

FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY

INTERIM GUIDELINES PURSUANT TO SECTION 34(f) OF THE *FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY ACT* [P.L. 2010, C. 51, S. 17(f), N.J.S.A. 52:27I-34(f)], FOR REVIEW OF AND CONSENT TO REDEVELOPMENT PLANS ADOPTED OR PROPOSED FOR ADOPTION BY A HOST MUNICIPALITY PURSUANT TO THE *LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.* (“RDP Interim Guidelines”)

1. **Authority Consent Required.** Pursuant to Section 34(f) of the *Fort Monmouth Economic Revitalization Authority Act* [P.L. 2010, c. 51, s. 17(f), N.J.S.A. 52:27I-34(f)](the “**Act**”), the Authority’s consent is required to any redevelopment plan adopted by a host municipality pursuant to the provisions of the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**LRHL**”). “Host municipality” means the Borough of Eatontown, the Borough of Oceanport, or the Borough of Tinton Falls.

2. **Application.** The application for the Authority’s consent to an LRHL redevelopment plan adopted or proposed for adoption by a host municipality shall consist of:

A. a properly completed and signed Authority application form, which shall request the following information:

- (1.) Applicant’s name and address;
- (2.) Location of property subject of the application;
- (3.) If the applicant is not the property owner, the property’s owner’s name and address as well as the property owner’s authorization for the application;
- (4.) A brief description of the LRHL redevelopment plan;
- (5.) The status of the LRHL redevelopment plan;
- (6.) Names and contact information of all professionals representing the applicant;
and
- (7.) Any other supplemental information required by the Authority.

B. a complete copy of the LRHL redevelopment plan as adopted by or as proposed to be adopted by the host municipality;

C. a copy of the host municipality’s resolution designating the “area in need of redevelopment”, and of the Authority’s resolution requesting or consenting thereto;

D. a copy of the host municipality's planning board's review of the proposed LRHL redevelopment plan and report to the governing body; and

E. a copy of the host municipality's adopted ordinance, or of the proposed form ordinance for adoption of the LRHL redevelopment plan, and a brief description of the current status of the proposed ordinance.

4. Standards of Review.

A. All provisions of LRHL redevelopment plans shall be substantially consistent with the applicable provisions of the *Fort Monmouth Reuse and Redevelopment Plan* (as it may be supplemented or amended, the "**Reuse Plan**").

B. If the LRHL redevelopment plan is not substantially consistent with the Reuse Plan, the following is a nonexclusive list of criteria the Authority may consider, among others, to determine whether the Authority should consent to the adoption of the LRHL redevelopment plan and whether an amendment to the Reuse Plan is required:

(1.) The justification for utilizing an LRHL redevelopment plan.

(2.) Whether the LRHL redevelopment plan is proposed as an "overlay" alternative to, or as superseding, the applicable provisions of the Reuse Plan.

(3.) Whether consenting to the LRHL redevelopment plan would substantially impair the intent and purposes of the Reuse Plan, *i.e.*, whether the Reuse Plan will remain a rational and coordinated plan following the adoption and implementation of the LRHL redevelopment plan.

(4.) Whether a Reuse Plan amendment is either necessary or desirable, either as a condition to or in lieu of the adoption of the LRHL redevelopment plan.

(5.) Whether consenting to the LRHL redevelopment plan will have significant adverse roadway or utilities infrastructure ramifications within the Fort Monmouth boundaries.

(6.) Whether consenting to the LRHL redevelopment plan will result in any significant adverse impact on the other host municipalities.

(7.) Adverse ramifications of the LRHL redevelopment plan for the Authority's obligations pursuant to Defense Base Closure and Realignment Act of 1990, Pub.L. 101-510 (10 U.S.C. § 2687), any agreement with the U.S. Army conveying Fort Monmouth property to the Authority, and the Fair Housing Act of 1985.

(8.) Any other aspect of the proposed LRHL redevelopment plan that, in the opinion of Authority, is relevant to the successful implementation of the Reuse Plan and the realization of the planning vision articulated therein, including but not limited to the

potential impacts of the LRHL redevelopment plan on future redevelopment within the Fort Monmouth boundaries and the implications of the LRHL redevelopment plan for the Authority's ability to oversee redevelopment of the property within the Fort Monmouth boundaries .

5. **Authority Determination.** The Authority when considering whether to consent to the LRHL redevelopment plan may grant, grant with conditions, or withhold its consent to the host municipality's adoption of a LRHL redevelopment plan. The Authority may require an amendment to the Reuse Plan either as an alternative to the LRHL redevelopment plan or as a condition of the Authority's consent to the adoption of the LRHL redevelopment plan.

6. **Authority Consent Required for LRHL Redevelopment Plan to be Effective.** No LRHL redevelopment plan for property within the Fort Monmouth boundaries shall be effective unless and until the Authority has consented to its adoption, notwithstanding the fact that the host municipality may have enacted an ordinance adopting the LRHL redevelopment plan prior to receiving the Authority's consent thereto.

7. **Authority Consent Required for LRHL Redevelopment Agreements.** Any consent by the Authority to a LRHL redevelopment plan shall be conditioned upon the Authority, the host municipality and a redeveloper seeking to implement the LRHL redevelopment plan entering into redevelopment agreement(s) that comply with the LRHL and the Act, and upon the Authority's approval of all such redevelopment agreements.