

**Fort Monmouth Economic Revitalization Authority  
Board Meeting  
August 19, 2020  
Via Teleconference**

**MINUTES OF THE MEETING**

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

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

V – Denotes Voting Member

**Members of the Authority not present:**

- Baden Almonor – Central Regional Chief, NJ Department of Labor & Workforce Development

**Also present:**

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

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

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

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

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

The first item of business was the approval of the July 15<sup>th</sup> regular meeting minutes. A motion as made to approve the minutes by Tracy Buckley and seconded by Jay Coffey.

Bruce Steadman conducted a roll call vote.

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

Lillian Burry abstained from voting stating that she was not at the July meeting.

Motion to Approve: TRACY BUCKLEY Second: JAY COFFEY  
AYes: 6

**WELCOME**

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

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

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

**SECRETARY'S REPORT**

Bruce Steadman stated that this August board meeting would be a remote teleconference meeting, similar to July's board meeting. He thanked all the participants and noted that it was likely that the September board meeting, which is FMERA's Annual Meeting, would also be a remote teleconference meeting. Mr. Steadman stated that the FMERA staff continues to work daily on FMERA business, albeit remotely, and are working on several projects which are still moving forward through reviews, negotiations, approvals, and other tasks.

**TREASURER'S REPORT**

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

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

There was no public comment.

### **EXECUTIVE DIRECTOR'S REPORT**

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

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

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

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

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

The following is a status of the Outbound surveys:

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

Other projects in process include:

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

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

2. Kara Kopach, Director of Real Estate Development gave an overview on property sales and RFOTPs:

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

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

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

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

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

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

3. Additional Comments by the Executive Director

Mr. Steadman thanked the Boroughs of Eatontown, Tinton Falls, and Oceanport, and the County of Monmouth for their continued support and help on various day-to-day operating issues while working remotely; and noted the outstanding support and help received from our key state stakeholders: the Governor's Authority Unit, Deputy Attorney Generals, NJEDA, DEP, the DOT, the DOL, the DCA, and many others. Mr. Steadman also stated that the working relationship with the Army has never been better.

Bruce Steadman gave an update on FMERA action items:

Action Items for Next Month.

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

## **COMMITTEE REPORTS**

### **1. AUDIT COMMITTEE (ROBERT LUCKY, CHAIRMAN)**

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

### **2. REAL ESTATE COMMITTEE (ROBERT LUCKY)**

Robert Lucky stated that the Committee met on August 12<sup>th</sup> and discussed the following:

- Discussion regarding the First Amendment to the PSARA with Martelli Development Group, LLC for the Suneagles Golf Course in Eatontown. The Amendment approves an extension to the Closing date until the sooner of: (i) until December 1, 2020 or (ii) such time as All Approvals have been received. The Committee reviewed the request and recommended it to the Board for approval.
- Discussion regarding the Third Amendment to the PSARA with Barker Circle Partnership, LLC for Barker Circle in the Oceanport which would expand the allowable uses for the property and will support the advancement and economic impact of Barker Circle's redevelopment. The Committee reviewed the request and recommended it to the Board for approval.
- Discussion regarding Approval of Plan Amendment #15 permitting alternative development scenario regarding the Commissary and PX Complex, the Parking Lot, the Warehouse District, and the Post Office Area in Oceanport. The Committee reviewed the request and recommended it to the Board for approval.
- Other Issues
  - OPort Partners
  - Parcel B
  - Howard Commons
  - Expo Theater
  - Tinton Falls Commercial Parcel RFOTP
  - FMERA office & McAfee
  - Plan Amendment #16
  - Potential 3&4Q Closings
  - MCIA Update

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

Kenneth J. Kloo stated that the Committee did not meet this month.

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

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

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

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

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

Lillian Burry stated that the Committee did not meet this month. Ms. Burry stated that on September 12<sup>th</sup> at 11:00a.m. there will be a groundbreaking ceremony at the Soldier On facility in Tinton Falls.

## **BOARD ACTIONS**

1. The first item before the Board was the First Amendment to the Purchase and Sale & Redevelopment Agreement with Martelli Signature Homes for the Suneagles Golf Course in Eatontown.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Lillian Burry and was seconded by Anthony Talerico.

Bruce Steadman conducted a roll call vote.

<b>NAME</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY                      Second: ANTHONY TALERICO  
AYes: 7

2. The second item before the Board was the Third Amendment to the Purchase and Sale & Redevelopment Agreement with Regional Development Group, LLC for Barker Circle.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Jay Coffey and was seconded by Lillian Burry.

Bruce Steadman conducted a roll call vote.

<b>NAME</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: JAY COFFEY                      Second: LILLIAN BURRY  
AYes: 7

3. The third item before the Board was the Consideration of Approval to Approve Plan Amendment #15 Permitting an Alternative Development Scenario in Oceanport.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Lillian Burry and was seconded by Dave Nuse.

Bruce Steadman stated that staff reviewed all the comments that were received from Oceanport. Mr. Steadman stated that specific to the comments regarding the traffic study, the traffic study is part of the formal submission process that the developer makes to the Borough and the County. Mr. Steadman stated that the traffic study is not included in the Mandatory Conceptual Review (“MCR”) or the Plan Amendment process. Mr. Steadman stated that OPort Partners has already begun the traffic study and anticipates being able to submit it to the Oceanport Planning Board when the site plan is submitted.

Mr. Steadman stated that specific to the school parcel that was depicted in the Reuse Plan, the parcel still exists, although its configuration was changed a few years ago and now is approximately 14 acres in size, it is not attached to the OPort Partners development, and is still available for future development . The open space issue as it relates to that parcel will be addressed in the future by FMERA.

Bruce Steadman conducted a roll call vote.

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

Motion to Approve: LILLIAN BURRY Second: DAVE NUSE  
 AYes: 7

Mr. Steadman noted that this issue required a Super Majority of 7 YES votes to carry, and 7 YES were in fact received, so the motion carried.

**OTHER ITEMS**

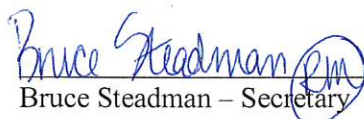
There were no other items before the Board.

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

There was no public comment.

There being no further business, on a motion by Lillian Burry and seconded by Jay Coffey and unanimously approved by all voting members present, the meeting was adjourned at 7:40p.m.

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

  
 Bruce Steadman – Secretary

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

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

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

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

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

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

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

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

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

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

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

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



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

**THEREFORE, BE IT RESOLVED THAT:**

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

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

**Attachment**

**Dated: August 19, 2020**

**EXHIBIT 1**

**ADOPTED**  
**August 19, 2020**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**THEREFORE, BE IT RESOLVED THAT:**

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

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

**Attachment**

**Dated: August 19, 2020**

**EXHIBIT 2**

**ADOPTED**  
**August 19, 2020**

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

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

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

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

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

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

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

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

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

**THEREFORE, BE IT RESOLVED THAT:**

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

**ATTACHMENT**

**Dated: August 19, 2020**

**EXHIBIT 3**