



TO: Members of the Board of Directors

FROM: Bruce Steadman
Secretary & Executive Director

DATE: February 15, 2012

SUBJECT: Agenda for Board Meeting of the Authority

1. **Call to Order – James V. Gorman, 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 – James V. Gorman, Chairman**
6. **Secretary’s Report**
7. **Treasurer’s Report:**
 - Summary of Status of Federal Grant and FMERA Financials
8. **Public Comment Regarding Agenda Items**
9. **Executive Director’s Report:**
 - Update on Meetings with Army Representatives
 - Update on Meetings with Host Municipalities’ and Regional School Districts’ Officials
 - Update on Opening of Joe’s Bar & Grille at Suneagles Golf Course
 - Update on Action Items
10. **Committee Reports**
 - Audit Committee – Michael Mahon, Acting Chairman
 - Real Estate Committee – James V. Gorman, Acting Chairman
 - Environmental Staff Advisory Committee – Michele Siekerka, Chairwoman

- Historical Preservation Staff Advisory Committee – Bruce Steadman, Acting Chairman
- Housing Staff Advisory Committee – Charles Richman, Chairman
- Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Board Actions**

- Consideration of Approval of Designation of Records Custodian
- Consideration of Approval of an Increase in Fees for the Business and Operations Planning Consultant
- Consideration of Approval of Award of Request for Qualifications/Proposals (RFQ/P) for Professional Surveying Services
- Consideration of Approval of a Non-Binding Letter of Intent with AcuteCare Pursuant to the Request for Proposals (RFP) for the Clinic Parcel
- Consideration of Authorization for FMERA Staff to Enter into Exclusive Negotiations with CommVault for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for Parcel E
- Consideration of Approval of Policy of Due Diligence Guidelines for Proposed Fort Monmouth Reuse and Revitalization Plan Amendments and Transmittal to Host Municipalities of Proposed First Plan Amendment Permitting Alternative Development Scenario in Tinton Falls

12. **Other Items**

13. **Public Comment**

14. **Adjournment**

Fort Monmouth Economic Revitalization Authority
Board Meeting
January 18, 2012
Maple Place School, Oceanport, New Jersey

MINUTES OF THE MEETING

I. Members of the Authority present:

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) - **V**
- Caren Franzini, Chief Executive Officer - New Jersey Economic Development Authority (NJEDA) - **V**
- Brandon Minde, Assistant Counsel, Office of the Governor, Authorities Unit - **V**
- Dr. Robert Lucky, Public Member - **V**
- Gerald Tarantolo, Mayor of Eatontown - **V**
- Michael Skudera, Mayor of Tinton Falls - **V**
- Michael Mahon, Mayor of Oceanport - **V**
- Michele Siekerka, Assistant Commissioner, NJ Department of Environmental Protection (DEP)
- Charles Richman, Assistant Commissioner, NJ Department of Community Affairs (DCA)
- Jonathan Lowy, Director of Community and Constituent Relations, NJ Department of Transportation (DOT)
- Mary Ellen Clark, Assistant Commissioner, NJ Department of Labor and Workforce Development (LWD)

Members Not Present

- Lillian Burry, Monmouth County Freeholder -- **V**

V- Denotes Voting Member

Also present:

- Bruce Steadman, Executive Director, FMERA
- Gabriel Chacon, Deputy Attorney General (DAG)
- NJ Economic Development Authority Staff: Eatontown and Trenton offices

II.

The meeting was called to order by Chairman Gorman at 7:07p.m. who led the meeting in the Pledge of Allegiance.

In accordance with the Open Public Meetings Act, FMERA Executive Director and Secretary, Bruce Steadman announced that notice of this meeting has been sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, that a meeting notice has been duly posted on the Secretary of State's bulletin board at the State House, and the FMERA and the NJEDA websites.

The first item of business was the approval of the December 21, 2011 meeting minutes. A motion was made to approve the minutes by Mayor Tarantolo seconded by Mayor Mahon.

Motion to Approve: MAYOR TARANTOLO Second: MAYOR MAHON
AYes: 6

Brandon Minde abstained from the vote stating he was not present at the December Board Meeting.

The second item of business was the approval of the December 21, 2011 Executive Session Meeting Minutes. A motion was made to approve the minutes by Mayor Mahon, seconded by Mayor Tarantolo.

Motion to Approve: MAYOR MAHON Second: MAYOR TARANTOLO
AYes: 5

Mayor Skudera abstained from the vote stating he has a conflict of interest.
Brandon Minde abstained from the vote stating he was not present at the December Board Meeting

III. WELCOME

Chairman Gorman thanked everyone for attending the meeting. Mr. Gorman stated that in addition to the regular board matters, the Board would consider the approval of Fort Monmouth Economic Revitalization Planning Authority's (FMERPA) Close-out Financial Statements reflecting previous accounting periods and that board approval is required annually. Mr. Gorman further stated that in addition, the Board would review the public comments submitted related to the adoption of the proposed rules for sale of real and personal property which will identify the process that FMERA will utilize for the sale of properties transferred to FMERA by the Army. Mr. Gorman stated that with the approval of this milestone, FMERA will be one step closer in its efforts to revitalize our community business environment and foster support for economic recovery.

Chairman Gorman then explained how public comment would proceed at the meeting, with the first public comment period being for agenda items only and the second public comment period being for general comments and questions.

IV. SECRETARY'S REPORT

Bruce Steadman stated that the Secretary's report would be provided in the Executive Director's report related to the Board Actions contained on the agenda.

Michele Siekerka arrived at 7:10p.m.

V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that the Authority submitted a Grant Amendment for the grant scheduled to end December 31, 2011. The extension of the grant

through March 31, 2012 is to allow for completion of the approved contractual items funded through the grant. Ms. Akerblom stated that field work has begun on the audit of the Authority's 2011 operations and the spending continues to be strictly monitored.

VI. PUBLIC COMMENT REGARDING AGENDA ITEMS

Phil Welch of Middletown asked if the comments that he submitted regarding the proposed rules for the sale of real and personal property were shared with the Board and if any Board member had any questions regarding his comments. Gabriel Chacon stated that the FMERA will provide responses to his comments upon board approval. Mr. Welch stated that he had requested FMERA's responses be shared with the public prior to board approval. Mr. Welch asked the Board to reconsider sharing the responses with the public prior to board approval.

Tom Mahedy of Wall Township stated that it was his understanding that the responses were to be released prior to the Board Meeting. Mr. Gorman stated that the Board is not aware of any rules requiring the responses be made available to the public prior to the meeting. Gabriel Chacon stated that the responses will be published in the NJ register in March and that FMERA will post the responses within 1-2 days after the Board meeting dependent on Board approval of the action.

Mr. Mahedy further stated that the public has not been treated with respect and that they should be suspicious. He further stated that no changes to the rules could lead to fraud, corruption and conflict of interest. Mr. Mahedy stated that the Board should not vote until the public has the opportunity to review the responses. Mr. Gorman stated that there will be a second public comment period in which comments can be made. Mr. Mahedy stated that the Fort property is public land and this is theft to the public. Mr. Mahedy further stated that the Environmental Impact Statement has not been completed regarding the sales and leases.

VII. EXECUTIVE DIRECTOR'S REPORT

Bruce Steadman stated that the FMERA staff continues its discussions with representatives of the Office of the Deputy Assistant Secretary of the Army for Installation and Housing, related to the conveyance of the Fort. Mr. Steadman stated that these discussions continue to establish a good working relationship with the Army that will result in a finalized Memorandum of Agreement (MOA) and Economic Development Conveyance (EDC) application. Mr. Steadman stated that draft versions of both documents have been submitted to the Army for their final comments so that FMERA will be in a position in 2012 to accept and transfer the title in the effort of creation and retention of jobs.

Mr. Steadman stated that the New Jersey State Police (NJSP) continues to monitor the former Fort Monmouth property on a 24/7 basis. Mr. Steadman stated that a safe environment will attract potential employers, investors and visitors, and preserve the value of the many assets of the Property. Mr. Steadman stated that to date, there have been no major law enforcement incidents on the Fort Monmouth property. Mr. Steadman stated that the relationship with the NJSP has been outstanding and thanked them for their efforts.

The Executive Director's Report concluded with Mr. Steadman providing an overview of FMERA action items for the next several weeks, which include the following:

- Continued work with Matrix and the N.J. Department of Environmental Protection to identify environmental issues of concern
- Continued work on the Notice of Interest (NOI) evaluation process
- FMERA anticipates issuing an Request for Proposals (RFP) for a Master Broker/Real Estate Consultant in the next 30 days
- FMERA anticipates issuing Requests for Offer to Purchase (RFOTP) for Parcel C (mixed use), C-1 (housing), Golf Course (golf course and related uses) and Howard Commons (housing)
- Continued meetings and tours with the interested prospective employers and investors regarding job retention and job creation projects
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton office on marketing and business development opportunities
- FMERA received 18 proposals in response to the Surveyor RFP which are currently under review with a recommendation to be presented to the Board at the February Board meeting.

COMMITTEE REPORTS

a) AUDIT COMMITTEE (MICHAEL MAHON, INTERIM CHAIRMAN):

Michael Mahon stated that the Audit Committee met informally on January 10, 2012 at the FMERA Office. Mr. Mahon stated that the Committee reviewed the 2011 Audit Plan with the independent auditor, Schneider & Company regarding the issued report on the financial statements on the predecessor Authority, FMERPA, for a period ending June 30, 2010 and a three month period ending September 28, 2010. Mr. Mahon stated that the Auditor issued a report on internal control over financial reporting, compliance and other matters for FMERPA and a report on compliance with requirements applicable to the major program and internal controls over compliance. Mr. Mahon stated that the report concluded that the financial position of FMERPA as of June 30 and September 30, 2010 and the results of the operations and its cash flows for the periods ended in conformity with accounting principles generally accepted in the United States.

Mr. Mahon stated that the Committee also discussed the following:

- Property Appraisals, Option Year and build-out of office space
- Timeliness of certain mandatory annual filings, segregation of duties within FMERA and independent review of bank statements to be included as a regular agenda item
- A fraud discussion with the Independent Auditors in closed session.

Mr. Mahon then called upon Beverlee Akerblom to present the FMERPA Close-out Financial Statements.

Ms. Akerblom stated that at the close of business on September 28, 2010, FMERPA ceased operations and transferred its net assets to the Successor Authority. Ms. Akerblom stated that the audit covers the predecessor Authority's financial statements for the fiscal year end June 30, 2010 and the short year ended September 28, 2010. Ms. Akerblom stated for the period ended September 28, 2010:

- The Authority's total assets, all current, increased by more than \$15,000

- Total liabilities, all current, decreased by more than \$110,000
- The Authority's total net assets increased by more than \$125,000
- The Authority had no debt
- The Authority transferred net assets of \$291,178 to the successor authority.

Ms. Akerblom stated that the auditors reported that the financial statements are in compliance and the auditors have issued an unqualified opinion with regard to FMERPA's financial statements.

Mayor Tarantolo asked if the assets were all cash. Ms. Akerblom stated that the assets were mixed. Mr. Tarantolo asked if FMERA will be leasing or purchasing the property they will be moving to at Fort Monmouth. Ms. Akerblom explained as a Local Redevelopment Authority (LRA) we are entitled to free office space on the fort and pay only for utilities. Ms. Akerblom further stated that if there are upgrades that need to be performed, FMERA may receive funding through the Office of Economic Adjustment (OEA) or alternate sources of funding.

Mayor Tarantolo asked how the NJSP are being paid to provide security at the Fort. Bruce Steadman explained that FMERA has an agreement with the Army to secure a lease for the building that is currently being occupied by the NJSP as well as several other buildings in which the NJSP have expressed interest in. FMERA will pay for NJSP services out of EDC funds. NJSP may lease or purchase buildings at the Fort to offset some of or all of these costs.

Chairman Gorman called for a motion to approve the Consideration of Approval of the Fort Monmouth Economic Revitalization Planning Authority's Close-Out Financial Statements. A motion was made to approve by Mayor Tarantolo and was seconded by Brandon Minde.

Motion to Approve: MAYOR TARANTOLO Second: BRANDON MINDE
AYes: 7

- b) REAL ESTATE COMMITTEE (JAMES V. GORMAN, INTERIM CHAIRMAN, FMERA):
Chairman Gorman noted that the Real Estate Committee met on January 12, 2012 at the FMERA Office. Mr. Gorman stated that Committee was given a presentation by the Borough of Eatontown relative to their future space needs. Mr. Gorman further stated that the Committee was given an update on the four proposals submitted for Parcel E. The Committee was also given a status of the Notice of Interest (NOI's) which were submitted to FMERA noting that the Committee has designed a process for each of the parties who submitted an NOI to make a presentation to the Committee. Mr. Gorman further stated that the Committee discussed the move of the FMERA office to the Fort and the timetable associated with the move. Mr. Gorman stated that the Committee reviewed the public comments regarding the proposed rules for sale of real and personal property, and discussed and revised responses thereto.

Mayor Tarantolo stated for the record that Eatontown Business Administrator, George Jackson gave the presentation to the Committee.

- c) ENVIRONMENTAL STAFF ADVISORY COMMITTEE (MICHELE SIEKERKA - NJDEP): Michele Siekerka noted that the Environmental Staff Advisory Committee did not meet this month. Ms. Siekerka stated that the DEP continues their ongoing discussions with the Army regarding the Baseline Ecological Evaluation (BEE). Ms. Siekerka further stated that there has been a change in the DEP team leader who has been transitioning in relation to the Fort Monmouth project. Ms. Siekerka stated that the new team leader will be present at the February Committee meeting.

Mayor Mahon stated that a member of the Committee, Ellen Kahle, who is also a member of the Oceanport Council gave a report regarding contamination at Wampum Lake. The Council was asked to consider adopting a resolution supporting Eatontown's investigation regarding the contamination of Wampum Lake.

- d) HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (BRUCE STEADMAN, FMERA) Bruce Steadman noted that the Committee did not meet this month.
- e) HOUSING STAFF ADVISORY COMMITTEE (CHARLES RICHMAN, DCA): Mr. Richman noted that the Committee did not meet this month. Mr. Richman stated that the Committee will meet with the planners Phillips, Preiss, Grygiel when they have prepared the zoning plan.
- f) VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER LILLIAN BURRY) : Freeholder Burry was absent from the meeting. Bruce Steadman noted that the Committee did not meet this month.

VIII. Board Actions

The next item before the Board was the Consideration of Approval of FMERA Staff's Recommendations Regarding Public Comments Submitted and Final Adoption of the Proposed Rules for the Sale of Real and Personal Property.

Bruce Steadman stated that the Members of the Board of Directors are requested to approve the adoption of the proposed new rules to govern the sale of real and accompanying personal property by the Fort Monmouth Economic Revitalization Authority (FMERA). The draft adoption, without change (see attached), addresses comments submitted by two individuals and are summarized, along with the Authority's responses, in the proposed adoption.

On August 17, 2011, the Board reviewed and approved draft new rules for the sale of real and personal property, at N.J.A.C. 19:31C-2, which was formally proposed upon publication in the October 3, 2011 edition of the New Jersey Register. As part of the rulemaking process, the public was invited to submit written comments regarding the provisions of the proposed new rules within 60 days of publication, and the comments received are addressed in the adoption.

Please be advised that the draft rule proposal, which was reviewed and approved by the Board, included references to *contribution to affordable housing* as part of material elements which may,

along with other elements, be included in the solicitation or notice of availability in N.J.A.C. 19:31-2.14(a), as well as among the factors upon which FMERA may accept a lower purchase price from a government purchaser or public/private partnership in N.J.A.C. 19:31C-2.14(b). This phrase was omitted inadvertently from the proposed regulations that were sent to the Office of Administrative Law. However, upon consideration it was determined that it should not be included. By current law, every proposal for housing must be consistent with the Reuse Plan's requirement to provide 20% affordable housing. The list of evaluation criteria is to be used to select among the proposals that meet all legal and other established mandatory criteria of a particular sale. Therefore staff recommends that this phrase not be included in the final proposal published in the New Jersey Register.

Mr. Steadman recommended that the Board of Directors approve the adoption, without change, of the proposed new rules to govern the sale of real and accompanying personal property by the Fort Monmouth Economic Revitalization Authority and authorize staff to submit the adoption for publication in the New Jersey Register, subject to final review and approval by the Office of the Attorney General, and the Office of Administrative Law (OAL).

Mayor Tarantolo stated that he received an email from Phil Welch regarding his concerns about having the opportunity to review the FMERA staff comments to the sales rules. Mr. Tarantolo stated that the Authority is obligated, out of courtesy, to address the comments which were not accepted. Mr. Tarantolo asked if the weighting factors for sales and leases are fixed or variable. Mr. Steadman stated that the weighting factors are variable depending on the type of property being offered for sale. Gabriel Chacon stated that the rules do not require FMERA to disclose the weighting factors within the Request for Proposals (RFP).

Bruce Steadman stated that FMERA followed the appropriate process regarding a review of the comments received by Mr. Welch and Mr. Mahedy and after lengthy and thoughtful discussion with the Attorney General's office, members of the Real Estate Committee, EDA staff, and FMERA staff, a set of responses to the comments was drafted. The responses are presented to the Board for review.

Chairman Gorman called for a motion to approve the Consideration of Approval of FMERA Staff's Recommendations Regarding Public Comments Submitted and Final Adoption of the Proposed Rules for the sale of Real and Personal Property. A motion was made to approve by Mayor Mahon and was seconded by Dr. Robert Lucky.

Motion to Approve: MAYOR MAHON Second: DR. ROBERT LUCKY

AYes: 7

IX. Other Items

There were no other items for discussion.

X. Public Comment

Linda Zucaro of Tinton Falls asked if future RFP's will include the criteria of what is within the Re-use plan and do the criteria flow from the Re-use plan, and was answered yes. Ms. Zucaro asked if the Real Estate Committee has reviewed the housing guidelines which were previously submitted. Mr. Gorman stated that the Committee has begun discussion with the Housing Committee regarding the guidelines.

Ms. Zucaro asked for a status of the Parcel E proposals, and was answered that the proposals are currently under review. Ms. Zucaro asked if there was housing included in Parcel C, C1 and B, and was answered yes as shown in the Re-use plan. Ms. Zucaro asked the timeline of the issuing of the RFP's for these parcels. Mr. Steadman stated that upon the completion of the MOA & EDC Agreement with the Army, the RFP's will be issued soon, hopefully early in 2012.

Bob English asked for the general feedback of the large potential employers who have visited the Fort. Bruce Steadman stated that the feedback has been excellent based on the location of the property. Mr. Steadman further stated that the topography and the history of the property also sells well. Mr. Steadman stated that the economy and the lack of funding has been a difficulty for some investors. Mr. Steadman further stated that the saturated housing market has also been a consideration for the property, but that overall interest in the Fort property is very high.

Phil Welch thanked Mayor Tarantolo for his comments. Mr. Welch stated that he had asked for feedback on his comments in writing and did not receive. Mr. Gorman stated that there is a legal protocol that must be followed.

Mr. Welch asked for the status of the field visit to Soldier On. Bruce Steadman stated that there has been no visit but one is being scheduled. Mr. Steadman stated that there has been parallel activity in Washington and locally regarding a homeless veterans project. Mr. Welch asked if there are parcels being identified for Soldier On and Mr. Steadman answered yes and the project will follow the RFP process.

Stuart Briskey of Oceanport asked if the NJSP are being compensated by the Army. Mr. Steadman stated that there will be an arrangement between FMERA and the NJSP. Mr. Briskey asked if the NJ taxpayer is compensating the NJSP. Mr. Steadman explained that FMERA will pay the NJSP bill, and according to the EDC Agreement with the Army, the proceeds of sales and leases must be reinvested in the Property, and will serve as a source of funds to compensate to the NJSP.

Mr. Briskey asked if the three local borough's Fire and EMS are also being compensated in the same manner and was answered the Army will reimburse for fire events. Mr. Briskey asked if there were Right-to-Know for each borough and Richard Harrison, Director of Facilities Planning, stated that he had met with each borough and all of the information regarding the Right-to-Know was conveyed to each of the boroughs,

Tom Mahedy expressed his concerns regarding the new team leader at the DEP stating that the Environmental Committee has lost years of knowledge due to Larry Quinn and now Matt Turner's leaving. Mr. Mahedy also stated that NJ is pushing a waiver and is down-playing environmental issues. Mr. Mahedy was in favor of Oceanport becoming involved in the clean-up of Wampum Lake. Mr. Mahedy expressed his concerns regarding the contamination at Suneagles Golf Course.

Mr. Mahedy stated that a gag order was imposed on him at a Committee meeting. Mr. Steadman clarified the confidential discussions at the Environmental Committee meeting relating to job-producing projects, and noted that the false implication that there was a gag order imposed has been brought to the Board at previous meetings and been repeatedly clarified to Mr. Mahedy. The confidentiality related to the job-producing projects, and not to any environmental issues.

Mr. Mahedy stated that his First Amendment Rights at the December 21 Board Meeting were violated. Mr. Steadman explained that Mr. Mahedy was removed from the meeting due to his attempt to disrupt the meeting and was not arrested and charged by FMERA, but when he was outside the premises of the meeting he was arrested by Tinton Falls Police for his conduct outside the meeting.

Glenn of Oceanport asked that the Board to defer the discussions regarding housing on the Fort property due to the oversupply of housing and the glut of houses currently on the market. Mr. Glenn also stated that it would be ideal to move the current Little Silver train station. Mr. Glenn asked the Board if they have considered a Roosevelt Island University like project in New York. Ms. Franzini stated that she concurred with Mr. Glenn's statement regarding a university project and that EDA and FMERA are currently reviewing and discussing future university project possibilities for the Fort property.

The next item on the Agenda was to adjourn the Public Session of the meeting and enter into Executive Session - OPMA Exemption N.J.S.A. 10:4-12b(5) and (7): Pending Real Estate Negotiations and Attorney-Client Privileged Matter.

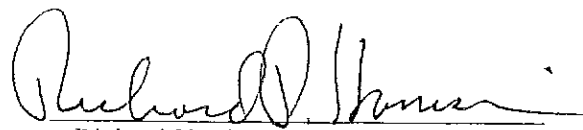
A motion was made to enter into Executive Session by Mayor Tarantolo, seconded by Mayor Mahon and unanimously approved by all voting members present.

There being no further business in Executive Session a motion was to go back into Public Session by Caren Franzini, seconded by Dr. Robert Lucky and unanimously approved by all voting members present.

The Board returned to public session.

There being no further business, on a motion by Brandon Minde seconded by James V. Gorman and unanimously approved by all voting members present the meeting was adjourned at 9:10 pm.

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.


Richard Harrison – Assistant Secretary



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

DATE: February 15, 2012

SUBJECT: Monthly Status Report

Summary

The following are brief descriptions of the Fort Monmouth Economic Revitalization Authority (FMERA) Staff's monthly activities which include an Update on the Status of the Federal Grant and FMERA Financials; Update on Meetings with Army Representatives; Update on Meetings with Host Municipalities and Regional School Districts' Officials; Update on Opening of Joe's Bar & Grille at Suneagles Golf Course and Action Items for Next Month.

Treasurer's Report.

1. Federal Grants Status.
The Authority's Grant Amendment requesting \$141,067 in additional funds for previously approved contractual engagements and an extension through March 31, 2012 to allow for completion of the approved contractual items funded through the grant has been approved. The Office of Economic Adjustment approved additional funding of \$54,000 for the Business and Operations Plan and Economic Development Conveyance Application, \$30,277 for BRAC legal services and \$56,790 for Environmental consulting services.
2. Fiscal Year 2011 Audit.
Field work on the audit of the Authority's 2011 operations is ongoing.
3. Budget.
Spending continues to be strictly monitored.

Executive Director's Report.

1. Update on Meeting with Army Representatives.
FMERA staff continues its discussions with representatives of the Office of the Deputy Assistant Secretary of the Army for Installation and Housing related to the conveyance of the former Fort Monmouth property. Weekly conference calls are used to update the status of key issues. These discussions continue to establish a good working relationship with the U.S. Army that will result in a finalized Memorandum of Agreement (MOA) and Economic Development Conveyance (EDC) application in the near future.

2. Update on Meetings with Host Municipalities and Regional School Districts' Officials.
FMERA Staff, at the end of January and beginning of February, met with each of the host municipality school districts' and the two regional school districts' officials. The meetings with Eatontown, Oceanport, Tinton Falls, Shore Regional and Monmouth Regional were intended to keep the school districts informed and engaged on the redevelopment effort, as well as answer any questions and hear any issues of concern from the districts. Each meeting was productive and informative, and FMERA looks forward to continuing a positive working relationship with each of the school districts.

3. Update on Opening of Joe's Bar & Grille at Suneagles Golf Course.
Joe's Sports Bar & Grille, formerly known as Sal's 19th Hole, opened on Friday, February 10, 2012 at Suneagles Golf Course. Joe's, like Gibbs Hall, is operated by McLoone's Restaurants.

Suneagles has been seeing an abundance of activity since reopening in September thanks to the excellent management of the course by Atlantic Golf, and the extended mild weather this fall and winter. The success of Suneagles, and opening of Joe's Sports Bar & Grille and Gibbs Hall, is positive news for the Fort's redevelopment effort and the Community.

4. Action Items for Next Month.
 - Continued work with Matrix Design Group and the N.J. Department of Environmental Protection to identify environmental issues of concern
 - Continued work on the Notice of Interest (NOI) evaluation process
 - FMERA anticipates issuing an RFP for a Master Broker/Real Estate Consultant in the next 30 days
 - FMERA anticipates issuing Requests for Offer to Purchase (RFOTP) for Parcel C (mixed use), C-1 (housing), Golf Course (golf course and related uses) and Howard Commons (housing)
 - Continued meetings and tours with the interested prospective employers and investors
 - Continued outreach to our stakeholders
 - Continued collaboration with our Trenton office on marketing and business development opportunities



Approved By: Bruce Steadman

Prepared by: Katie Hodes

ADOPTED
February 15, 2012

Resolution Regarding the
Designation of the Records Custodian
of the Fort Monmouth Economic Revitalization Authority

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, the Authority has entered into a Memorandum of Understanding (“MOU”) with the New Jersey Economic Development Authority (“NJEDA”) providing for the establishment, operation, and financial support of the Fort Monmouth Office (“Office”) and for additional Support Services; and

WHEREAS, The Authority, in accordance with the MOU, approved the designation of Marcus Saldutti, the NJEDA Records Custodian, as the Records Custodian of the Authority for purposes of the Open Public Records Act, N.J.S.A. 47:1A-1 to -13 at its September 28, 2010 Meeting; and

WHEREAS, Marcus Saldutti is currently out of the office on extended leave, and an appointment should be approved by the Board at this time to ensure the duties of Records Custodian are handled appropriately.

THEREFORE, BE IT RESOLVED THAT:

1. Nicole Royle, the New Jersey Economic Development Authority’s Director of Marketing & Policy, is designated as the Authority’s Acting Records Custodian, until Mr. Saldutti returns from leave.

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: February 15, 2012

EXHIBIT 1



MEMORANDUM

To: Members of the Board of Directors

From: Bruce Steadman
Secretary & Executive Director

Date: February 15, 2012

Subject: Appointment of Records Custodian

Request:

The Members are asked to designate Nicole Royle, the New Jersey Economic Development Authority's Director of Marketing & Policy, as the Authority's Acting "Records Custodian."

Background:

Pursuant to New Jersey's Open Public Records Act (N.J.S.A. 47:1A-1, et seq.), requests by members of the public for public documents are to be handled by a public agency's "Records Custodian" who is "designated by formal action of that agency's director or governing body."

Pursuant to the Memorandum of Understanding between the Authority and the New Jersey Economic Development Authority (NJEDA), the NJEDA provides additional staff on an as-needed basis to provide Support Services to the Fort Monmouth Office Personnel. While Marcus Saldutti has served as the Authority's Records Custodian since September 28, 2010, he is currently out of the office on extended leave, and an appointment should be approved by the Board at this time to ensure the duties of Records Custodian are handled appropriately.

Recommendation:

Based on the above, it is recommended that Nicole Royle be designated as the Authority's Records Custodian, until Mr. Saldutti returns from leave.


Bruce Steadman

Prepared By: Katie Hodes

ADOPTED
February 15, 2012

Resolution Regarding the
**Approval of an Increase in Fees for the
Business and Operations Planning Consultant**

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, on November 10, 2010, the Board approved the engagement of Matrix Design Group, Denver, CO as the Business and Operations Plan Consultants to develop the business and operations plans which are required by the Department of the Army as supporting documents to the Economic Development Conveyance Application (EDC).

WHEREAS, at the direction of the Department of the Army, the Authority is pursuing a Two-Phase Economic Development Conveyance (TPEDC) rather than the conventional single phase, resulting in additional consulting costs which were not considered at the time the consultant was engaged; and

WHEREAS, the TPEDC requires more detailed initial evaluations to measure the overall equity divisions of the negotiated deal, and revenue sharing requirements to ensure adequate cash flow, and approaches to preserve/enhance property values to the mutual benefit of FMERA and Department of Defense; and

WHEREAS, with regard to the Business Plan, the TPEDC approach will require it to be updated for the second phase submission; and

WHEREAS, FMERA staff asked the consultants to provide a maximum fee for the additional work. The additional fee of \$54,000 represents 14% of the initial approved fee of \$384,230. The additional fee has been thoroughly reviewed by staff and discussed with the consultants.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached Board memorandum, the Authority approves the additional Business and Operations Plan Consulting Services costs of \$54,000, of which \$48,600 is funded through the Office of Economic Adjustment (OEA) grant and \$5,400 is the local match, and authorizes staff to submit to OEA an amended grant for such funding.

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: February 15, 2012

EXHIBIT 2



MEMORANDUM

TO: Members of the Board of Directors
FROM: Bruce Steadman
Executive Director
DATE: February 15, 2012
SUBJECT: Business and Operations Plan Consulting Services

Request

Members are requested to consider approval of additional funds in support of the Business and Operations Plan Consulting Services engagement that are needed because of the Two-Phase Economic Development Conveyance approach initiated by Department of the Army.

Background

On November 15, 2010, the Board approved the engagement of Matrix Design Group, Denver, CO as the Business and Operations Plan Consultants to develop the business and operations plans which are required by the Department of the Army as supporting documents to the Economic Development Conveyance Application (EDC). The final and best offer approved by the Board was \$384,230.

Subsequently, at the direction of the Department of the Army, the Authority has been pursuing a Two-Phase Economic Development Conveyance (TPEDC) rather than the conventional single phase, resulting in additional consulting costs which were not considered at the time the consultant was engaged. The Army proposed TPEDC to enable the sale of development-ready property and the division of sales proceeds to provide initial working capital and momentum to launch the Fort Monmouth redevelopment program. While the second phase will build on the work completed for the initial EDC application, it will require the submission of an amended EDC together with an update of the related analysis, planning and negotiation materials.

The change to a two-phased approach requires more detailed initial evaluations in the Phase I EDC application to measure the overall equity divisions of the negotiated deal, and revenue sharing requirements to ensure adequate cash flow, and approaches to preserve/enhance property values to the mutual benefit of FMERA and Department of Defense.

The two-phased approach also requires the connection of the cost-side analysis with the revenue-stream analysis to be completed under the two-phased approach; the review and incorporation of pertinent infrastructure and development plans; recommendations, and redevelopment strategies prepared during all the previous phases of work, all of which will serve as critical elements individually and collectively for both EDC Phases 1 and 2.


The work plan conducted in the development of the Fort Monmouth Business Plan with the two-phase plan and amendment of the EDC application for transfer of the property requires: additional conference calls; review of additional data and its relation to the two-phase EDC; review of the market analysis at the time of submission of an amended EDC (a new study is not anticipated to be required); a disposition and implementation strategy taking into account the project schedule and deal structure of the two-phase plan.

FMERA staff asked the consultants to provide a maximum fee for the additional work and requested back-up data from the consultants to justify their costs. The additional fee in the amount of \$54,000 represents 14% of the initial approved fee. The additional fee has been reviewed by staff discussed with the consultants. Based on their review, the FMERA staff deems the fees to be reasonable.

FMERA staff recommends approval of the additional fee to the existing consultant due to the Two-Phase Economic Development Approach initiated by the Department of the Army.

Recommendation

Based on the above, the Board is asked to approve the additional Business and Operations Plan Consulting Services costs of \$54,000, of which \$48,600 is to be funded through the Office of Economic Adjustment grant amendment and \$5,400 is the local match.



Bruce Steadman

Prepared by: Beverlee Akerblom

ADOPTED
February 15, 2012

Resolution Regarding the
Selection of the Surveying Services
Request for Qualifications/Proposals (RFQ/P)

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, section 9 of the Act authorizes the Authority to issue Requests for Proposals and to retain consultants; and

WHEREAS, on December 28, 2011, the Authority issued a Request for Qualifications/Proposals for Surveying Services (“the RFQ/P”) with bid submissions due on January 13, 2012; and

WHEREAS, Langan Engineering and Environmental Services (“Langan”) received the highest technical score; and

WHEREAS, staff negotiated with Langan a maximum fee of \$80,000 for the Phase 1 outbound metes and bounds survey required under Economic Development Conveyance (EDC) regulations, and staff considers that fee as well as the hourly fee range of \$87 for the survey technician to \$154 per hour for the project manager for additional services to be reasonable; and

WHEREAS, the evaluation committee recommends the selection of Langan (“the Surveyor”).

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached Board memorandum, the Authority approves the selection of Langan as the Surveyor to provide surveying services in accordance with the RFQ/P, subject to the terms and conditions set forth in this Resolution, the RFQ/P, and Langan’s proposal and subject to the availability and receipt of funding from the Office of Economic Adjustment.
2. The Authority authorizes the expenditure of funds to fulfill the selection of Langan to serve as the Surveyor.
3. The Authority authorizes the Executive Director to take all necessary actions to effectuate the selection of Langan as the Surveyor.
4. 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: February 15, 2012

EXHIBIT 3



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Award of Surveying Services Request for Qualifications/Proposals (RFQ/P)

DATE: February 15, 2012

Request

I am requesting the Members of the Board of Directors approval of the selection of a surveyor pursuant to a Request for Qualifications/Proposals (RFQ/P) for surveying services, including a metes and bounds survey of the Phase 1 parcels to include: the Charles Wood Area (CWA) including the golf course; Howard Commons; Parcels C, C1, E and F; and Main Post Marina Parcel; Clinic Parcel, and Parcel B.

Background

Governor Christie signed P.L. 2010 c. 51 on August 17, 2010 to create the Fort Monmouth Economic Revitalization Authority (FMERA or the Authority). The economies, environment, and quality of life of the host municipalities, Monmouth County, and the State will benefit from the efficient, coordinated, and comprehensive redevelopment and revitalization of Fort Monmouth.

On September 15, 2011 the Army officially closed Fort Monmouth. Although the Army's mission at Fort Monmouth has ceased, the Army remains the owner of the property. Therefore, the property still needs to be conveyed to the Authority and then ultimately to a third party. A metes and bounds survey of the Phase 1 property footprint is required by Economic Development Conveyance (EDC) regulations before property is transferred from the Army to FMERA. Further, the Department of Defense's Office of Economic Adjustment (OEA) will fund the metes and bounds survey of the footprint of the property because it is required under EDC regulations. The survey will provide a definition of the perimeter of the Fort Monmouth property to be transferred to FMERA in Phase 1.

Therefore, in order to assist with the conveyance of the property to the Authority, FMERA issued a publicly advertised Request for Qualifications/Proposals (RFQ/P) for surveying services on December 28, 2011. The Surveyor will be tasked with preparing a metes and bounds survey of: the Charles Wood Area (CWA) including the golf course; Howard Commons; Parcels C, C1, E and F; Main Post Marina Parcel; Clinic Parcel and Parcel B in accordance with EDC regulations. At the Authority's discretion, the selected Surveyor may also provide additional services on a time and materials basis; including an outbound metes and bounds survey of the

remainder of the Main Post Property, outbound metes and bounds surveys of sub-parcels and boundary survey plans including Right of Ways (ROWs) and easements.

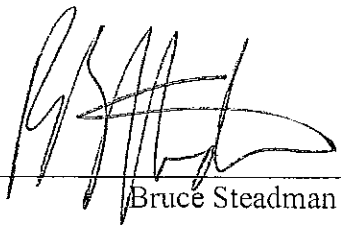
A mandatory pre-proposal conference for prospective proposers was held at the FMERA Office in Eatontown on Wednesday, January 4, 2012 and on Friday, January 13, 2012 FMERA received 18 proposals from the following firms: Langan Engineering and Environmental Services, The RBA Group, Adams, Rehmann & Heggan, Johnson, Mirmiran & Thompson / Naik Group, GEOD Corp./Birdsall Services Group, Banc3, Inc., Boswell Engineering, Maser Consulting, TYLN International, Taylor, Wiseman & Taylor, HAKS / Robinson Aerial Surveys, Inc., CME Associates, John S. Truhan, Najarian Associates, KS Engineers, French & Parrello, Gallas Surveying Group, and Vallee Surveying / Harris Surveying.

The 18 technical proposals were distributed to the Evaluation Committee. The Committee was made up of 3 New Jersey Economic Development Authority Employees in the Eatontown Office. The Evaluation Committee met on Monday, February 6, 2012 to review the technical proposals. The evaluation was based upon a comparative ranking with an emphasis on detailed work plan and management approach. The technical ranking ranged from a high of 260 to a low of 223 points, with the highest ranked firm being Langan Engineering and Environmental Services. With Langan Engineering and Environmental Services being the highest ranked firm, the Authority entered into negotiations for the engagement in order to secure a fair and reasonable price, in accordance with the RFQ/P. The Fee proposals received ranged from \$50,790 to \$260,900, with an average of \$136,083. The Professional Hourly Fees for additional work ranged from \$51 to \$245 per hour. Langan proposed a fee for the EDC required survey of \$68,340 with additional expenses for marker placement as the total number of markers required in not defined at this time. They estimated that the marker expense could be \$22,000. We were able to negotiate a cap on the EDC required survey of \$80,000 including marker placement. Langan's professional hourly fee range for additional work is \$87 for the survey technician to \$154 per hour for the project manager. The highest technically ranked firm, was Langan Engineering and Environmental Services, and a reasonable price was secured, therefore the Evaluation Committee is recommending that the Board of Directors approve the selection of Langan Engineering and Environmental Services for surveying services engagement.

The FMERA Real Estate Committee has reviewed the Evaluation Committee's process and recommendation and recommends the FMERA Board of Directors approve the selection of Langan Engineering and Environmental Services for Professional Surveying Services.

Recommendation

In summary, I am requesting the Members' approval to enter into a contract with Langan Engineering and Environmental Services for services sought in the Request for Qualifications/Proposals (RFQ/P) for Surveying Services, which includes a metes and bounds survey of: the Charles Wood Area (CWA) including the golf course; Howard Commons; Parcels C, C1, E and F; Main Post Parcel; Paterson Army Health Clinic Parcel and Parcel B. FMERA's contract with Langan Engineering and Environmental Services is subject to the availability and receipt of funding from the United States Department of Defense, Office of Economic Adjustment.



Bruce Steadman

ATTACHMENT: Surveying Services Scoring Synopsis

Prepared by: Katie Hodes & Rick Harrison

ATTACHMENT
Surveying Services Scoring Synopsis

Company Name	Score
Langan Engineering	260
The RBA Group	255
Adams, Rehmann & Heggan	248
Johnson, Mirmiran & Thompson / Naik Group	247
GEOD Corp./Birdsall Services Group	246
Banc3, Inc.	244
Boswell Engineering	244
Maser Consulting	243
TYLN International	241
Taylor, Wiseman & Taylor	240
HAKS / Robinson Aerial Surveys, Inc.	238
CME Associates	235
John S. Truhan	233
Najarian Associates	229
KS Engineers	224
French & Parrello	223
Gallas Surveying Group	223
Vallee Surveying / Harris Surveying	223

ADOPTED
February 15, 2012

**Resolution Regarding the
Approval of a Non-Binding Letter of Intent
with AcuteCare Pursuant to the Request for Proposals (RFP)
for the Clinic Parcel**

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, the U.S. Army closed Fort Monmouth on September 15, 2011; and

WHEREAS, the U.S. Army is the owner of the Fort Monmouth Property and has allowed for select early lease opportunities prior to the land conveyance to FMERA; and

WHEREAS, the 16 acre parcel in the Oceanport section of Fort Monmouth that includes the former Patterson Army Health Clinic, has been identified as one of the early lease opportunities; and

WHEREAS, a Request for Proposals (RFP) was issued and publically advertised on August 23, 2011 and proposals were due on September 12, 2011; and

WHEREAS, one proposal was received from AcuteCare and was determined to meet all requirements stipulated in the RFP, and staff has been negotiating with AcuteCare; and

WHEREAS, the FMERA Real Estate Committee recommends that the Board of Directors approve continued negotiations with AcuteCare, including entering into a Non-Binding Letter of Intent, on terms consistent with the attached Term Sheet, pursuant to the RFP for the Clinic Parcel and in accordance with the Authority’s Rules for the Leasing of Real and Personal Property.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached Board memorandum, the Authority approves continued negotiations with AcuteCare, including entering into a Non-Binding Letter of Intent, on terms consistent with the attached Term Sheet, pursuant to the RFP for the Clinic Parcel in accordance with the Authority’s Rules for the Leasing of Real and Personal Property.

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: February 15, 2012

EXHIBIT 4



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Consideration of Approval to continue negotiating a lease agreement Pursuant to the Request for Proposals (RFP) for the Clinic Parcel

DATE: February 15, 2012

Request

I am requesting that the Board of Directors authorize FMERA Staff to continue negotiating a lease agreement on terms set forth on the attached Term Sheet including entering into a Non-Binding Letter of Intent pursuant to the Request for Proposals (RFP) for the Clinic Parcel in accordance with the Authority's proposed rules for the lease of real and personal property.

Background

Governor Christie signed P.L. 2010 c. 51 on August 17, 2010 to create the Fort Monmouth Economic Revitalization Authority (FMERA or the Authority). The economies, environment, and quality of life of the host municipalities, Monmouth County, and the State will benefit from the efficient, coordinated, and comprehensive redevelopment and revitalization of Fort Monmouth.

On September 15, 2011 the Army officially closed Fort Monmouth. Although the Army's mission at Fort Monmouth has ceased, the Army remains the owner of the property. Therefore, the property will need to be conveyed to the Authority and then ultimately to a third party. In an effort to gain early proceeds from the former Fort Monmouth property before land is conveyed, the Army has agreed to allow a select few early lease opportunities. One of the early lease opportunities is the Clinic Parcel, which is a 16 acre parcel located in the Oceanport section of the former Fort property. Accordingly, a Request for Proposals (RFP) "For The Lease Of Real And Personal Property" for 16 Acres of land including Building 1075, also known as Patterson Army Health Clinic, was publically advertised and issued on August 23, 2011. It was advertised in the Asbury Park Press, the Star Ledger, posted to the FMERA and NJ Economic Development Authority (NJEDA) websites and the NJ State Business Portal. The response date for lease proposals was September 12, 2011.

As of September 12, 2011 one proposal was received from AcuteCare. The proposal met all of the requirements stipulated in the RFP. Negotiations are underway with the sole bidder. An appraisal contract has been awarded by FMERA to Value Research Group LLC to appraise the parcel and facility. This work is scheduled to be completed on February 17, 2012.

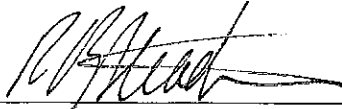
The RFP issued in September 12, 2011 was for a lease with an obligation to purchase and therefore should AcuteCare ultimately be awarded the Parcel, they would be obligated to buy the property simultaneously when the Army conveys the Clinic Parcel to FMERA. In addition, it should be noted, that in the Reuse and Redevelopment Plan the Clinic is slated for demolition and redevelopment for residential use. AcuteCare plans to use the existing building as a medical facility. In order to accommodate AcuteCare's plans, FMERA will need to amend or grant a variance for the Fort Monmouth Reuse and Redevelopment Plan to permit AcuteCare's planned use of this parcel from residential to commercial. The possibility of having AcuteCare lease, and then ultimately purchase the Clinic Parcel, is an economic benefit for the area and the Borough of Oceanport in particular, where the Parcel is located. AcuteCare also has a target of 200 new jobs to be created and a \$15 million rehabilitation of the clinic facility. The proposed medical facility will have a positive impact on the Community, offering improved medical services to the elderly, veterans and other patients.

In addition to successfully completing negotiations, FMERA will not enter into an agreement to lease/sell the Clinic Parcel to AcuteCare unless the following contingencies are satisfied: FMERA entering into a Memorandum of Agreement (MOA) with the Army; approval of the interim lease with the Army by the FMERA Board of Directors; FMERA entering into an interim lease agreement with the Army for the Clinic Parcel; FMERA adopting land use regulations; and possibly, FMERA adopting an amendment to the Reuse and Redevelopment Plan that permits commercial use of the Clinic Parcel.

The FMERA Real Estate Committee has been kept apprised of the RFP process and recommends that the Board of Directors approve continuing negotiations on terms set forth on the attached Term Sheet including entering into a Non-Binding Letter of Intent pursuant to the Request for Proposals (RFP) for the Clinic Parcel, in accordance with the Authority's proposed rules for leasing of real and personal property.

Recommendation

In summary, I am requesting that the Board of Directors authorize staff to continue negotiating a lease agreement, including entering into a Non-Binding Letter of Intent on terms consistent with the attached Term Sheet pursuant to the Request for Proposals (RFP) for the Clinic Parcel in accordance with the Authority's proposed rules for the lease of real and personal property, in an effort to move forward with the negotiations with AcuteCare that will later lead to a final lease/purchase agreement.



Bruce Steadman

ATTACHMENT: Non-Binding Letter of Intent
Prepared by: Rick Harrison & Odis Jones



CLINIC PARCEL MEMO

ATTACHMENT

[The term sheet that the preceding memo refers to has been removed from this full agenda, as it is part of an ongoing real estate negotiation.]

ADOPTED
February 15, 2012

Resolution Regarding the
**Authorization for FMERA Staff to Enter into Exclusive Negotiations with CommVault
for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP)
for Parcel E**

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, the U.S. Army closed Fort Monmouth on September 15, 2011; and

WHEREAS, the U.S. Army is the owner of the Fort Monmouth Property; and

WHEREAS, in an effort to earn early proceeds, the Army has allowed for a 55 acre parcel in the Tinton Falls section of Fort Monmouth to be publically advertised for purchase; and

WHEREAS, on October 13, 2011 FMERA issued and publically advertised its first Request for Offers to Purchase (RFOTP) for Parcel E in accordance with the Authority’s Rules for the Sale of Real and Personal Property; and

WHEREAS, four proposals were received: one offer was for commercial development and three were for residential development; and

WHEREAS, all proposals were scored independently by an evaluation committee; and

WHEREAS, CommVault received the highest score; and

WHEREAS, as provided in the Authority’s Rules for the Sale of Real and Personal Property, the FMERA Staff has determined during the evaluation process of the proposals received that there is a high likelihood that negotiating with CommVault will lead to an acceptable sales contract between FMERA and CommVault; and

WHEREAS, the FMERA Real Estate Committee recommends that the Board of Directors authorize the FMERA Staff to enter into exclusive negotiations with CommVault for a purchase agreement pursuant to the RFOTP for Parcel E and in accordance with the Authority’s Rules for the Sale of Real and Personal Property.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached Board memorandum, the Authority authorizes the FMERA Staff to enter into exclusive negotiations with CommVault for a purchase agreement pursuant to the RFOTP for Parcel E and in accordance with the Authority's Rules for the Sale of Real and Personal Property.

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: February 15, 2012

EXHIBIT 5



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Consideration of Authorization for FMERA Staff to Enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for Parcel E

DATE: February 15, 2012

Request

I am requesting that the Board of Directors authorize FMERA Staff to enter into exclusive negotiations for a purchase agreement pursuant to the Request for Offers to Purchase (RFOTP) for Parcel E, and in accordance with the Authority's Rules for the Sale of Real and Personal Property.

Background

Governor Christie signed P.L. 2010 c. 51 on August 17, 2010 to create the Fort Monmouth Economic Revitalization Authority (FMERA or the Authority). The economies, environment, and quality of life of the host municipalities, Monmouth County, and the State will benefit from the efficient, coordinated, and comprehensive redevelopment and revitalization of Fort Monmouth.

On September 15, 2011 the Army officially closed Fort Monmouth. Although the Army's mission at Fort Monmouth has ceased, the Army remains the owner of the property. Therefore, the property will need to be conveyed to the Authority and then ultimately to a third party. In an effort to begin the conveyance process, on October 13, 2011 FMERA issued its first Request for Offers to Purchase (RFOTP). The RFOTP was issued for Parcel E, a 55 acre piece of the former Fort Monmouth property located in Tinton Falls.

The RFOTP for Parcel E was publically advertised. It indicated that proposals for housing use or other use could be submitted and would be considered and that a proposal could be subject to an amendment of the Reuse Plan. It was advertised in the Asbury Park Press, the Star Ledger, posted to the FMERA and NJ Economic Development Authority (NJEDA) websites and the NJ State Business Portal. The response date for offers to purchase Parcel E was November 14, 2011, 31 days after the issuance of the RFOTP.

On November 14, 2011, FMERA received four proposals from: American Properties at Monmouth, LLC; CommVault; Fieldstone Associates L.P.; and HovWest Land Acquisition LLC. The CommVault proposal was for commercial use; the three other proposals were for residential use. The proposals were distributed to three evaluators who scored the proposals

independently, according to criteria that was contained in the RFOTP and the Authority's Sales Rules. The weighting of the categories was done in accordance with the Authority's Sales Rules however; it should be noted that the highest weight was given to job creation.

The evaluation team submitted their scores for compilation and met on November 30, 2011. The team reviewed the scoring and agreed that the CommVault proposal had the highest score for a commercial bidder and that negotiations should proceed. Staff determined that HovWest had the highest score for a residential bidder and also commenced negotiations with HovWest. The range of scores was 1785 – 2595. The CommVault proposal scored 2595. The HovWest proposal scored 2115. It was also noted that all four proposals would require a plan change: CommVault based on the change in proposed land use from residential to commercial; and the three residential proposals all exceeded the residential density for the parcel which is 126 units. The residential proposals also did not meet the plan affordable housing requirement of 20%.

The CommVault purchase price was \$6,100,000. The HovWest purchase price was \$7,000,000. FMERA subsequently hired Gagliano & Company to perform an appraisal based on both a residential and commercial use on an MAI appraisal basis. The appraisal for the commercial use was \$2,720,000 and the residential appraisal was \$5,020,000. The residential appraisal was based on the plan's density of 126 units.

As this was FMERA's first appraisal project, FMERA engaged Value Research Group LLC to confirm and validate the Gagliano & Company appraisal. The Value Research Group report was received on February 6, 2012 and it confirmed the original appraisal as valid.

After meeting with both bidders, staff is recommending that FMERA enter into exclusive negotiations with CommVault. CommVault is presenting a transformative project that will provide benefits beyond the scope of its footprint. When fully built out, CommVault has indicated that it will have 3,000 employees at the site, up to 700 of which will be hired within two years after occupancy. The positive impact of a project of this magnitude on Fort Monmouth, and the surrounding area which lost 5,000 jobs at the Fort and thousands of other supporting jobs when the Army closed the base, will be significant.

CommVault is publicly traded on the NASDAQ (CVLT), and currently employs approximately 1,370 worldwide with approximately 500 employed in New Jersey (Borough of Oceanport). If the Company is successful in acquiring the Property, CommVault proposes to construct on the Property its worldwide headquarters consisting of up to 650,000 square feet of new high-tech office/research technology space in one or more buildings with associated site improvements (Including a Parking Garage).

The HovWest project was also a well presented project, although it was clear after meeting with the bidder that either the bidder would need to resubmit numbers to comply with the density and affordable housing requirements or seek a plan amendment that would increase density, which staff was not certain it could support.

In recognition of the FMERA's commitment to the construction of housing and affordable housing, staff recommends that, as soon as permission to proceed from the Army is received, it

will present to the board an RFOTP solely for housing to be located on the remainder of the Tinton Falls portion of Fort Monmouth, consistent with the amendment to Reuse Plan that is also being presented today. The effect of building housing in this area will juxtapose the commercial and residential designations within the Tinton Falls portions of the Fort, with the number of units for housing being the same as in the original Reuse Plan.

As provided in the Sales Rules, the FMERA Staff has determined during the evaluation process of the proposals received that there is a high likelihood that negotiating with CommVault will lead to an acceptable sales contract between the two parties (FMERA & CommVault). CommVault needs a larger Headquarters facility to support the growth of their business and expanding customer base. The Company has evaluated sites both in and out of New Jersey and selected Parcel E on Fort Monmouth as their first choice and it is CommVault's intention to close on the Property once their due diligence is complete and all required approvals are obtained. They have a strong track record of revenue and earnings growth. Additionally, the negotiations will be exclusive in that CommVault will agree not to consider any other sites and to cease negotiations with any other parties during this term and to keep all negotiations and discussions confidential. Likewise, FMERA will agree not to consider any other proposals and cease negotiations with any other parties for the purchase of said parcel and instead negotiate with Commvault in good and reasonable faith for the purchase and sale of parcel E and to keep all negotiations confidential as maybe required by NJ law. This period of exclusive negotiations has been requested by Commvault pursuant to the FMERA Sales Rules and Commvault has agreed to consummate this request if granted by the FMERA Board with an additional deposit of 10% of the proposed purchase price that will be credited to Commvault at closing.

FMERA's mission is to create an atmosphere where employers will employ and investors will invest, to maximize the jobs created and the value of the property. As implied in FMERA's mission, the Authority's primary objective is to replace the jobs that were lost due to Fort Monmouth's closure in September. It is the FMERA Staff's feeling that should Commvault be awarded Parcel E, it will have a significant impact on job creation and to the local economy. The overall value of the Fort property will increase, with a particular boost to Tinton Falls, where the parcel is located and the potential development by Commvault could aid the severely depressed housing market. The HovWest proposal does not offer such an important opportunity to initiate redevelopment at Fort Monmouth. In addition, the Authority's professional planners agree that there is sufficient room within the Tinton Falls portion of the Fort property to relocate housing from Parcel E that was in the Reuse and Redevelopment Plan. At today's Board meeting, there is another Memorandum recommending that FMERA start the process of amending the Reuse and Redevelopment Plan to allow Parcel E to be developed into either commercial or residential use and designating other parts of the Tinton Falls portion of Fort Monmouth to replace residential development originally planned for Parcel E.

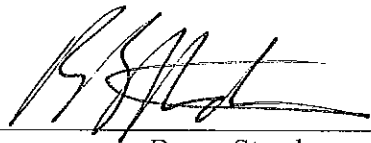
In addition to successfully completing negotiations, FMERA entering into a contract to sell Parcel E to CommVault will be contingent upon satisfactorily completing the following: FMERA adopting an amendment to the Reuse and Redevelopment Plan that permits either commercial use or residential use on Parcel E; FMERA entering into a Memorandum of Agreement (MOA) with the Army; FMERA adopting land use regulations; the host municipality designating Parcel E as a redevelopment area and approving a redevelopment plan; CommVault,

FMERA, and the host municipality entering into a redevelopment agreement; CommVault and the host municipality entering into a P.I.L.O.T. agreement; NJEDA approving an incentive package; and final approval of the terms and conditions of the sale of Parcel E by the FMERA Board of Directors at a future date.

The FMERA Real Estate Committee has been reviewing the RFOTP process for Parcel E since the RFOTP was initially issued. The Real Estate Committee is recommending that the Board authorize the FMERA Staff to enter into exclusive negotiations for a purchase agreement pursuant to the Request for Offers to Purchase (RFOTP) for Parcel E, and in accordance with the Authority's Rules for the Sale of Real and Personal Property.

Recommendation

In summary, I am requesting that the Board of Directors authorize FMERA Staff to enter into exclusive negotiations with CommVault for a purchase agreement pursuant to the Request for Offers to Purchase (RFOTP) for Parcel E, and in accordance with the Authority's Rules for the Sale of Real and Personal Property.



Bruce Steadman

ATTACHMENTS: Score Sheet and Term Sheet
Prepared by: Rick Harrison & Odis Jones

ATTACHMENT
Parcel E Scoring Synopsis

Name	Score
American Properties	1785
Commvault Systems, Inc.	2595
Fieldstone Associates, L.P.	1905
K. Hovnanian	2115



PARCEL E MEMO

ATTACHMENT

[The term sheet that the preceding memo refers to has been removed from this full agenda, as it is part of an ongoing real estate negotiation.]

ADOPTED
February 15, 2012

Resolution Regarding the
**Approval of Policy of Due Diligence Guidelines for Proposed Fort Monmouth Reuse
and Revitalization Plan Amendments and Transmittal to Host Municipalities of
Proposed First Plan Amendment Permitting Alternative Development Scenario in
Tinton Falls**

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, the U.S. Army closed Fort Monmouth on September 15, 2011; and

WHEREAS, FMERA issued a public advertised Request for Offers to Purchase (RFOTP) for Parcel E; and

WHEREAS, the FMERA Act, in N.J.S.A. 52:27I-26(c), authorizes FMERA “to adopt, revise, adjust, and implement . . . any aspect of the plan” and the Plan states that it is intended to “continue to evolve”; and

WHEREAS, the process set forth in the FMERA Act, in N.J.S.A. 52:27I-35, requires transmitting any proposed Plan amendment to the governing body of each of the three municipalities for a 45-day comment period and then to consider any comments prior to the Board approving or disapproving the amendment; and

WHEREAS, in addition to the statutory considerations, FMERA Staff recommends due diligence guidelines to assist the Board in making an informed decision as to the approval of any proposed amendment.

THEREFORE, BE IT RESOLVED THAT:

1. As expressed in the attached Board memorandum, the Authority approves the due diligence guidelines to consider four additional factors when considering the approval or disapproval of a proposed Fort Monmouth Reuse and Revitalization Plan amendment, revision, or supplement: rational and coordinated planning; impact to other host municipalities’ areas; impact to obligations under federal BRAC law and Army agreements; and impact to obligations under fair housing laws.

2. For the reasons expressed in the attached Board memorandum, the Authority approves the transmittal to the governing body of each of the three host municipalities of the proposed attached Amendment #1 to the Fort Monmouth Reuse and Revitalization Plan Amendment that would permit an alternative development scenario in Tinton Falls 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: February 15, 2012

EXHIBIT 6



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Consideration of Approval of Policy of Due Diligence Guidelines for Proposed Fort Monmouth Reuse and Revitalization Plan Amendments and Transmittal to Host Municipalities of Proposed First Plan Amendment Permitting Alternative Development Scenario in Tinton Falls

DATE: February 15, 2012

Request

I am requesting that the Board of Directors consider approving the transmittal to the three host municipalities of the proposed Amendment #1 to the Fort Monmouth Reuse and Revitalization Plan (the Plan) that would permit an alternative development scenario in Tinton Falls. In addition, the Members of the Board are asked to consider approving a policy articulating due diligence guidelines for use when deciding whether to approve an amendment, revision, or supplement to the Plan.

Background

Governor Christie signed P.L. 2010 c. 51 on August 17, 2010 to create the Fort Monmouth Economic Revitalization Authority (FMERA or the Authority). The economies, environment, and quality of life of the host municipalities, Monmouth County, and the State will benefit from the efficient, coordinated, and comprehensive redevelopment and revitalization of Fort Monmouth.

FMERA's predecessor authority, the Fort Monmouth Economic Revitalization Planning Authority created and developed the Fort Monmouth Reuse and Redevelopment (the Plan). The Plan was completed in 2008 after years of careful consideration and under economic conditions that were different from today.

The FMERA Act, and the Reuse Plan itself, contemplate that amendments to the Plan would be required from time to time. Specifically, the FMERA Act authorizes FMERA "to adopt, revise, adjust, and implement . . . any aspect of the plan. . ." Moreover, the Plan states that it is intended to "continue to evolve." Plan amendments will allow FMERA to respond to opportunities that may arise once parcels are publicly advertised for sale. The Plan amendment process set forth in the FMERA Act requires transmitting the proposed Plan amendment to the governing body of each host municipality for a 45-day comment period and then to consider any comments prior to approving or disapproving the amendment.

In accordance with the relevant FMERA Act statute, the Reuse Plan is required to be “a report or statement and land use and development proposals” that includes:

- (1) A statement of 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 Redevelopment Plan.

In addition to these statutory considerations, staff would like to recommend due diligence guidelines to assist the Board in making an informed decision about any proposed Plan amendment, revision, or supplement. Staff therefore recommends that the Authority adopt a policy that, prior to its final approval of any such Plan change, it will seek the following information from the indicated professionals:

- (1) A statement that the resulting Plan is a rational and coordinated plan, to be provided from the planner. This will ensure that any change does not have unintended effects such as creating roads that do not meet.
- (2) A statement that the resulting Plan does not significantly impact the areas within Fort Monmouth of the other host municipalities, to be provided by the planner. This will ensure that any change in one municipality does not have effects such as shifting significant traffic to an adjacent municipality
- (3) An opinion of counsel that the resulting Plan does not negatively impact FMERA’s obligations under federal Base Closure and Realignment (BRAC) law or under any Agreement with the Army, to be provided by BRAC counsel. Staff has been advised that, as a general matter, very few amendments will require federal approval.
- (4) An opinion of counsel that the resulting Plan does not negatively impact FMERA’s obligations under fair housing laws, to be provided by outside counsel with expertise in this area.

Failure to receive affirmative statements or opinions with respect to the above will not preclude the implementation of the amendment. The above are intended to serve as due diligence to guide the Board in its decision making.

The attached proposed Amendment #1 encompasses certain Fort Monmouth properties in Tinton Falls (the Tinton Falls Reuse Area). In the Plan, the Tinton Falls Reuse Area totals approximately 254 acres. The Plan envisions redevelopment of this area for approximately one million square feet of non-residential space and 288 residential units. Such development would include a high-tech business campus with a multi-use town center containing ground-floor retail space with mixed-income housing or professional offices above, and standalone residential, institutional and civic uses.

This proposed amendment maintains the Plan’s land use concepts and plans while permitting an alternative development scenario that, if pursued, would result in the development of 650,000 square feet of professional office/R&D space on Parcel E, a 55 acre piece of land in the northeast quadrant of the Tinton Falls Reuse Area. In the Plan, Parcel E is planned for low - and medium-density housing totaling 126 units, together with ball fields and a field house, and three

neighborhood pocket parks. The proposed amendment would allow for commercial development on Parcel E, such as the commercial use proposal received in response to the publically advertised Request for Offer to Purchase (RFOTP) for Parcel E. Under such alternative, the total number of residential units within the Tinton Falls Reuse Area would remain at 288, however the 126 residential units envisioned for Parcel E would be redistributed to other locations within the Tinton Falls Reuse Area.

In order for the Authority to begin the public process required before the Board considers approval or disapproval of the amendment to the Plan to allow for the alterative commercial use of Parcel E, FMERA Staff is requesting that the Board of Directors approve transmitting the attached proposed Plan Amendment to the governing body of each of the three host municipalities.

Recommendation

In summary, I recommend that the Board of Directors approve the transmittal to the governing body of each of the three host municipalities of the proposed Amendment #1 to the Fort Monmouth Reuse and Revitalization Plan Amendment that would permit an alternative development scenario in Tinton Falls. Furthermore, I recommend that the Members approve the above policy to consider four additional factors when considering the approval or disapproval of a proposed amendment, revision, or supplement to the Fort Monmouth Reuse and Redevelopment Plan: rational and coordinated planning; impact to other host municipalities' areas; impact to obligations under federal BRAC law and Army agreements; and impact to obligations under fair housing laws.



Bruce Steadman

ATTACHMENT: Proposed Plan Amendment
Prepared by: Bruce Steadman

DRAFT

Proposed Amendment #1 to the
Fort Monmouth Reuse and Redevelopment Plan

Prepared for:
The Fort Monmouth Economic Revitalization Authority

By:
Phillips Preiss Grygiel LLC
Planning and Real Estate Consultants
33-41 Newark Street
Hoboken, NJ 07030

February 15, 2012

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I. Introduction and Planning Rationale

Pursuant to P.L.2010, c. 10 (N.J.S.A. 52:271-18 et. seq.), the Fort Monmouth Economic Revitalization Authority ("FMERA") is considering amending the *Fort Monmouth Reuse and Redevelopment Plan* (the "*Reuse Plan*" and "Plan") to provide the option for development of professional office and/or research and development (R&D) space on a 55-acre parcel ("Parcel E") located in the northeast section of the former Fort Monmouth property in the Borough of Tinton Falls, New Jersey. FMERA must determine whether the alternative development scenario is generally consistent with the overall planning principles and objectives of the *Reuse Plan*.

The proposed amendment does not purport to delete any provisions of the *Reuse Plan* but rather would supplement the Plan by proposing an alternative development scenario for the 55-acre parcel cited above. The amendment would ultimately be incorporated into the Land Use Regulations for the Reuse Area in a manner similar to an "overlay zone," whereby an additional set of requirements are superimposed on the area allowing for such alternative development scenario to be realized. Overlay zoning would provide additional opportunities for development which would not apply unless the land is developed in accordance with the purposes for which the overlay zoning was adopted.

The Fort Monmouth properties in Tinton Falls ("the Reuse Area") total approximately 254 acres and are bounded generally by Pearl Harbor Avenue to the west, Tinton Avenue to the north, Hope Road to the east and Pinebrook Road and the Conrail railroad tracks to the south. The *Reuse Plan* envisions redevelopment of this area for approximately one million square feet of non-residential space and 288 residential units. Such development would include a high-tech business campus with a multi-use town center containing ground-floor retail space with mixed-income housing or professional offices above, and standalone residential, institutional and civic uses. Specifically, Parcel E is planned for low- and medium-density housing totaling 126 units, together with ball fields and a field house, and three neighborhood pocket parks.

This amendment, referred to as Amendment #1, maintains the land use concepts and plans articulated in the *Reuse Plan* but also permits an alternative development scenario that, if pursued, would result in the development of 650,000 square feet of professional office/R&D space on Parcel E. Under this alternative, the total number of residential units would remain at 288, however the 126 residential units envisioned for Parcel E would be redistributed to other locations within the Tinton Falls Reuse Area.

This amendment 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 the provision of housing. The real estate market has taken a turn for the worse since the *Reuse Plan* was prepared and this downturn

has been compounded by the actual closure of Fort Monmouth, which has resulted in the loss of 5,000 jobs on the base and 15,000 supporting jobs in the region. The impacts associated with the base closure relative to the local property tax base and local and regional employment will continue to be felt so long as the former Fort properties remain fallow and unproductive.

A significant change has occurred since the preparation of the *Reuse Plan* that directly affects the Tinton Falls Reuse Area: plans by the New Jersey Turnpike Authority to re-configure Exit 105 of the Garden State Parkway. These improvements will remove traffic from the Hope Road/Route 36 intersection and provide additional access to Pearl Harbor Avenue, Tinton Avenue and Route 18. The *Reuse Plan* placed limitations on density and types of land uses in those areas of the Tinton Falls Reuse Area that would be served by the local roadway system. As a result of the Exit 105 improvements, the Tinton Falls Reuse Area will be positioned to accommodate higher-traffic generating uses, i.e., office/research uses (and at higher development intensities) than originally envisioned. Furthermore, this new access will, in all likelihood, render certain land parcels more desirable for office/R&D use than was contemplated during the Plan preparation stage.

The *Fort Monmouth Reuse and Redevelopment Plan* involved years of careful consideration and study as well as an extensive effort to draw input from local 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 Tinton Falls Reuse Area. Instead, it provides an alternative development scenario that affords FMERA with the necessary flexibility to respond to changed circumstances in a manner that does not compromise 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 principals of the *Fort Monmouth Reuse and Redevelopment Plan*, as well as to FMERA's own directive, and to relevant State, County and municipal planning objectives.

II. Scope of Reuse Plan Amendment

This amendment to the *Reuse Plan* is intended to allow for an alternative development concept for approximately 55 acres, referred to as Parcel E, in the Tinton Falls Reuse Area. The Tinton Falls Reuse Area is bound generally by Pearl Harbor Avenue to the west, Tinton Avenue to the north, Hope Road to the east and Pinebrook Road and the Conrail railroad tracks to the south.

Parcel E is located in the northeast quadrant of the Reuse Area and is bounded on the north by Tinton Avenue; on the east by three single-family residential parcels and Hope Road; on the south by Corregidor Road and Building 2290 (formerly used as a Child Development Center); and on the west by Bataan Avenue. Parcel E is located adjacent to the intersection of Tinton Avenue and Hope Road. Convenient access to the parcel is currently provided via one of two gated entrances: on Bataan Avenue off of Tinton Avenue (the "Bataan Gate") and on Corregidor Road off of Hope Road.

The *Reuse Plan* envisions redevelopment of the Tinton Falls Reuse Area for approximately one million square feet of non-residential space and 288 residential units. Such development would include a high-tech business campus, a multi-use town center containing ground-floor retail space with mixed-income housing or professional offices above, and standalone residential, institutional and civic uses. Under the *Reuse Plan* Parcel E would be developed for 126 mixed-income residential units distributed as follows: 7 large-lot detached homes fronting on Tinton Avenue; reuse of 22 units of the extant Hemphill housing; 39 small-lot detached homes and 58 townhouses. The *Reuse Plan* envisions Parcel E to also accommodate ball fields and a field house, and three neighborhood pocket parks.

This amendment maintains the development concepts and plans articulated in the *Reuse Plan*, but further permits an alternative development scenario that, if pursued, would result in the development of up to three buildings totaling 650,000 square feet of professional office/R&D space on Parcel E. Under this alternative development scenario, the total number of residential units within the Tinton Falls Reuse Area would remain at 288. However, the 126 residential envisioned for Parcel E would be redistributed to other locations within the Tinton Falls Reuse Area as follows: 82 apartment units above ground-floor retail space in the mixed-use town center; 90 mixed-income apartments to the east of the town center and 33 townhouse units directly to the north; 34 small-lot detached homes along Tinton Avenue between Parcel E and the town center; 36 townhouses to the west of the existing pool and teen center and south of Laboratory Road; 8 large-lot detached homes to the south of Laboratory Road and east of Park Road; and 5 small-lot detached homes to the north of Laboratory Road (see *Figure 1: Alternative Scenario for Parcel E in the Tinton Falls Reuse Area*).

The amendment would necessitate the removal of Buildings 2539 and 2540 south of Laboratory Road. These buildings, which total approximately 16,000 square feet, are shown in the "Building Reuse Plan" exhibit in the *Reuse Plan* as having potential (but not required) for reuse as office/R&D space. The amendment would also require the removal of 22 duplex units of the Hemphill Housing (Buildings 2231-2240, 2260) located along Hemphill Road on the western side of Hope Road, east of Guam Lane and north of Corregidor Road. These structures are not shown on the "Building Reuse Plan" exhibit nor are they listed as buildings required for preservation in the *Programmatic Agreement* between the New Jersey State Office of Historic Preservation (SHPO) and FMERA.

DRAFT

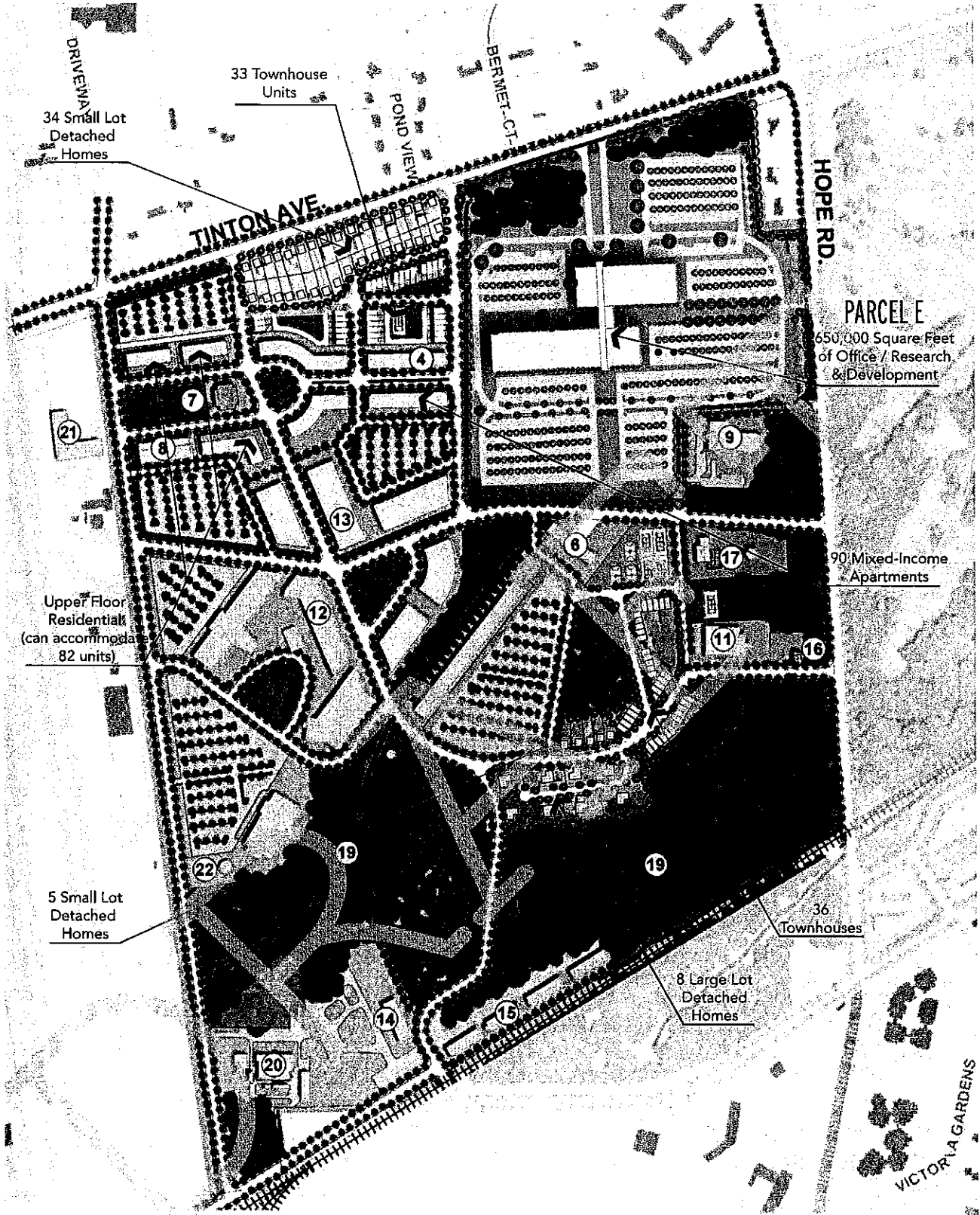


Figure 1:
 Alternative Scenario for Parcel E in the
 Tinton Falls Reuse Area

III. Relationship to Elements, Objectives and Principles of the *Reuse Plan* and FMERA Directives

Relationship to Reuse and Redevelopment Plan Elements

In considering the impacts of the *Reuse Plan* amendment (i.e., to permit office/R&D uses on Parcel E and redistribute 126 residential units to other locations in the Tinton Falls Reuse Area), the following *Reuse Plan* elements were evaluated: land use and circulation, infrastructure, environmental issues, historic preservation and community impacts. The relationship between the amendment and these Plan elements are described below.

Land Use and Circulation

Total Development Yield

If the alternative development scenario that is part and parcel of this amendment is pursued, it would result in the redevelopment of 650,000 square feet of new office/R&D space and a loss of ~16,000 square feet of existing office/R&D space in the Tinton Falls Reuse Area.¹ Thus, there would be a net increase of ~634,000 square feet of non-residential square footage. The number of residential units would remain at 288. The alternative development scenario, would result in revisions to the following tables in the *Reuse Plan*: "Reuse & Redevelopment Program," "Non-Residential Building Reuse Index" and "Residential Building Reuse Index" as indicated in Tables 1 through 3 below.

Table 1: Reuse & Redevelopment Program

	Tinton Falls 10 Year Plan	Tinton Falls 20 Year Plan	Total Tinton Falls	Fort Total 10 Year Plan	Fort Total 20 Year Plan	Grand Fort Total
Existing Reuse Plan						
Total Residential Units	288	--	288	885	720	1,605
Total Non-Residential Square Footage	802,568	207,000	1,009,568	2,523,407	858,072	3,381,479
If Amendment #1 is Pursued						
Total Residential Units	288	--	288	885	720	1,605
Total Non-Residential Square Footage	1,436,812	207,000	1,643,812	3,157,651	858,072	4,015,723

¹ Removal of Buildings 2539 and 2540 included in the *Reuse Plan* as buildings for reuse totaling 15,756 square feet.

Table 2: Non-Residential Building Reuse Index if Amendment #1 Pursued

	Gross Square Feet to be Re-used	Office	Lab/Data	Homeless	Retail	Educ.	Other
Existing Reuse Plan							
Total Tinton Falls Excluding Residential	954,586	423,489	426,594	---	1,335	39,236	63,932
Fort Total Excluding Residential	2,079,061	816,168	635,637	31,322	108,089	73,460	237,509
If Amendment #1 is Pursued							
Total Tinton Falls Excluding Residential	938,830	423,489	410,838	---	1,335	39,236	64,932
Fort Total Excluding Residential	2,063,305	816,168	619,881	31,322	108,089	73,460	237,509

Table 3: Residential Building Reuse Index if Amendment #1 Pursued

Tinton Falls Residential Square Footage to be Reused	Total Fort Residential Square Footage to be Reused	Tinton Falls Total Residential Buildings to be Reused	Tinton Falls Total Residential Units to be Reused	Fort Total Residential Buildings to be Reused	Fort Total Residential Units to be Reused
Existing Reuse Plan					
40,700	790,000	11	22	83	267
If Amendment #1 is Pursued					
---	750,000	---	---	72	245

Compatibility with Surrounding Land Uses

The area surrounding Parcel E is developed for largely residential, educational and recreational purposes. Three single-family detached homes are located at the southwest corner of Hope Road and Tinton Avenue. To the north across Tinton Avenue are both single-family attached and single-family detached homes. The Suneagles Golf Course lies directly to the east across Hope Road. To the south, within the former Fort boundaries is Building 2290 (the former Child Development Center), Building 2566 (which was used as the Youth and School Age Services Building), and Building 2569 (which was used as the Charles Wood Swimming Pool). The *Reuse Plan* envisions all three of these buildings being reused.

The *Reuse Plan* envisions a mixed-income residential development on Parcel E—in the form of garden apartments, townhouses, and detached residences—for the following reasons cited in Section 3.2: the area was historically a residential zone at Fort Monmouth (however, all of the units have already been removed with the exception of the Hemphill Housing along Hope Road); and it would include the reuse of the 22 unit Hemphill Housing, thereby taking advantage of existing housing. The Plan

places detached housing along Tinton Avenue and recommends a 30-foot landscape buffer between the roadway and proposed development. The Plan envisions higher-density residential dwellings for the remainder of Parcel E so as to allow for a more cost effective means of providing mixed-income housing.

As an alternative to residential use, office/R&D space would also be compatible with surrounding land uses on Parcel E. Access can be provided from both Tinton Avenue and Hope Road. In addition, the improvements to the Garden State Parkway will provide more direct access to Tinton Avenue from both the northbound and southbound lanes of the Garden State Parkway. Access to this location will also be enhanced by improvements to the Hope Road/Route 36 intersection. Furthermore, with the advantage of having convenient access to the regional highway network, the site should be well positioned in terms of attracting new corporate office/research users.

In addition, because a reconfigured Bataan Avenue² and Corregidor Road bound Parcel E within the former Fort's boundaries, this would serve to buffer the parcel from adjoining development. Moreover, in order to suitably accommodate office/research use at this location, imposition of appropriate regulatory controls, including large setbacks and generous landscaped buffers along Tinton Avenue, Hope Road, Bataan Avenue, and Corregidor Road should assure that both existing and future residences are protected from new development. Any office/R&D buildings constructed should remain in the central portion of the parcel, and building heights and development intensities should be sensitive to surrounding development patterns.

The redistribution of residential units to the locations shown in Figure 1 would be generally compatible with existing and future development envisioned in the *Reuse Plan*. Not only were apartments above ground-floor commercial space already contemplated in the *Reuse Plan* as part of the mixed-use town center, but the addition of an even larger number of such dwellings would enliven what is anticipated to be the focal point of the Tinton Falls Reuse Area. This area would be within close walking distance of the existing municipal complex, the retail establishments and office uses in the town center, and the civic green and library. The mixed-income apartments and the small-lot detached homes and townhouse units proposed to the east of the town center would also be in close proximity to all of the town center's amenities. Meanwhile, with appropriate regulatory safeguards in place, including adequate setbacks and buffering, additional low-density units fronting Tinton Avenue would be compatible with the established single-family properties neighboring the Reuse Area.

Finally, detached single-family homes and townhouses located along Laboratory Road would be compatible with largely undeveloped lands to the south (as depicted

² The *Reuse Plan* locates Bataan Avenue to the east of its current location so that it intersects Tinton Avenue to the east of Pond View Drive.

in the *Reuse Plan*) and would provide an appropriate transition to the more intensive office and commercial uses contemplated in the northern and western sections of the Reuse Area. Land use regulations for these residential units should insure that adequate setbacks and buffers be provided in locations where the units adjoin non-residential uses, specifically north of Laboratory Road.

Circulation

The amendment is consistent with and would not otherwise compromise any of the "Transportation Circulation Improvement Goals" established in the *Reuse Plan*. The proposed improvements to surrounding roadways, specifically Hope Road, Tinton Avenue and the intersection of Tinton Avenue and Route 36, would further support the alternative development scenario contemplated as part of this amendment.

The only difference is in relation to the Street Phasing Plans, as two proposed residential streets within Parcel E would not be built and two driveways would be added to the street phasing plan: one from Tinton Avenue and one from Hope Road (i.e., to provide access to Parcel E under the office/R&D use alternative). All other planned streets, pedestrian, and transit plans would remain unchanged.

Open Space

The amendment would involve the removal of one ball field and three pocket parks envisioned in the *Reuse Plan* for Parcel E. However, these parks could likely be accommodated elsewhere in the Tinton Falls Reuse Area, particularly as part of new (i.e., alternative) residential development.

Sustainability

The amendment would not preclude incorporation of any of the sustainability measures outlined in the *Reuse Plan*, consistent with all other development contemplated on the former Fort properties.

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.

Traffic

The *Reuse Plan* includes a *Technical Memorandum: Traffic and Transportation* ("the Technical Memorandum" and "the Study") which was prepared by STV, Inc. and dated April 10, 2008, modified June 25, 2008. It should be noted that the Technical

Memorandum was completed before the New Jersey Turnpike Authority (NJTA) announced in 2011 its intention to make improvements to Interchange 105 of the Garden State Parkway in Tinton Falls and the intersection of Route 36 at Hope Road.

The Technical Memorandum concludes that the current configurations of the following intersections in the vicinity of Parcel E are expected to be inadequate to process the expected traffic overlays generated by the *Reuse Plan*: Route 36/Hope Road; Tinton Avenue/Route 35; and Hope Road/Tinton Avenue. These intersections are among those which the Study anticipated to become main traffic focal points at full build-out of the *Reuse Plan*.

The Garden State Parkway Southern Interchange Study: Interchange 105 ("the GSP Study") dated January 2011 was prepared by Stantec for NJTA. The GSP Study notes that the *Reuse Plan* is expected at full build-out (i.e., 20 years out) to add up to 3,500 and 4,600 trips to the regional roadway network during the AM and PM peak hours over existing use which has capacity constraints under existing conditions. The GSP Study provides an analysis of potential roadway improvements to the intersection of Hope Road and Route 36 and Interchange 105, which is a full parkway interchange providing access to and from Route 36, Route 18 and Hope Road. The improvements are intended to provide congestion relief to vehicles utilizing the study area roadways and improve safety.

As a result of the analysis, the GSP Study concluded that the proposed improvements to Interchange 105 would not only address existing issues at the interchange and the Route 36 / Hope Road intersection, but also accommodate future traffic volumes generated by the *Reuse Plan*. In 2011, NJTA announced its plans to reconfigure the Parkway in Tinton Falls which will include improvements to the southbound Interchange 105, the northbound outer roadway, and the intersection of Hope Road and Route 36 as contemplated in the GSP Study. Construction could start in 2013.

Notwithstanding the above improvements to the adjacent roadway network, a detailed traffic analysis would be prepared as part of any site plan review related to development on Parcel E and any traffic mitigation necessary would be addressed at that time.

Environmental Issues

The land permitted to be developed by this amendment is not environmentally constrained per Geographic Information System (GIS) layers provided by the New Jersey Department of Environment Protection (NJDEP). Based on review of this data, it is evident that those portions of the Reuse Area where this amendment permits residential development are suitable for housing, provided the plans within such areas conform to the applicable requirements of NJDEP.

The Department of Defense (DoD) is working with the New Jersey Department of Environmental Protection (NJDEP) on the ongoing environmental investigation and remediation of the former fort properties. The DoD developed the Installation Restoration Program (IRP) to comply with federal guidelines for managing and controlling past hazardous waste disposal actions on Fort lands. Among the IRP sites identified is FTMM-26 (former pistol range), which is located on vacant land on the northern side of the intersection of Radiac Way and Laboratory Road. This amendment would permit the development of townhouses adjacent to this site, however the U.S. Army has indicated that it is considered a site of No Further Action (NFA) because investigation and/or response actions are complete.

Historic Preservation

The amendment would necessitate the removal of the remaining units of the Hemphill Housing. The Hemphill Housing area includes 22 duplex units (Buildings 2231 through 2240 and Building 2260) located along Hemphill Road on the western side of Hope Road, east of Guam Lane and north of Corregidor Road. The structures were built in 1955 and used as officer housing. The Hemphill Houses are in generally sound condition, but are in need of updating. The *Reuse Plan* refers to these structures as "historic" but does not list them among the historic resources listed in Chapter 7.0 Historic Preservation Guidelines of the *Plan*. In addition, they have not been identified by the State Historic Preservation Office (SHPO) as worthy of listing on the State or National Registers of Historic Places. Therefore, the amendment will not impact historic resources required for preservation according to the Programmatic Agreement between the SHPO and FMERA.³

Community Impacts and Affordable Housing

As noted in the *Reuse Plan*, the host communities, including Tinton Falls, rely on taxation for the largest portion of their municipal revenues. The Fort's closure, and the resulting loss of Defense contractor jobs 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 rates would therefore lessen the burden on local residents.

Corporate headquarters, offices, research facilities, retail and other commercial uses typically generate more positive fiscal impacts on a municipality, i.e., generate more tax revenues than incur municipal costs, than do other land uses, including residential development. Additional office/R&D use permitted by this amendment can be expected to have a positive fiscal impact on the tax base of Tinton Falls. The of-

³ If this alternative development scenario is pursued, Buildings 2539 and 2540 would also be removed. These buildings are not described as historic in the *Reuse Plan* and are not included in the Programmatic Agreement between SHPO and FMERA.

office/R&D use would not generate any school children and the municipal costs associated per new employee, as indicated in the *Reuse Plan*, is about 20 percent less than municipal costs associated per new resident in Tinton Falls.

The number of residential units in the Tinton Falls Reuse Area would remain the same whether Parcel E is developed for residential or non-residential use. However, the redistributed residential units would be in a somewhat different form than anticipated in the *Reuse Plan* (see Table 4). The change in housing type has some implications in terms of the population and number of schoolchildren anticipated from development. The amendment contemplates 172 housing units in the form of apartments (i.e., either in apartment buildings or above ground-floor commercial uses) as opposed to 130 apartment units anticipated in the *Reuse Plan* –an increase of 42 units. These 42 units are drawn from the following housing units identified in the *Reuse Plan*: the 22-unit duplex Hemphill Housing, 14 units of townhouse/rowhouses, and six single-family large lot units. The New Jersey Demographic Multipliers prepared by the Center for Urban Policy Research at Rutgers University (November 2006), indicates that the projected household size and number of school children generated by single-family detached homes is only slightly higher than apartment units and both are only slightly higher than single-family attached homes. Furthermore, the number of small lot single-family, i.e., 39 units, remains constant whether the amendment is pursued or not, and the amendment still contemplates eight units of single-family large lot homes. Single-family detached homes typically have larger household sizes than either single-family attached homes (i.e., the Hemphill Houses and townhouses/rowhouses) or multi-family homes. Therefore, the amendment still affords opportunities for family housing in the Reuse Area. Finally, as the *Reuse Plan* also notes, higher-density residential dwellings allow for a more cost-effective means of providing mixed-income housing. Therefore, although the overall population may be reduced slightly if the amendment is pursued, it would still advance the *Reuse Plan* goal of providing a variety of housing types and creating mixed-income neighborhoods.

The amendment also anticipates fewer single-lot residential units and fewer townhouses/rowhouses. Therefore, despite the fact that there would be 288 residential units within the Tinton Falls Reuse Area regardless of how Parcel E is developed, the larger number of multi-family units to be built if the amendment is pursued would produce fewer schoolchildren and fewer residents, thereby reducing potential municipal costs as estimated in accordance with the *Reuse Plan*.

Table 4: Breakdown of Housing Types in Tinton Falls

Hemphill Housing	1-Family Small Lot	1-Family Large Lot	Townhouse/Rowhouse	Upper-Story Residential In Mixed-Use Building	Apartments	Total
Existing Reuse Plan						
22	39	14	83	---	130	288
If Amendment #1 is Pursued						
---	39	8	69	82	90	288

Relationship to Objectives and Principles of the Reuse Plan

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

- *Promote the Technology Corridor Initiative.* When the *Reuse Plan* was adopted, the governor touted the Fort’s potential to become a “high-tech corridor.” The amendment would allow for the development of additional office/R&D facilities within the Tinton Falls Reuse Area.
- *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.
- *Focus on business retention and attraction, job replacement, and employee training.* This amendment will provide for increased flexibility in relation to those locations where office/R&D use may be located within the Tinton Falls Reuse Area. This flexibility will aid FMERA in its efforts to attract suitable users who wish to develop new/expanded facilities, or who desire to relocate to Fort Monmouth from locations outside the region.
- *Be founded on market and economic analysis.* By permitting additional office/R&D space to be created within the Tinton Falls Reuse Area, the amendment responds to the current needs of the marketplace. In particular, the planned improvements to the Garden State Parkway are likely to render portions of the Reuse Area, including Parcel E, as more valuable for non-residential use, and, therefore, be more attractive to potential corporate office/research users.
- *Address homeless, COAH, and workforce housing needs.* The amendment does not change the total number of residential units planned for the Tinton Falls Reuse Area, however it does change the type of residential units. There will be fewer attached single-family homes and large-lot single family homes, which will most likely result in a slightly lower household size and school-age population.

However, the amendment contemplates only six fewer single-family detached homes (where household sizes are highest) than the *Reuse Plan*. Furthermore the wide variety of housing types, including more apartments, will advance the principle of creating mixed-income neighborhoods.

- *Leverage Fort assets (people, infrastructure, location)*. The amendment affords FMERA with an opportunity to leverage the locational assets of the Tinton Falls Reuse Use, i.e., proximity to the Garden State Parkway, together with improvements to the Parkway and ancillary roads servicing the area, to attract new office/R&D users that generate much-needed local employment and tax ratables.
- *Be a green community model*. This amendment does not in any way preclude the Tinton Falls Reuse Area from becoming a green community model.

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 & Create Mixed-Use Live/Work/Leisure Centers. The *Reuse Plan* affirmatively states that the roadway capacity and infrastructure serving Fort Monmouth best supports higher density reuse and redevelopment in locations adjacent to the Garden State Parkway. Greater density in the Tinton Falls Reuse Area was also supported in the Plan because there were fewer environmentally constrained parcels in this area than elsewhere on the Fort.

Principle #2: Link centers & increase mobility with connected transit infrastructure serving the region and the Fort. The amendment would allow a redevelopment pattern that takes advantage of its close proximity to the Garden State Parkway. The amendment does not impact the *Reuse Plan's* vision for an extensive system of bikeways, pedestrian trails and sidewalks.

Principle #3: Enhance auto mobility and redevelopment capacity with targeted roadway infrastructure improvements. The *Reuse Plan* acknowledges that redevelopment of the Fort will require improvements to the roadway system. Specifically, the *Plan* identifies the potential need to widen Tinton Avenue to provide added roadway capacity into the general area; and the potential need to widen Hope Road to provide added capacity between Route 36 and the Fort area.

Principle #4: Combine open space, habitat, and water resources to establish a continuous Blue – Green belt. The amendment, and specifically the potential redistribution of residential units within the Tinton Falls Reuse Area, does not preclude the creation of an open space network consisting of envi-

ronmentally sensitive areas, including wetlands, watercourses, and habitats.

Principle #5: Utilize the Blue – Green belt as an armature for enhanced bicycle and pedestrian mobility throughout the Fort. The amendment would not impact the proposed 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 amendment would not prevent the opening of 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). Although some existing Fort buildings would be demolished if the amendment were pursued, the alternative development scenario 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.

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. 52:271-18 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 its stated purpose and the public welfare, by promoting, developing, encouraging and maintaining employment, commerce and economic development, as well as providing new housing.

IV. Relationship to State, County and Municipal Planning Objectives

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 Tinton Falls Reuse Area is classified as Planning Area 1, Metropolitan Planning Area (PA-1). The SDRP defines Metropolitan Planning Areas as areas which "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 the Tinton Falls Reuse Area, currently unused and unproductive, 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. The SDRP further advocates for the provision of a full range of housing choices in PA-1 through redevelopment, new construction and the introduction of new housing in appropriate nonresidential settings. The amendment is consistent with this policy objective as well. Also in accordance with the objectives for PA-1, the amendment allows for redevelopment in a location well served by existing transportation networks, including the Garden State Parkway.

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.

The amendment is not inconsistent with the County's interests with regard to parks and recreation.

Tinton Falls Master Plan

The former fort properties in Tinton Falls 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 the most recent Master Plan for the Borough of Tinton Falls, adopted by the Borough Planning Board on April 25, 2007. The Borough Master Plan anticipates the imminent redevelopment of Fort Monmouth, stating among its goals to "ensure the most appropriate reuse of Fort Monmouth." In addition, the Master Plan asserts that "given this piece of property represents the last best opportunity to do something special for the Borough, it is appropriate that Tinton Falls advance its vision for the ultimate development of the site." To that end, the Plan articulates a vision for the fort's future as "a vibrant mixed-use development with commercial, residential, entertainment and public uses in a traditional main street setting."

The amendment is consistent with the vision articulated in the Borough Master Plan. Further, the Land Use Regulations that implement the amendment should adhere to the land use policies outlined in the Master Plan, including those relating to buffering of development along Tinton Avenue from adjacent residential neighborhoods.

Tinton Falls Zoning

Although the development of the former fort properties in Tinton Falls will be governed by the land use regulations and design guidelines adopted by FMERA, as a point of information, the study area lies within the Borough's OS/GU: Open Space/ Governmental Use District under the municipality's current zone plan. This designation represents a new land use category for Tinton Falls and includes the County Park south of Route 33 and the County-owned parcels on the east side of Wayside Road. This category also includes other large, publicly-held parcels, in addition to Fort Monmouth, including Naval Weapons Station Earle and the County Reclamation Center. The intent of this designation is to allow existing activities on the properties as a matter of right while not committing to a specific zone scheme until they become available for development. Permitted uses in the zone include open space and Borough and government uses. Permitted conditional uses include churches and places of religious worship, and schools. There are no bulk regulations for the OS/GU District.

The amendment is generally consistent with the Borough's intent for the Tinton Falls Reuse Area.

V. Conclusion

The subject amendment, referred to as Amendment #1 to the *Fort Monmouth Reuse and Redevelopment Plan*, maintains the land use concepts and plans articulated in the *Reuse Plan* but also permits an alternative development scenario that, if pursued, would result in development of 650,000 square feet of office/research space within a section of the Tinton Falls Reuse Area designated as Parcel E. Under this alternative scenario, the total number of residential units would remain at 288, however the 126 residential units envisioned for Parcel E under the *Reuse Plan* would be redistributed to other locations within the Tinton Falls Reuse Area.

The 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, commerce and economic development, as well as providing new housing opportunities. Lastly, the amendment provides flexibility for FMERA to more effectively attract potential corporate office/R&D users to the Tinton Falls 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 economic welfare of the people most impacted by the Fort's closure.