

Fort Monmouth Economic Revitalization Authority
Board Meeting
February 15, 2012
Tinton Falls Municipal Building, Tinton Falls, 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**
- Regina Egea, Director, Authorities Unit, Office of the Governor - **V**
- Dr. Robert Lucky, Public Member - **V**
- Lillian Burry, Monmouth County Freeholder – **V**
- Anthony Talerico, Councilman, Borough of Eatontown - **V**
- Gerry Turning, Business Administrator, 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)

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 7:01 pm 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 January 18, 2012 meeting minutes. A motion was made to approve the minutes by Mayor Mahon seconded by Caren Franzini.

Motion to Approve: MAYOR MAHON Second: CAREN FRANZINI

AYes: 5

Lillian Burry abstained from the vote stating she was not present at the January meeting.
Anthony Talerico abstained from the vote stating he was not present at the January meeting.
Regina Egea abstained from the vote stating that she was not present at the January meeting.

The second item of business was the approval of the January 18, 2012 executive session meeting minutes. A motion was made to approve the minutes by Mayor Mahon, seconded by Caren Franzini.

Motion to Approve: MAYOR MAHON Second: CAREN FRANZINI
AYes: 5

Lillian Burry abstained from the vote stating she was not present at the January meeting.
Anthony Talerico abstained from the vote stating he was not present at the January meeting.
Regina Egea abstained from the vote stating that she was not present at the January meeting.

III. WELCOME

Chairman Gorman welcomed everyone and thanked them for attending the meeting. Mr. Gorman stated that there are six board actions of special significance being considered at the meeting that are in addition to the regular board matters. Mr. Gorman stated that approval of the six board actions is a required step in revitalizing the community's economic activity which has been adversely affected by the closing of Fort Monmouth. Mr. Gorman further stated that each item approved by the Board permits the Authority to take the next step on the path of achieving the goals and objectives of the Authority.

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. Mr. Gorman asked for the public's cooperation in keeping their comments within a reasonable timeframe due to the extended agenda items.

IV. SECRETARY'S REPORT

Bruce Steadman stated that Governor Chris Christie appointed Regina Egea, the Director of the Governor's Authorities Unit, to the FMERA Board as the Executive Branch Designee. Mr. Steadman stated that the remainder of the Secretary's report would be provided in the Executive Director's Report.

V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that the Authority's Grant Amendment requesting 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. Ms. Akerblom further stated that the Office of Economic Adjustment approved additional funding for the Business and Operations Plan and Economic Development Conveyance Application, BRAC legal services and for Environmental consulting services. Ms. Akerblom stated that field work on the audit of the Authority's 2011 operations is ongoing and the spending continues to be strictly monitored.

VI. PUBLIC COMMENT REGARDING AGENDA ITEMS

Phil Welch of Lincroft stated that the Housing Staff Advisory Committee was set up by FMERA as a response to a challenge to the Fort Monmouth Economic Revitalization Planning Authority (FMERPA) Reuse and Redevelopment Plan. Specifically FMERPA was faulted for not considering a report from its Housing Staff Advisory Committee when preparing the Plan because at the time of the Plan development there was no Housing Committee in place. Mr. Welch recommended that the Housing Committee review the proposed conversion of 100% of residential development in the Plan to 100% commercial use of Parcel E before the Board takes any further action. Mr. Welch stated that not doing such would run the risk of legal challenges of this action and would further delay the development process.

Mr. Welch stated that FMERPA paid millions to EDAW to produce a balanced and sustainable Plan for the Fort redevelopment and the disposition of the first parcel and that EDAW's recommendation of 100% residential development for the area referred to as Parcel E, adjacent to other residential uses outside the Fort, is being overturned. This is yet another reason to slow down the process and allow the Housing Committee and the public to understand what is being proposed for Parcel E.

Mr. Welch stated that if the original Plan reflected an appropriate balance of different uses over the 20 year planning horizon, then the Board should advise the public which parcel originally designated for commercial use will be converted to residential use and also which parcel will provide the 200 plus homes originally planned for Parcel E.

Mr. Welch referred to a statement in the Oceanport Patch in that the Board would have to approve the change in the plan before any deals can move forward and that upon approval those residential units will be developed elsewhere in Tinton Falls. He asked if the statement was correct. Chairman Gorman stated that the Board would defer the answer until the Board decided later in the meeting whether to adopt the resolution.

Mr. Welch stated that all information regarding Parcel E has been discussed in executive sessions, from which the public has been excluded. He stated that the Board is now taking a different tack, regarding Parcel E, which he resents, considering the public was just being made aware of the information.

Mr. Welch further stated that it was his understanding that FMERA's number one priority is to replace the 5,000 jobs that were lost due to the Fort closure, yet Mr. Welch questioned how moving jobs from one town on one side of Fort property to a town on the other side met the job creation objective.

Mr. Welch stated that there was an implication that FMERA was trying to keep CommVault from moving out of state. However, Mr. Welch was aware that CommVault was looking at other locations within Monmouth County and that CommVault chose the Fort property due to the lavish state tax incentives that no other municipality and the County could match. He stated that it sounds to him that Commvault is very good at playing one side off the other to its own advantage.

Mr. Welch asked if FMERA or any of its high paid consultants have completed a study of the vacant office space which is available in Monmouth County. Mr. Welch questioned how CommVault's move is expected to provide a net economic benefit if it is only creating additional vacant office space. Mr.

Welch questioned how turning Parcel E into a 100% commercial development is going to be for the good of the area and further stated that he was quite skeptical that this would be such the case.

Linda Zucaro of Tinton Falls supported all of the comments made by Mr. Welch. Ms. Zucaro stated that as a member of the Housing Staff Advisory Committee, she was happy that the Committee will meet shortly, however she would have preferred to meet before the Board action on the Plan change. Ms. Zucaro stated that she was very hopeful that the number of affordable housing units will remain the same and be located somewhere in the Tinton Falls municipality.

Ms. Zucaro stated that she was confused about the last Board action on the agenda and stated that she was very interested in the Action and would comment further during the second public comment period.

Tom Mahedy of Wall Township stated that CommVault is acting in a very underhanded way and pitting two towns against each other, and that FMERA should not be going along, nor promoting the collusion and corruption. Mr. Mahedy further stated that CommVault is making millions and is being greedy in threatening to leave New Jersey. Mr. Mahedy stated that NJEDA should not support the CommVault move as it is neither moral nor ethical.

Mr. Mahedy stated that by allowing CommVault to continue, it sets a horrible precedent as it is not creating jobs. Mr. Mahedy further stated that the public has not been advised as to the board actions and the information should be made available to the public prior to all board meetings. Mr. Mahedy asked that the public be made aware of the campaign contributions that both AcuteCare and CommVault have made in the last ten years. Mr. Mahedy further stated that the Patterson Hospital should be made available to injured veterans or those unable to pay for health care and not be converted to a private entity.

Mr. Mahedy stated that the Army has told the public that they are not responsible for the environmental clean-up of the Fort property.

VII. 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

COMMITTEE REPORTS

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

Michael Mahon stated that the Audit Committee did not meet this month. Mr. Mahon stated that at the next meeting the Committee will discuss the status of the 2011 Audit and FMERA's internal controls.

b) REAL ESTATE COMMITTEE (JAMES V. GORMAN, ACTING CHAIRMAN, FMERA):

Chairman Gorman noted that the Real Estate Committee met on February 2 and February 9, 2012 at the FMERA Office. Mr. Gorman stated that at the February 2nd Committee meeting, the Committee received a presentation from the Tinton Falls Board of Education regarding their Notice of Interest (NOI) for the Early Childhood Center on the Fort. Mr. Gorman stated the Committee also received an update on the Draft Zoning Plan, and reviewed the status of the Clinic Parcel and Parcel E.

Mr. Gorman stated that at the February 9, 2012 meeting of the Committee, an overview of the Request for Qualifications/Proposals (RFQ/P) for Surveying Services was provided to the Committee by Beverlee Akerblom. Ms. Akerblom advised the Committee that 18 proposals were received on January 13th and the evaluation committee is recommending Langan Engineering and Environmental Services for the award of the Surveying Services RFQ/P. Langan Engineering and Environmental Services received the highest technical score and in accordance with the RFQ/P was able to provide a fair and reasonable price for the engagement. Mr. Gorman stated that after discussion, the Committee Members reached a consensus that Langan Engineering and Environmental Services should be recommended to the Board for award of the Surveying Services RFQ/P.

Bruce Steadman had updated the Committee on the status of the four proposals received for Parcel E. The Committee discussed the proposals received, the evaluation process, and the scenarios for moving forward based on compliance with the Authority's Sales Rules. After discussion, the Committee reached a consensus and recommended proceeding in the manner outlined in the Board Memo regarding Parcel E.

Bruce Steadman had then provided an overview of a DRAFT Plan amendment done by Philips Preiss Grygiel LLC (PPG), the Authority's planning consultant. Gabriel Chacon, DAG, stated that the Attorney General's Office provided PPG with their comments on the DRAFT Plan amendment and have asked PPG to provide a letter from their firm with a rationale and opinion on the Plan amendment. David Knisely, FMERA's BRAC Counsel and McManimon & Scotland, FMERA's outside counsel, have also been asked for a legal opinion on the DRAFT Plan amendment, consistent with the proposed guidelines the FMERA Board is being asked to consider.

Bruce Steadman had then discussed the status of the proposals for the Clinic Parcel and the FMERA Staff's desire to enter into a non-binding letter of intent for a lease/purchase agreement, subject to the Authority's proposed Rules for the Leasing of Real and Personal Property. A board member asked if the Clinic Parcel would require a change to the Reuse Plan because in the Reuse Plan the building was to be demolished, not reused. The board member was told that a legal opinion would be requested to determine if a plan change is necessary.

A board member had asked if there could be a stipulation to ensure that the job creation targets are met by the prospect for the Clinic Parcel. Bruce Steadman indicated that such a stipulation could be incorporated into the agreement for failure to meet job creation targets. After discussion, the Committee reached consensus and agreed to recommend to the Board, for approval, entering into a non-binding letter of intent for the Clinic Parcel, pursuant to the Board Memo regarding the Clinic Parcel.

Bruce Steadman had then explained that the DRAFT Master Broker/Real Estate Consultant Request for Proposals is with the Army and FMERA is awaiting comments. Bruce Steadman explained that he expects to have an updated version of this document to the Committee for review at next month's meeting.

Bruce Steadman stated that since the Real Estate Committee meeting on February 9, 2012, it has been determined that a plan amendment would be needed should AcuteCare be successful in obtaining the Clinic Parcel for a medical use.

- c) ENVIRONMENTAL STAFF ADVISORY COMMITTEE (MICHELE SIEKERKA - NJDEP): Michele Siekerka noted that the Environmental Staff Advisory Committee met on February 6, 2012 at the FMERA Office. Ms. Siekerka stated that the Committee discussed the Baseline Ecological Evaluation (BEE) and that the N.J. Department of Environmental Protection (NJDEP) continues their ongoing discussions with the Army. Ms. Siekerka stated that there was a slowdown in the process due to the Army's change in vendors and contracts. Ms. Siekerka stated that the NJDEP did address the concerns of the Committee and the host municipalities regarding Wampum Lake and the NJDEP reviewed a study from the 1990s where NJDEP was asked to complete an evaluation on Wampum Lake. This study concluded

that there were no issues. Ms. Siekerka stated that should the NJDEP find a link between the contamination in Wampum Lake and the Fort property, it will be recorded and will be brought to the attention of the Committee and the host municipalities. Ms. Siekerka clarified a statement made during public comment by stating that the Army would be responsible to clean up any contaminated areas within the Fort footprint and outside of the footprint if the Army caused the contamination. Ms. Siekerka stated that NJDEP standards for cleanup in New Jersey are stricter than the Federal Government and that no property will be transferred if there are contamination issues.

Anthony Talerico asked that if it is concluded that the Army did cause the contamination on Wampum Lake, can money be held in escrow to pay for the cleanup. Ms. Siekerka stated that it is too premature to determine if the Army caused of the contamination.

- 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 PPG will be present at the next Housing Committee meeting for discussion regarding the Proposed Amendment #1 to Reuse and Redevelopment Plan.
- f) VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER LILLIAN BURRY): Freeholder Burry noted that the Committee met on February 2 and February 13, 2012 at the FMERA Office. Ms. Burry stated that at the February 2 meeting, the Committee met with representatives of Soldier On at the request of Jack Downing, President and CEO of Soldier On. Ms. Burry stated that FMERA Staff showed the Solider On representatives' an area located in Oceanport that could be a potential location for the Soldier On project which provides housing and counseling to homeless Veterans. Ms. Burry stated that she has been in contact with Congressman Smith and he is interested in the possibility of the Soldier On project on Fort Monmouth. Caren Franzini noted that while Solider On is a great and worthy program, all parcels on Fort Monmouth will be put up for sale through a competitive process in accordance with the Authority's sales rules. Ms. Burry stated that Committee member Lt. Colonel Sfayer gave a presentation on his goal to establish a Veterans Transition and Mentoring Program and a Charter School located on the Fort.

Ms. Burry stated that she met with Michael Long and Mary Ellen Clark from NJ Department of Labor & Workforce Development, who coordinate the on-stop program for Veterans and stated that they will be able to assist in Mr. Sfayer's proposed project.

VIII. Board Actions

The next item before the Board was the Consideration of Approval of Designation of Records Custodian.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit I.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Mayor Mahon and was seconded by Lillian Burry.

Motion to Approve: MAYOR MAHON Second: LILLIAN BURRY.

AYes: 8

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

The next item before the Board was the Consideration of Approval of an Increase in Fees for the Business and Operations Planning Consultant.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 2.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Caren Franzini and was seconded by Dr. Robert Lucky.

Motion to Approve: CAREN FRANZINI Second: DR. ROBERT LUCKY

AYes: 8

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

The next item before the Board was the Consideration of Approval of Award of Request for Qualifications/Proposals (RFQ/P) for Professional Surveying Services.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit 3.

Chairman Gorman called for a motion to adopt the resolution.

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: 8

Bruce Steadman reiterated that the outbound survey is an Army requirement under the Economic Development Conveyance (EDC) process and 90% of the funding will come from the Office of Economic Adjustment (OEA) and the remaining 10% is a state funded match.

Bruce Steadman stated that the Board Memorandum is consistent with the resolution and the Memorandum is attached to the resolution hereto.

The next item before the Board was the Consideration of Approval of a Non-Binding Letter of Intent with AcuteCare Pursuant to the Request for Proposals (RFP) for the Clinic Parcel.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 4.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Gerry Turning and was seconded by Lillian Burry.

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

Caren Franzini asked Bruce Steadman to provide information about AcuteCare. Mr. Steadman stated that AcuteCare finances are very strong and lending institutions give the Company high marks. In addition, all of their references are strong. Mr. Steadman also stated that AcuteCare has a strong interest in providing services to veterans and are working with representatives from Soldier On.

Mayor Mahon stated that AcuteCare had been in contact with the Borough of Oceanport and met with the Borough's Fort Monmouth Transition Team and Oceanport is very supportive of AcuteCare providing the services.

Bruce Steadman conducted a Roll Call Vote:

NAME	YES	NO
James V. Gorman	X	
Caren Franzini	X	
Regina Egea	X	
Dr. Robert Lucky	X	
Lillian Burry	X	
Anthony Talerico	X	
Gerry Turning	X	
Michael Mahon	X	

Motion to Approve: GERRY TURNING Second: LILLIAN BURRY
AYes: 8

The next item before the Board was the 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.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit 5.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Gerry Turning and was seconded by Dr. Robert Lucky

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

Mayor Mahon read a statement:

Mr. Chairman,

As a member of the FMERA Board and as a member of the FMERA Real Estate Committee; I have been informed throughout this process of certain interested parties.

I was aware early on of the specific interest in not only the Fort, but of relocating elsewhere in the state or even out of state; expressed by a business currently located in the Borough of Oceanport.

As an elected official in Oceanport, I was able to meet with this business and determine if any opportunities existed to retain their presence in the Borough, whether near the current location or elsewhere within our boundaries on Fort Monmouth. Although interested, the business sought other opportunities outside the borough.

I was made aware of certain parcels within Fort Monmouth potentially meeting their needs, some of these locations within Oceanport. I appreciate the concern of the Lt. Governor and our executive director Bruce Steadman and his staff, that a host community would suffer the loss of another business, on top of the losses resulting from the closure of Fort Monmouth. Mr. Steadman was extremely sensitive to my concerns as a mayor, but recognized the decision to depart Oceanport rested solely with the business entity and not FMERA.

The closure of Fort Monmouth had a direct impact through the loss of 5,000 jobs. In this situation, another 500 jobs are added to the burden of a single host community. As the redevelopment of the Fort takes place over the next several years and decades; replacing the 5,000 jobs is priority one. For Oceanport, the loss of 500 additional jobs must be part of the record. As we look to the future and the potential impact of job creation on affordable housing obligations, this board and the government entities overseeing these affordable housing obligations, must include these 500 jobs in the total number to be recovered, separate of the 5,000, as an Oceanport loss alone.

I thank the Board for listening on those prior occasions when I have articulated these concerns, and for recognizing the additional impact to the Borough of Oceanport. I respect the position that these jobs would be lost, not only to one of the host communities, but to the region and perhaps the State of New Jersey entirely if not for the opportunity presented by the Fort Monmouth redevelopment. Relocating jobs within the host communities or the county to the Fort should be avoided and it should be the policy of this board and the NJEDA to market opportunities within the redevelopment area to outside interests and not cannibalize area businesses to achieve redevelopment on the Fort. This situation is the exception and not the norm; recognizing that ultimately, it is the decision of private interests making choices at a corporate level for the benefit of shareholders, employees and customers.

My role as a board member extends directly from my status as an elected mayor of one of the three host communities. And as representative of a host community accepting an additional loss, it is my duty to vote in opposition to the resolution before the FMERA board.

Gerry Turning commented on Mayor Mahon's statement and stated that the Borough of Tinton Falls has been involved in meetings with regard to CommVault. Mr. Turning stated that Tinton Falls recognizes the impact that the CommVault move will have on Oceanport. Mr. Turning stated that

there is a greater need for the Community, and Monmouth County, to build further and capitalize on the opportunity to create jobs.

Anthony Talerico asked if there were any plans to replace the remaining housing in Tinton Falls with more commercial development. Mr. Steadman answered no. Mr. Talerico asked what would occur if in two years CommVault does not want to develop the property. Mr. Steadman stated that there have been job penalty discussions with CommVault.

Bruce Steadman conducted a Roll Call vote:

NAME	YES	NO
James V. Gorman	X	
Caren Franzini	X	
Regina Egea	X	
Dr. Robert Lucky	X	
Lillian Burry	X	
Anthony Talerico	X	
Gerry Turning	X	
Michael Mahon		X

Motion to Approve: GERRY TURNING Second: DR. ROBERT LUCKY
AYes: 7 NOs: 1

The next item before the Board was the 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.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit 6.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Mayor Mahon and was seconded by Gerry Turning.

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

Mr. Gorman stated that the Board Action is a two step process: tonight the Board is considering approval of the transmittal of the Plan Amendment to the host municipalities, and then there will be a 45 day review period after which the Board will consider all of the host municipalities' feedback and consider approval of the Plan Amendment.

Caren Franzini asked that if someone from one of the host municipalities has comments regarding the Plan Amendment would they have the opportunity to address the Housing Staff Advisory Committee so that the Committee can then make a recommendation to the Board. Chuck Richman stated that the Committee would be willing to do so. Mr. Richman stated that redevelopment plans need to be nimble and adjustable and that the FMERA Staff has done a wonderful job in working with PPG in creating a

balance in moving and shifting the housing on the Tinton Falls site. Mr. Richman stated that FMERA has preserved the housing for Tinton Falls.

Gerry Turning stated that Tinton Falls has maintained the open space and the borough welcomes meeting with the Housing Committee.

Mayor Mahon stated that in working with Senator Beck and Caren Franzini to develop the FMERA Statute there was a need to ensure that each of the host municipalities have the opportunity to weigh in on a Plan change. Mr. Mahon stated that the Plan change action being reviewed by the municipalities is a positive change, which will allow the communities to evolve. Mr. Mahon further stated that at the Real Estate Committee Meeting, when discussing Parcel E, the Committee discussed at length the concerns regarding the effects of the housing and stated the housing is addressed in the Plan change document.

Mr. Mahon stated that he was very pleased with the due-diligence guidelines which will be conducted by the FMERA Staff to assist the Board in making an informed decision about any proposed plan amendment, revision, or supplement. Mr. Mahon stated that the Oceanport Borough would employ a special meeting in order to review the document within the 45 day comment period in order not to hinder the process. Mr. Mahon stated that Oceanport has advocated for the proposed Plan change from the beginning.

Bruce Steadman conducted a Roll Call vote:

NAME	YES	NO
James V. Gorman	X	
Caren Franzini	X	
Regina Egea	X	
Dr. Robert Lucky	X	
Lillian Burry	X	
Anthony Talerico	X	
Gerry Turning	X	
Michael Mahon	X	

Motion to Approve: MAYOR MAHON Second: GERRY TURNING

AYes: 8

IX. Other Items

Mayor Mahon stated that the Borough of Oceanport passed a resolution from the Borough Council in support of Eatontown's resolution regarding additional research on Wampum Lake. Mr. Mahon stated that the FMERA Environmental Staff Advisory Committee includes two Oceanport residents. Mr. Mahon stated that Oceanport Borough mirrors the concerns of the public with regards to the environmental issues and the Oceanport Council has been working with the NJDEP and Michele Siekerka.

Anthony Talerico, who was representing Mayor Tarantolo, stated he was very impressed with the materials contained in the Board materials and has a higher level of confidence in the work being done

by the FMERA Staff and the Board after reviewing the materials, and that they have the best interest of the towns in mind.

Gerry Turning explained that Mayor Skudera had a conflict of interest with one of the Board Actions and the Mayor has not seen any of the board material for tonight's meeting.

X. Public Comment

Linda Zucaro of Tinton Falls asked if at the next Real Estate Committee meeting, the Committee would review, work on, and consider the Housing Guidelines from the Housing Staff Advisory Committee. Ms. Zucaro stated that she had wished a Housing Staff Advisory Committee meeting was scheduled before the Board Meeting in order to alleviate some of the public's concern. Ms. Zucaro stated FMERA's referring to the Housing Staff Advisory Committee after the fact goes against the Appellate Superior Courts decision of October 27 which requires the Authority to consider and coordinate the affordable housing issues as they were first set forth by FMERPA and the Fair Housing Act.

Katherine Perez of Tinton Falls and Weichert Realtors stated that with regards to housing vs. commercial space, it is important to place commercial property in the less prime zones, such as near the Garden State Parkway and she recommends not placing residential housing within those zones, such as landfills or Pine Brook Road. Ms. Perez asked if the Real Estate or Housing Committees are open to the public and was answered no.

Mayor Mahon stated that he has previously had discussions with realtors and has brought their concerns to the Real Estate Committee and the Committee welcomes the information. Mr. Mahon stated that Ms. Perez can bring her issues to the Oceanport Borough Officials.

Caren Franzini stated that although the Real Estate Committee Meetings are not open to the public, the Committee reports are discussed at the Board Meetings and are available in the Board Meeting Minutes which are posted on the FMERA website.

Jerry Spumberg of Tinton Falls stated that these are very exciting and great steps being taken. Mr. Spumberg thanked the FMERA Staff for their courtesy at the meeting on Monday, February 13th in which FMERA gave a presentation of the Fort redevelopment and stated that he learned a lot from the meeting. Mr. Spumberg stated that the feedback from the meeting was positive and that one vendor in particular stated that Fort Monmouth is the core for the expansion of the surrounding areas.

John Yaecker of Freehold and affiliated with Habitat for Humanity commended the Board for their time and efforts. Mr. Yaecker stated that Habitat for Humanity collaborated with American Properties on their proposal on Parcel E. Mr. Yaecker stated that if the weighting for job creation is always the highest in scoring, then evaluators will never rank a housing proposal very highly as it only creates temporary jobs. Mr. Yaecker stated that FMERA should be cautious and keep a balance between housing and commercial redevelopment.

Tom Mahedy of Wall Township stated that he would like help from the public safety officers for the contamination at Fort Monmouth, specifically the Myer Center. Mr. Mahedy stated he is skeptical of the Matrix Design Group (Matrix) because Matrix was not in favor of an Environmental Impact

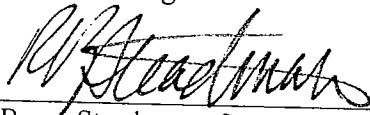
Statement (EIS) for Fort Monmouth. Mr. Mahedy stated that the Army should be made responsible to clean up the contamination at this time and the Army states that they are not responsible. Mr. Mahedy stated that the BEE is not looking at the impact on human health. Mr. Mahedy stated that the changes at the NJDEP will cause environmental toxic amnesia. Mr. Mahedy asked how much of individual federal tax money will go towards the AcuteCare renovations of the Patterson Hospital. Mr. Mahedy expressed his concerns that with FMERA Offices moving to the Fort, the public will not have access. Mr. Gorman stated that Mr. Mahedy is incorrect in his statement. The FMERA Office will always be accessible to the public.

Mr. Mahedy asked if there will continue to be a homeless shelter on the Fort property. Lillian Burry stated that the shelter is run by Monmouth County. Mr. Mahedy was told to contact the County. Mayor Mahon stated that according to the Reuse Plan, the homeless facility will be relocated from its current location on the Fort to another location within Oceanport.

Mr. Mahedy stated that he disagreed with the actions that were taken by the Board at the meeting, and that he disagreed with the comments made by Anthony Talerico regarding the Board materials. Mr. Mahedy asked what actions the Board will take to allow the public access to the information regarding the Board Actions in advance of the Board Meetings in order that the public can engage in an intelligent discussion at the Board meetings. Mr. Gorman thanked Mr. Mahedy for his comments. Mr. Mahedy stated repeatedly that he wanted a response to his question. Mr. Gorman stated that the Authority post notices in accordance with the law, and cannot disclose confidential information before the Board acts and he would not allow Mr. Mahedy to disrupt the meeting under the guise of public comment.

There being no further business, on a motion by Gerry Turning seconded by Lillian Burry and unanimously approved by all voting members present the meeting was adjourned at 9:05 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.



Bruce Steadman – Secretary

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.

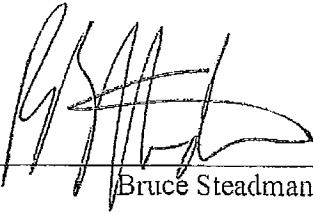
A mandatory pre-proposal conference for prospective proposers was held at the FMERA Office in Eatontown on Wednesday, January 4, 2012 and on Friday, January 13, 2012 FMERA received 18 proposals from the following firms: Langan Engineering and Environmental Services, The RBA Group, Adams, Rehmann & Heggan, 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.

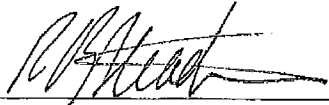
The RFP issued in September 12, 2011 was for a lease with an obligation to purchase and therefore should AcuteCare ultimately be awarded the Parcel, they would be obligated to buy the property simultaneously when the Army conveys the Clinic Parcel to FMERA. In addition, it should be noted, that in the 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.

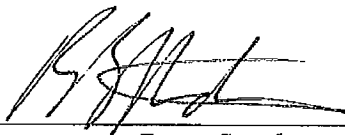
In addition to successfully completing negotiations, FMERA entering into a contract to sell Parcel E to CommVault will be contingent upon satisfactorily completing the following: FMERA adopting an amendment to the Reuse and Redevelopment Plan that permits either commercial use or residential use on Parcel 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 alternative 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

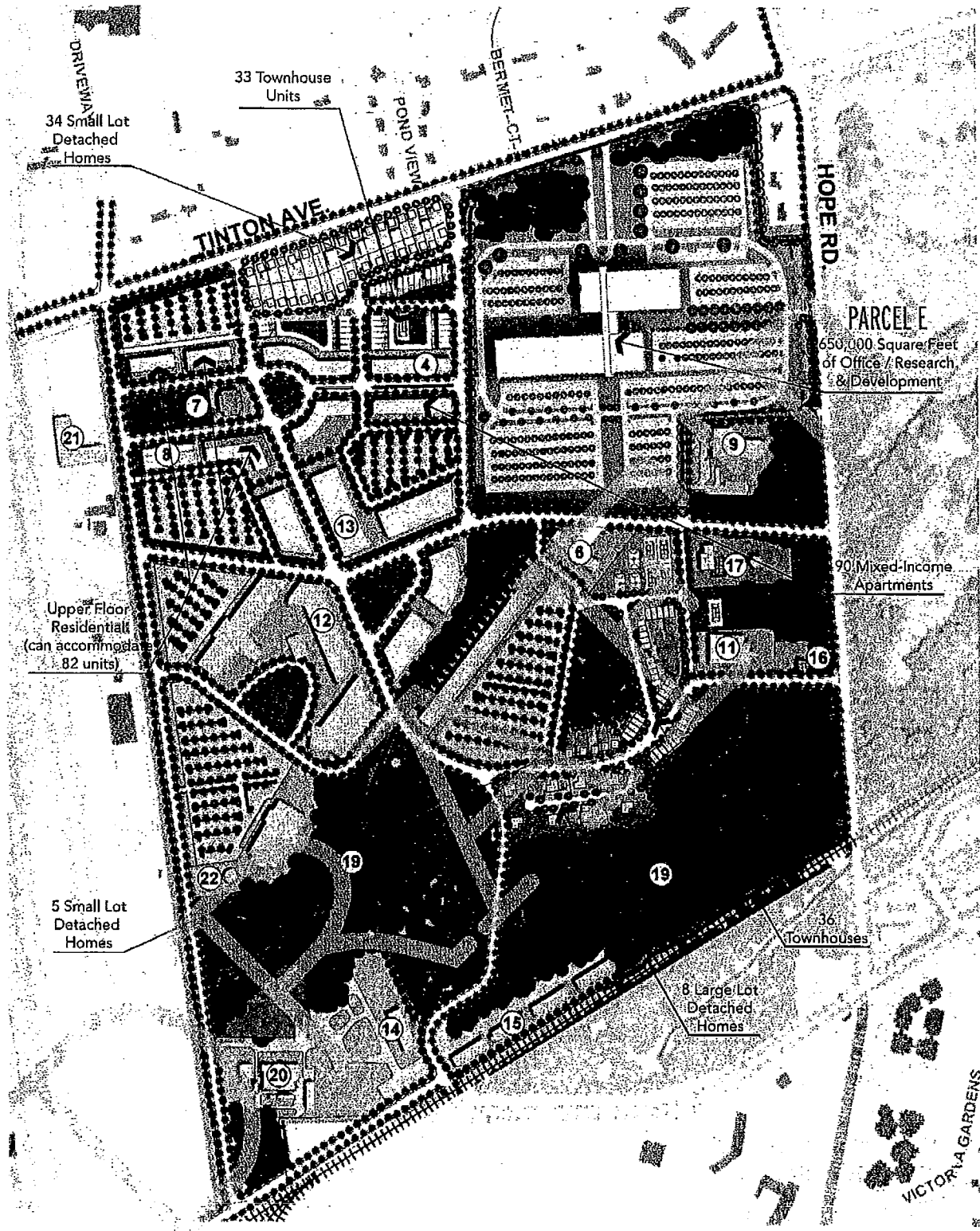


Figure 1:
 Alternative Scenario for Parcel E in the
 Tinton Falls Reuse Area

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 Residen- tial Units	288	--	288	885	720	1,605
Total Non- Residential Square Foot- age	802,568	207,000	1,009,568	2,523,407	858,072	3,381,479
If Amendment #1 is Pursued						
Total Residen- tial Units	288	--	288	885	720	1,605
Total Non- Residential Square Foot- age	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 Sunaegles 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 ratables 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 EMERA 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.