officer's recommendations contained in the attached report with the addition of the definition of café/coffee shop recited herein for the use-type variance application submitted by Lennar Corporation for Parcel C in Tinton Falls and incorporates and memorializes the adopted recommendations as if recited here.

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: January 18, 2017

**EXHIBIT 1**

**ADOPTED**  
**January 18, 2017**

Resolution Regarding  
**Approval of Memorandum of Understanding with Two Rivers Water Reclamation Authority for Planning, Survey, and Design of New Sanitary Sewer Infrastructure**

**WHEREAS**, in September 2016, the Board approved the dedication of up to \$300,000 to reimburse TRWRA for design and engineering of new sanitary sewer infrastructure as work is completed; and

**WHEREAS**, FMERA and TRWRA negotiated the attached Memorandum of Understanding (MOU), regarding the Design and Engineering Work for replacement sewer mains and effluent pumping system for the Oceanport section and which confirms that the Parties intend to work together to replace the existing sewer system in the Oceanport section of the former Fort Monmouth in order to prepare that area for redevelopment and reuse; and

**WHEREAS**, FMERA and TRWRA intend to negotiate a subsequent MOU to address the construction and installation of improvements for replacement sewer mains and effluent pumping system, subject to the approval of the FMERA Board; and

**WHEREAS**, the Real Estate Committee has reviewed this request and recommends Board approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached memorandum, the Board authorizes the execution of a Memorandum of Understanding with Two Rivers Water Reclamation Authority (TRWRA) for the planning, survey and design for a replacement sewer system for the portion of the former Fort Monmouth located within the Borough of Oceanport. The Executive Director or other staff authorized to execute documents pursuant to Operating Authority is authorized to do and perform all acts necessary to effectuate this action.

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.

Dated: January 18, 2017

**EXHIBIT 2**

From: Kara Kopach, Hearing Officer

In December, the Fort Monmouth Economic Revitalization Authority (the "Authority") heard testimony and public comment from the Lennar Corporation for approval of three use-type variances for its proposal to redevelop Parcel C on the Charles wood Section of Fort Monmouth. The existing parcel is bounded by Tinton Avenue, Municipal Drive and Corregidor Road. I served as the hearing officer for the Authority and submitted my report for the Board's review and approval tonight.

As part of their application, Lennar sought a use-type variance to permit a restaurant or café with an accessory drive-thru where drive-thru restaurants are prohibited, a use-type variance pursuant to permit the height of the proposed townhouses to be three (3) stories/forty-two (42) feet, where a maximum height of two and a half (2.5) stories/thirty-five (35) feet is permitted; and if necessary a use-type variance to permit floor area ratio (FAR) of .35 for a 1.25 acre of land in the 40 acre parcel which exceeds both the FAR permitted in the Tech Office/R&D Campus and the Town Center.

During the hearing, the Applicant presented adequate evidence and testimony to satisfy the requirements of the Authority's Reuse Plan and Land Use Rules for the grant of the requested relief to permit a restaurant or café with an accessory drive-thru where drive-thru restaurants are prohibited and to permit the height of the proposed townhouses to be three (3) stories/forty-two (42) feet, where a maximum height of two and a half (2.5) stories/thirty-five (35) feet is permitted. As part of my review, I evaluated the use-type variances per the criteria set forth in N.J.A.C. 19:31C-3.21(b)(7). The evidence and testimony demonstrated that the development proposal generally conforms to the site plan standards and technical requirements of the Reuse Plan and the Land Use Rules of the Authority. The relatively minor deviations from Amendment #3 and FMERA's regulations to permit townhouses to move to habitable areas above the high-water table and to incorporate a drive thru cafe along Tinton Avenue enhance the Parcel redevelopment and promote the Reuse Plan and do not adversely impact the site or the surrounding community. For those reasons, I recommend that these two (2) use-type variance applications be approved by the Authority.

For the purposes of the use-type variance pursuant to 19:31C-3.21(b)(1)(iv) to permit floor area ratio (FAR) of .35 for a 1.25 acre of land in the 40-acre parcel proposed to be subdivided from such parcel at a later date and which exceeds both the FAR permitted in the Tech Office/R&D Campus and the Town Center, I do not recommend the Authority vote on the FAR use-type variance request at this time. Based on the evidence and testimony provided, I find that the FAR for the entire 40-acre parcel is compliant with the Reuse Plan and Land Use Rules and therefore a use-type variance is not required for a Parcel wide plan. However, the proposed site plan and subdivision plan submitted in connection with the application and depicting proposed future lots were not final nor definitive so I cannot provide a finding that the proposed future lots are FAR compliant, nor can I agree to approve a use-type variance to allow for a FAR exceedance when the FAR exceedance is not definitively determined. The issue is not ripe for evaluation. Therefore, I recommend the Authority abstain from voting on the FAR use-type variance.

In summary and for all of the foregoing reasons, my report recommends that the Application for use-type variance approval for the addition of an accessory drive-thru to an approved restaurant or cafe and a height variance for townhouses be approved. However, based on Applicant's testimony and public comment, I recommend that the drive-thru variance be limited to a café/coffee shop uses only and to continue the prohibition of an accessory drive-thru for any other restaurant. With regards to the FAR variance, I recommend that the Authority abstain from voting as the forty (40) acre tract is FAR compliant and the subdivisions are not ripe for FAR evaluation.

The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the hearing conducted in December.

Finally, the grant of approval shall be further conditioned upon compliance with all applicable requirements of the FMERA Reuse Plan and Land use rules. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.