

TO: Members of the Board

FROM: Bruce Steadman
Executive Director and Secretary

DATE: December 15, 2020

SUBJECT: Agenda for Board Meeting of the Authority

1. **Call to Order – Dr. Robert Lucky, Vice-Chairman**
2. **Pledge of Allegiance**
3. **Notice of Public Meeting - Roll Call – Bruce Steadman, Secretary**
4. **Approval of Previous Month’s Board Meeting Minutes**
5. **Welcome – Dr. Robert Lucky, Vice-Chairman**
6. **Secretary’s Report**
7. **Treasurer’s Report**
8. **Public Comment Regarding Board Action Items**
9. **Executive Director’s Report:**
 - Update on Utilities and Infrastructure
 - Update on Fort Monmouth Redevelopment & Marketing
 - Action Items for Next Month
10. **Committee Reports**
 - Audit Committee – Robert Lucky, Chairman
 - Real Estate Committee – Robert Lucky, Interim Chairman
 - Environmental Staff Advisory Committee – Kenneth J. Kloo, Chairman
 - Historical Preservation Staff Advisory Committee – Jay Coffey, Chairman
 - Housing Staff Advisory Committee – Sean Thompson, Chairman
 - Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Board Actions**

1. Consideration of Approval of FMERA's Draft 2021 Budget.
2. Consideration of Approval of the Fourth Amendment to the Purchase and Sale & Redevelopment Agreement with Fort Partners Group, LLC for the Fitness Center in Oceanport.
3. Consideration of Approval of Seventh Amendment to the Purchase and Sale & Redevelopment Agreement with Triumphant Life Church for the Main Post Chapel in Oceanport.
4. Consideration of Approval to Approve Plan Amendment #16 Permitting an Alternative Development Scenario with respect to the Barker Circle Parcel in Oceanport.

12. **Other Items**

13. **Public Comment Regarding any FMERA Business**

- Responses to questions submitted online or in writing

14. **Adjournment**

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

DATE: December 15, 2020

SUBJECT: Monthly Status Report

Summary

The following are brief descriptions of the Fort Monmouth Economic Revitalization Authority (FMERA) staff's monthly activities which include Treasurer's Report, Update on Utilities and Infrastructure; Update on the Fort Monmouth Redevelopment; Update on Marketing; and Action Items for Next Month.

Treasurer's Report

FMERA staff presented the 2021 Budget to the Audit Committee at their December 8th meeting. Based on their review, the Audit Committee recommended that the 2021 FMERA Budget be submitted to the Board for its approval at today's meeting.

The Monmouth County Improvement Authority issued \$22,185,000 in subsequent notes related to the financing of FMERA's 2016 purchase of the Phase 2 EDC properties from the Army. The Notes were issued in one series, with a term of one year, and bearing an interest rate of 2%. The Notes are backed by a Monmouth County guaranty which resulted in the Notes receiving the highest credit rating from the three rating agencies.

Executive Director's Report

1. Update on Utilities and Infrastructure

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.

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

- The Group 4 FOST is closed, signed and approved by the BRAC office. FMERA is awaiting the final FOST.

Other projects in process include:

- The 2100-foot Phase 2 8" water main extension from College Avenue in Eatontown, to Wilson Avenue, to Avenue of Memories is complete. This extension supplies water to the Artists Barracks parcel, Eatontown DPW Parcel, the County Motor Pool, and the Bowling Center.
- NJAW will be starting the installation of the 2000-foot Phase 3A 8" water main from Anson Avenue at Murphy Drive westward to Todd Avenue, then north to Avenue of Memories by year-end. This main will serve the OPort Partners parcels and tie the NJAW system in Main street to the Phase 1 water main in Avenue of Memories, which was completed in 2018.
- The installation of a 5600-foot 24" water main extension along Avenue of Memories by New Jersey American Water is still scheduled to begin in April of 2021.

- The sanitary easement documents for the Sherrill Avenue interceptor are complete, as is the easement for the old army North sanitary main trough landfill 8.
- A sanitary main extension tying to an Eatontown Sewerage Authority main along Mill creek at 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.
- Regarding the Army Corp landfill capping project, the Corp's contractor is working on landfills 2, 3, 4, 5, and 25 where clearing is complete, and grading is underway ahead of the caps being placed.

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

2. Update on the Fort's Redevelopment

The following is a town-by-town summary of the status of our redevelopment projects.

In **Oceanport**, FMERA has closed on the following fourteen properties:

- Former Patterson Army Hospital on December 13, 2013 with AcuteCare Systems.
- Officer Housing Parcels on January 13, 2017 with RPM Development, LLC. The company renovated the 116 historic housing units, creating 68 market-rate for sale units, and 48 rental units; twenty percent of the total units are available to low- and moderate-income households.
- Main Post Chapel on February 27, 2017 with Triumphant Life Assembly of God Church who purchased the approximately 16,372 sq. ft. building for use as a house of worship.
- Russel Hall on June 23, 2017 with TetherView Property Management, LLC, a private cloud computing services company who occupies the 40,000 sq. ft. building. Russel Hall currently houses a variety of businesses including tech companies, medical offices, and an architecture firm.
- 13-acre parcel on Murphy Drive on August 16, 2017, where the Borough of Oceanport purchased the property for their new municipal complex.
- Fitness Center on September 26, 2017 enabling Fort Partners Group, LLC, to renovate and expand the facility to emphasize basketball and medically based fitness and wellness programs, and individualized group training and classes.
- Dance Hall parcel on April 4, 2018 to The Loft Partnership, LLC. The developer plans to renovate the Dance Hall as a microbrewery, coffee house, and banquet facility.
- Building 501, on April 24, 2019 with Family Promise of Monmouth County, an approximately 1.7-acre site, via a Legally Binding Agreement (LBA).
- Telecommunications Tower and Land on October 25, 2019 with Global Signal Acquisitions, LLC for an approximately 0.58 parcel of land containing the Telecommunications Tower and adjacent land.
- Squier Hall Complex, on December 18, 2019 with KKF University Enterprises, LLC, an approximately 31-acre site. The developer has secured a commitment from New Jersey City University for use of the site as a satellite campus and anticipates opening in Fall 2020.
- Commissary, Post Exchange (PX) complex, Warehouse District and a 1000 Area Parking parcel, on October 16, 2020 with OPort Partners, LLC. The Commissary/PX parcel shall permit, Food Service, Flex space, Office, R&D and Instructional Schools and Studios. The Warehouse District will permit Flex Space, Medical Office, Office, and Research & Development.

Also in **Oceanport**, FMERA has executed or approved contracts on the following five properties:

- Allison Hall, with Fort Monmouth Business Center, LLC, a 13-acre parcel which includes the reuse of the historic building, as well as retail, office/research & development and open space/recreation uses.
- Barker Circle, with Barker Circle Partnership, LLC, an approximately 19.5-acre parcel in the historic district which includes the repurposing of buildings 205-208, and 287, as well as the Main Post Firehouse and Kaplan Hall, for residential, office and other commercial uses.
- Lodging Area, with Somerset Development, LLC, a 15-acre site located on Parkers Creek, to be developed with up to 185 new and renovated housing units.

- Marina, with AP Development Partners, LLC, currently operating as a marina/public boat ramp and restaurant.
- Nurses Quarters, with RPM Development, LLC for the 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital.

FMERA intends to issue RFOTPs for the following Oceanport properties in 2021:

- McAfee Center, a 90,000± sf R&D building with several related support buildings on a 47-acre site
- 400 Area, an 80± acre site east of Oceanport Avenue, zoned for housing and commercial uses.

In **Eatontown**, FMERA has executed or approved contracts on the following five parcels:

- Building 1123, a former general office building at Avenue of Memories and Wilson Avenue with an executed PSARA with the Borough of Eatontown for the reuse by the Borough's Department of Public Works.
- Bowling Center, an approximately 2.8-acre parcel including Building 689, a 20-lane bowling alley and Building 682, a wood frame building to be demolished, where FMERA executed a PSARA with Parker Creek Partners, LLC.
- Eatontown Barracks, 6 buildings on Semaphore Avenue on an approximately 4.4-acre parcel, where FMERA entered into a PSARA with Kenneth Schwartz for the development of a commercial arts-related project, including studio, performance and gallery space, as well as short-term residential units for artists.
- Eatontown Parks Parcel, a 3.82-acre tract known as the Nicodemus Avenue Park Parcel located on Nicodemus Avenue with the Borough of Eatontown for active recreation uses.
- Suneagles Golf Course, where FMERA has executed a PSARA with Martelli Development, LLC, to maintain and upgrade the existing Golf Course, renovate historic Gibbs Hall, and construct 75 new housing units. Martelli continues to operate the course in the interim so it remains open to the public as the redevelopment progresses.

Also in **Eatontown**, FMERA is in negotiations for the sale and redevelopment of the following property:

- Expo Theater, an entertainment facility, previously used as a live theater and cinema; and adjacent properties, including Dean Field and portions of the M3, M5, and M4 landfills, as optional sub-parcels.

FMERA intends to issue the following RFOTPs in Eatontown:

- Vail Hall, a 36,000± sf building on Avenue of Memories planned for office and/or commercial use
- Mallette Hall, a 57,000± sf office building across from Vail Hall slated for reuse or replacement

FMERA hopes to come to the January Board meeting for approval to issue a new RFOTP for Parcel B after discussions with the Real Estate Committee and the Eatontown Ad Hoc Committee.

In **Tinton Falls**, FMERA has closed on the following eight properties:

- Parcel E, on January 13, 2013 with Commvault for the headquarters.
- Building 2525, on February 5, 2016 with Aaski Technologies who leases the building to other tenants for technology and office uses.
- Child Development Center, on March 18, 2016 with Trinity Hall, for the all-girl high school.
- Fort Monmouth Recreation Center and Swimming Pool, on January 6, 2017 with the Monmouth County Park System and being used for programs which include arts & crafts, sports, exercise classes and a variety of amenities including classrooms, gymnasium and a game room.
- Parcel F-3 on February 23, 2017 with the Monmouth County Park System in conjunction with the adjacent Recreation Center and Swimming Pool. Located along Hope Road, the County has expanded its services and public open space amenities currently offered at the Recreation Center.
- Charles Wood Fire Station, on May 22, 2018 transferring the property to Commvault Systems, Inc. for use as corporate office and training space.
- Parcel C1 with Lennar Corporation, on August 2, 2018 planned for 45 new single-family homes.
- Parcel C with Lennar Corporation, on August 2, 2018 approved for 243 residential units and up to 58,000 sq. ft. of retail development.

FMERA has approved or executed a contract on two properties in Tinton Falls:

- Fabrications Shops (Pinebrook Road Commerce Center), 45,000 sq. ft. of light industrial and flex office space buildings along Pinebrook Road for sale to Pinebrook Commerce Center, LLC, which is slated to close imminently.
- Parcel F-1 – Myer Center and Building 2705, an approximately 36-acre parcel in Tinton Falls where RWJ Barnabas Health (RWJBH) plans to create a health campus. On September 20, 2017, the Board approved a Purchase and Sale Agreement (PSA) with EDA for the parcel. On June 12, 2018, the EDA Board authorized the execution of an Agreement to Assign of the PSA among EDA, FMERA and RWJBH. At the Authority’s June 2018 meeting, the Board approved the execution of an Agreement to Assign among FMERA, EDA and RWJBH providing for the assignment of a PSA between FMERA and EDA for the property.

Also in **Tinton Falls**, FMERA is in negotiations for the sale and redevelopment of the Tinton Falls Commercial Parcel, which includes the following.

- Pulse Power, a special purpose facility consisting of 15,690 sf of administrative offices and 10,786 sf of dry lab and testing space.
- Building 2719, consisting of 6,574 sf of administrative space and a 2,448 high-bay garage constructed in 2006.
- Pistol Range, consisting of Building 2627, situated on approximately 1 acre; the Fire and Police Training Area, including Building 2628, situated on approximately 2.3 acres; and the Satellite Road Parcel, an approximately 1.5-acre tract of land.

3. Marketing Update

FMERA continues to engage with leads and prospective purchasers via teleconference while operating remotely. Our team is closely monitoring on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract.

FMERA has prepared its final draft of the Parcel B RFOTP and expects to release it for proposals in January 2021. After several virtual meetings with developers and industry professionals regarding the Parcel B property, slated as a mixed-use development in Eatontown, FMERA has re-envisioned the project in way that leverages new and unique approaches to mixed-use development and maximizes the economic impact to the surrounding communities. 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. 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 and follow us on Instagram at @fortmonmouthnj for our latest updates.

4. Action Items for Next Month.

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

Bruce Steadman

**Resolution Regarding
Draft 2021 Budget**

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 Draft 2021 Budget illustrates the Authority's progress in implementing the approved Phase 1 and Phase 2 Economic Development Conveyance (EDC) Agreements and embarking on the economic redevelopment of the former Fort property. This year's budget represents the projected 2021 financial activity under the approved Phase 1 and Phase 2 EDC Agreements; and

WHEREAS, the Draft 2021 Budget Summary illustrates the Budget based on the 2021 projected parcel sales to be sold with ten parcels projected to be sold with net earnings from parcel sales. The Land Costs for the parcel sales include payments on Notes due to Monmouth County, the Working Capital Loans due to the NJ Economic Development Authority, and payments due to the Army and the Homeless Accommodation under the terms of the EDC Agreement; and

WHEREAS, the Audit Committee has reviewed the draft 2021 Budget and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the draft 2021 Budget, as described in the attached memorandum.
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: December 15, 2020**

EXHIBIT 1

MEMORANDUM

To: Members of the Board

From: Bruce Steadman
Executive Director

Subject: Draft 2021 Budget

Date: December 15, 2020

Request

I am requesting that the Board approve the Authority's Draft 2021 Budget.

Background

FMERA staff has collaborated in the development of a Budget which supports and enhances FMERA's Mission to *create an atmosphere in which employers will employ and investors will invest, to maximize the jobs created and the value of the property*. The Budget is also intended to expand the Authority's sources of funding while continuing to control costs and direct spending to maximize the benefits derived.

The Draft 2021 Budget illustrates the Authority's progress in implementing the approved Phase 1 and Phase 2 Economic Development Conveyance (EDC) Agreements and embarking on the economic redevelopment of the former Fort property. This year's budget represents the projected 2021 financial activity under the approved Phase 1 and Phase 2 EDC Agreements.

The Draft 2021 Budget Summary illustrates the Budget based on the 2021 projected parcel sales. Ten parcels are projected to be sold for \$33,221,182. The projected Net Earnings from the parcel sales are \$21,483,506. The Land Costs for the parcel sales total \$11,737,676 and consist of \$4,735,125 in payments on Notes Payable due to Monmouth County, \$1,002,464 in payments on the Working Capital Loans due to the New Jersey Economic Development Authority (EDA), \$4,068,510 due to the Army and \$1,931,577 to the Homeless Fund under the terms of the EDC Agreement.

Operating income of \$5,000 represents the amount received for Mandatory Conceptual Review application fee. Non-Operating Revenue of \$11,000 consists of the following: Miscellaneous Revenue of \$10,000 represents projected revenue from the use of the property for various events and Interest from cash in the amount of \$1,000.

FMERA's 2021 proposed Budget's General and Administrative expenses of \$240,000, represents general office operating expenses and maintenance & utilities, and Direct Office expenses of \$1,234,750 represents the salary and fringe of FMERA staff. Program Costs of \$3,303,500 consist of professional services and carrying costs of the property. Carrying costs mainly consist of property maintenance, security, utilities and insurance. Interest expense on Notes Payable of \$442,500 represents the estimated 2021 interest on the subsequent notes issued relating to the financing of FMERA's 2016 purchase of the Phase 2 EDC properties from the Army. Interest expense on the Working Capital Loans of \$190,000 represents the estimated 2021 interest on the working capital loans from EDA.

The Authority's 2021 proposed Capital Budget calls for outlays totaling \$6,700,000, comprised of infrastructure projects and demolition.

Recommendation

In summary I am requesting that the Board approve the Authority's Draft 2021 Budget.

Bruce Steadman

Prepared by: Jennifer Lepore

DRAFT

Resolution Regarding
Fourth Amendment to Purchase and Sale and Redevelopment Agreement with Fort Partners Group, LLC
for the Fitness Center Parcel

WHEREAS, the Fitness Center parcel consists of 7.174 acres of land and Building 114, the 32,250 sf Fitness Center (the “Property”); and

WHEREAS, at the Authority’s June 17, 2015 meeting, the Board authorized FMERA staff to enter into a PSARA with FM Partners, LLC and the PSARA was executed on August 11, 2015; and

WHEREAS, at the Authority’s April 20, 2016 meeting, the Board approved the First Amendment to the PSARA with the following revisions to material terms in the PSARA: (1) termination of the due diligence period and acceptance of the property in as-is condition; (2) reduction of the purchase price to \$2,300,000; and (3) agreement by FMERA to clear or cause to be cleared the State’s Tidelands claim on the property, which may occur before or after closing. All other material terms of the PSARA remained unchanged; and

WHEREAS, on September 19, 2017, FM Partners, LLC assigned all rights, title and interest in the Agreement, as amended, to Fort Partners, LLC by way of the Agreement to Assign between FM Partners, LLC and Fort Partners Group, LLC (“Fort Partners”); and

WHEREAS, on September 21, 2017, Fort Partners Group, LLC closed on the Property; and

WHEREAS, on November 13, 2019, the Board approved the Second Amendment to the PSARA; the Second Amendment was executed on December 19, 2019; and

WHEREAS, on July 13, 2020, via email correspondence, Fort Partners Group requested an extension to the Project Completion date due to restrictions imposed from COVID-19 including limitations on various forms of personal and commercial construction activity; and

WHEREAS, per the Board’s action on April 15, 2020, the Executive Director was granted Delegated Authority to approve any pre-closing or post-closing extensions for up to five months for delays for COVID-19 related reasons so long as the developer has requested such an extension in writing and satisfied FMERA’s request for any supporting documentation. The FMERA staff reviewed Fort Partners Group request and the Executive Director agreed to retroactively extend the Project Completion Date under his Delegated Authority for five months or until December 31, 2020. The Third Amendment was executed on October 27, 2020; and

WHEREAS, on December 2, 2020, via email correspondence, Fort Partners requested an extension to the Project Completion date until June 30, 2021 due to the continued COVID-19 restrictions, including, but not limited to the closure of government and private facilities, operational restrictions, prohibitions of “non-essential” construction, and other similar measures; and the FMERA staff reviewed Fort Partners Group request and agrees to recommend the extension of the Project Completion Date for an additional six months until June 30, 2021; and

WHEREAS, all other material terms of the PSARA as presented to the Board will remain unchanged. The attached Fourth 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; and

WHEREAS, 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 Fourth Amendment with Fort Partners Group, LLC for the Fitness Center parcel 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: December 15, 2020

EXHIBIT 2

DRAFT

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Fourth Amendment to Purchase and Sale and Redevelopment Agreement with Fort Partners Group, LLC for the Fitness Center Parcel.

DATE: December 15, 2020

Request

I am requesting that the Board approve the Fourth Amendment to the Purchase & Sale Agreement and Redevelopment Agreement (“PSARA”) for the Fitness Center (Building 114) with Fort Partners Group, LLC (“Fort Partners”).

Background

The Fitness Center parcel consists of 7.174 acres of land and Building 114, the 32,250 sf Fitness Center, constructed in 1952 (the “Property”). The Property excludes Building 562, a New Jersey Natural Gas Company facility, and Building 752, a sewage lift station. The Property also includes a water tower. The parcel is divided into two sub-parcels by a 0.654-acre strip of land owned by Jersey Central Power & Light Company, which runs through the property just south of Building 114. Title to the Property is subject to: (i) an easement for future use of the existing sewage lift station; and, (ii) an easement for New Jersey Natural Gas Company’s continued use of the existing natural gas facility. The Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”) calls for the reuse of the Fitness Center as a health club.

At the Authority’s June 17, 2015 meeting, the Board authorized FMERA staff to enter into a PSARA with FM Partners, LLC. The PSARA was executed on August 11, 2015.

First Amendment

At the Authority’s April 20, 2016 meeting, the Board approved the First Amendment to the PSARA with the following revisions to material terms in the PSARA: (1) termination of the due diligence period and acceptance of the property in as-is condition; (2) reduction of the purchase price to \$2,300,000; and (3) agreement by FMERA to clear or cause to be cleared the State’s Tidelands claim on the property, which may occur before or after closing. All other material terms of the PSARA remained unchanged. The First Amendment was executed on June 23, 2016.

The redevelopment of the Fitness Center parcel also required an amendment to the Reuse Plan. In August 2016, the Board approved Plan Amendment #7 which included a specific definition of commercial recreational uses permitted at the Fitness Center, to include training, indoor sports courts and ancillary retail uses, among others. The amendment also reconfigured the road network to take advantage of the existing streets surrounding the parcel and allow for adjacent parking. The amendment also retained the water tower for certain limited signage. Finally, the amendment clarified the bulk, area and use-guidelines governing the parcel.

On September 19, 2017, FM Partners, LLC assigned all rights, title and interest in the Agreement, as amended, to Fort Partners, LLC by way of the Agreement to Assign between FM Partners, LLC and Fort Partners Group, LLC.

Fort Partners Group closed on the property on September 21, 2017.

Second Amendment

On November 13, 2019, the Board approved the Second Amendment to the PSARA with the following revisions to its material terms: (1) Paragraph 51.4 of the Agreement was amended to provide that the existing water tower on the Property be permitted to remain on the condition that Fort Partners shall have a licensed engineer confirm the structural integrity and safety of the water tower within four (4) months of the Second Amendment and prior to completion of the Project. The water tower may be used by Fort Partners to display its business logo and the initial repair, painting and placement of the business logo on the water tower shall occur within nine (9) months of the Second Amendment.; (2) Fort Partners would complete the entire Project, as that term is defined in the Agreement, no later than July 31, 2020; (3) any terms not otherwise defined or expressly modified shall have the same meaning described to in the PSARA.

Delegated Authority & Third Amendment

On July 13, 2020, via email correspondence, Fort Partners Group requested an extension to the Project Completion date due to restrictions imposed from COVID-19 including limitations on various forms of personal and commercial construction activity.

Per the Board's action on April 15, 2020, the Executive Director was granted Delegated Authority to approve any pre-closing or post-closing extensions for up to five months for delays for COVID-19 related reasons so long as the developer has requested such an extension in writing and satisfied FMERA's request for any supporting documentation. The FMERA staff reviewed Fort Partners Group request and the Executive Director agreed to retroactively extend the Project Completion Date under his Delegated Authority for five months or until December 31, 2020. The Third Amendment was executed on October 27, 2020.

Fourth Amendment

On December 2, 2020, via email correspondence, Fort Partners Group requested an extension to the Project Completion date until June 30, 2021 due to the continued COVID-19 restrictions, including, but not limited to the closure of government and private facilities, operational restrictions, prohibitions of "non-essential" construction, and other similar measures. The FMERA staff reviewed Fort Partners Group request and agrees to recommend the extension of the Project Completion Date for an additional six months until June 30, 2021.

All other material terms of the PSARA as presented to the Committee and the Board will remain unchanged. The attached Fourth 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.

Recommendation

Staff requests that the Board approve the execution of the Fourth Amendment to the PSARA with Fort Partners Group, LLC for the Fitness Center parcel in the Oceanport Reuse Area.

Bruce Steadman

Prepared by: Regina McGrade

**Resolution Regarding
Seventh Amendment to Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the
Chapel Parcel in Oceanport**

WHEREAS, on December 14, 2016, the Board authorized the execution of the PSA between FMERA and Triumphant Life for the Chapel Parcel, an approximately 5.0-acre parcel that contains Building 500 and is located on Malterer Avenue in the Main Post Area of Fort Monmouth (“Property”); the building was used as a general house of worship for the Fort and the Property is in the Oceanport Horseneck Center land use district and the Fort’s Historic District although the structure itself is non-contributing and not considered historic; and

WHEREAS, Triumphant Life is a registered 501c3 non-profit corporation that has acquired the Property and utilizes this location for its house of worship and community outreach center; and

WHEREAS, FMERA and Triumphant Life entered into a Purchase and Sale Agreement dated as of January 6, 2017 (“PSA”) whereby FMERA agreed to sell and Purchaser agreed to purchase the Property; and

WHEREAS, closing occurred on February 27, 2017; pursuant to the terms of the PSA, Triumphant Life paid \$1,000,000.00 for the Property, reflecting its proposal; and

WHEREAS, FMERA conveyed the property to Triumphant Life in as-is condition, but with clear title and subject to the Army’s on-going obligations under CERCLA to address any pre-existing contamination that may exist on the property; and

WHEREAS, the Project consisted of the renovation of the existing structure as a house of worship and community outreach center and Triumphant Life obtained its Certificate of Occupancy within the required twelve months of closing and has used and occupied the existing structure as a Chapel since receipt of that certificate; and

WHEREAS, under the terms of the Project, the Purchaser had the option to construct a 115-space parking lot on the Property within twelve months of Closing, subject to review by the State Historic Preservation Officer (“SHPO”) and in complement to the architecture and design styles of the adjacent National Register Historic District; and

WHEREAS, under the Executive Director’s discretion to administer the Board-approved PSA and under section 6 of the PSA which provides for an additional six months to complete the Project, the time period for construction of the parking lot was extended until August 27, 2018; and

WHEREAS, Purchaser engaged in the design process for the parking lot and indicated to FMERA that it would require an additional seventy-five days to complete construction of the parking lot; and

WHEREAS, on August 15, 2018, the FMERA Board approved the First Amendment to the PSA to allow for Triumphant Life to have 1) a seventy-five day extension of the construction timeline to complete a 115-space paved parking lot on the Property, whereby Triumphant Life would provide a promissory note to guarantee completion of the parking lot within that timeline and FMERA would provide a short-term license to park 115 vehicles off-site during that timeline; and 2) a twelve month extension of the job creation timeline, as referenced in Section 6(c) of the PSA; and

WHEREAS, on October 17, 2018, the FMERA Board approved the Second Amendment to the PSA to allow for: 1) an extension of the construction timeline until May 15, 2019 to complete a 115-space paved parking lot on the Property; and 2) a promissory note to guarantee completion of the parking lot within the May 15, 2019 completion date; and

WHEREAS, on May 23, 2019, the FMERA Board approved the Third Amendment to the PSA to allow for 1) an extension of the construction timeline until September 12, 2019 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; and 2) an amended promissory note to guarantee completion of the parking lot

within the September 12, 2019 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until September 12, 2019; and

WHEREAS, on September 18, 2019 the FMERA Board approved the Fourth Amendment to the PSARA to allow for: 1) an extension of the construction timeline until April 30, 2020 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; 2) an amended promissory note to guarantee completion of the parking lot within the April 30, 2020 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until April 30, 2020; and

WHEREAS, on April 15, 2020, the FMERA Board approved the Fifth Amendment to the PSARA to allow for: 1) an extension of the construction timeline until July 31, 2020 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; 2) an amended promissory note to guarantee completion of the parking lot within the July 31, 2020 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until July 31, 2020; and

WHEREAS, on August 5th, Triumphant Life requested via letter correspondence and FMERA approved under the Executive Directors delegated authority an extension to the Project Completion to December 31, 2020. The Sixth Amendment was executed on August 31, 2020; and

WHEREAS, on November 10, 2020, Triumphant Life received the Oceanport Planning Board's approval, however notified FMERA that they would not be able to complete the parking lot by December 31, 2020 and has requested an additional six months or until June 30, 2021 to complete the project; and

WHEREAS, these continued efforts have led to the attached Seventh Amendment to the PSA with the following revisions to material terms: 1) an extension of the construction timeline until June 30, 2021 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; and 2) an amended promissory note to guarantee completion of the parking lot within the June 30, 2021 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until June 31, 2021; and

WHEREAS, all other material terms of the PSA as presented to the Board will remain unchanged. The attached Fifth Amendment to the PSA is in substantially final form. The final terms of the Fifth Amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office; and

WHEREAS, 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 Seventh Amendment with Triumphant Life Church Assembly of God for the Chapel Parcel 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: December 15, 2020

EXHIBIT 3

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Seventh Amendment to Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport

DATE: December 15, 2020

Request

I am requesting that the Board approve the Seventh Amendment to the Purchase and Sale Agreement (“PSA”) with Triumphant Life Church Assembly of God (“Triumphant Life”) for the sale of the Chapel Parcel (the “Project”) in the Oceanport Reuse Area.

Background

On December 14, 2016 the Members authorized the execution of the PSA between FMERA and Triumphant Life for the Chapel Parcel, an approximately 5.0-acre parcel that contains Building 500 (approximately 16,372 sf) and is located on Malterer Avenue in the Main Post Area of Fort Monmouth (“Property”). The building was used as a general house of worship for the Fort. The Property is in the Oceanport Horseneck Center land use district and the Fort’s Historic District although the structure itself is non-contributing and not considered historic.

Triumphant Life is a registered 501c3 non-profit corporation that has acquired the Property and utilizes this location for its house of worship and community outreach center. Triumphant Life was previously located in Asbury Park, NJ. The Project outlined in the PSA enabled Triumphant Life to relocate staff to this location upon completion of renovations in 2017. The Project was anticipated to result in the creation of an additional ten (10) part-time jobs at Fort Monmouth within eighteen (18) months of completion of initial renovation and receipt of a Certificate of Occupancy.

Purchase and Sale Agreement

The PSA was executed on January 6, 2017. Triumphant Life closed on the Chapel property on February 27, 2017. The PSA approved by the Board included the following terms, which remain unchanged:

Pursuant to the terms of the PSA, Triumphant Life paid \$1,000,000.00 for the Property, reflecting its proposal. Closing occurred within thirty (30) days of satisfaction of the conditions precedent to closing, which included Triumphant Life completing due diligence and receipt of a final remediation document. FMERA conveyed the property to Triumphant Life in as-is condition, but with clear title and subject to the Army’s on-going obligations under CERCLA to address any pre-existing contamination that may exist on the property.

The Project consisted of the renovation of the existing structure as a house of worship and community outreach center. Triumphant Life obtained its Certificate of Occupancy within the required twelve (12) months of closing and has used and occupied the existing structure as a Chapel since receipt of that certificate. Under the terms of

the Project, the Purchaser had the option to construct a 115-space parking lot on the Property within twelve (12) months of closing. This parking lot shall be subject to review by the State Historic Preservation Officer (“SHPO”) and Purchaser agrees any exterior renovation on the Property shall complement the architecture and design styles of the adjacent National Register Historic District.

Amendments

Under the Executive Director’s discretion to administer the Board-approved PSA and under Section 6 of the PSA which provides for an additional six (6) months to complete the Project, the time period for construction of the parking lot was extended until August 27, 2018. Purchaser engaged in the design process for the parking lot and indicated to FMERA that it would require an additional seventy-five (75) days to complete construction of the parking lot. Purchaser also agreed to provide a promissory note to FMERA guaranteeing the completion of the parking lot within that time frame. FMERA staff believed that this time period was reasonable and recommended extending the construction time for approximately seventy-five (75) days to allow for Triumphant Life to complete the construction of its parking lot. Additionally, Purchaser indicated to FMERA that it would be unable to create ten (10) part-time jobs within eighteen (18) months of completing the initial renovation and receipt of certificate of occupancy. FMERA staff recommended extending the job creation timeline by twelve (12) months.

On August 15, 2018, the FMERA Board approved the First Amendment to the PSA to allow for: 1) a seventy-five (75) day extension of the construction timeline to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA, whereby Triumphant Life would provide a promissory note to guarantee completion of the parking lot within that timeline and FMERA would provide a short-term license to park 115 vehicles off-site during that timeline; and 2) a twelve (12) month extension of the job creation timeline, as referenced in Section 6(c) of the PSA.

On October 17, 2018, the FMERA Board approved the Second Amendment to the PSA to allow for: 1) an extension of the construction timeline until May 15, 2019 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; and 2) a promissory note to guarantee completion of the parking lot within the May 15, 2019 completion date.

On May 23, 2019, the FMERA Board approved the Third Amendment to the PSA to allow for: 1) an extension of the construction timeline until September 12, 2019 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; 2) an amended promissory note to guarantee completion of the parking lot within the September 12, 2019 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until September 12, 2019.

On September 18, 2019 the FMERA Board approved the Fourth Amendment to the PSARA to allow for: 1) an extension of the construction timeline until April 30, 2020 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; 2) an amended promissory note to guarantee completion of the parking lot within the April 30, 2020 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until July 31, 2020.

On April 15, 2020, the FMERA Board approved the Fifth Amendment to the PSARA to allow for: 1) an extension of the construction timeline until July 31, 2020 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; 2) an amended promissory note to guarantee completion of the parking lot within the July 31, 2020 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until July 31, 2020.

On August 5th, 2020, Triumphant Life requested via letter correspondence and FMERA approved an extension to the Project Completion to December 31, 2020 under the Executive Director Delegated Authority to approve delays for COVID-19 related reasons for up to five (5) months. The Sixth Amendment was executed on August 31, 2020.

On November 10, 2020, Triumphant Life received the Oceanport Planning Board's approval, however it notified FMERA that it would not be able to complete the parking lot by December 31, 2020 and has requested an additional six months or until June 30, 2021 to complete the project.

These continued efforts have led to the attached Seventh Amendment to the PSA with the following revisions to material terms: 1) an extension of the construction timeline until June 30, 2021 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; and 2) an amended promissory note to guarantee completion of the parking lot within the June 30, 2021 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until June 31, 2021.

All other material terms of the PSA as presented to the Committee will remain unchanged. The attached Seventh Amendment to the PSA is in substantially final form. The final terms of the Seventh 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.

Recommendation

In summary, I am requesting that the Board approve the proposed Seventh Amendment to the Purchase and Sale Agreement with Triumphant Life Church Assembly of God, for the Chapel Parcel in the Oceanport section of Fort Monmouth.

Bruce Steadman

Prepared by: Regina McGrade

DRAFT

Resolution Regarding
Approval of Plan Amendment #16 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 #16, prepared by prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development 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 #16 to the host municipalities at its September 25, 2020 meeting; and

WHEREAS, the 45-day comment period commenced on October 14, 2020; and

WHEREAS, the comment period expired on November 27, 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 #16 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 #16 and recommends adoption of Amendment #16 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 #16 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: December 15, 2020

EXHIBIT 4

MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

RE: Recommendation to Approve Plan Amendment #16 Permitting an Alternative Development Scenario with respect to the Barker Circle parcel in Oceanport.

DATE: December 15, 2020

Request

I am requesting that the Board approve Plan Amendment #16 to the Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”) that would permit an alternative development scenario regarding the Barker Circle parcel in Oceanport.

Background

In 2008, the Reuse Plan was completed and accepted by the U.S. Department of Housing and Urban Development and the U.S. Department of Defense and serves as the Plan for the redevelopment and revitalization of Fort Monmouth to be implemented by FMERA. FMERA’s enabling legislation, P.L. 2010 c. 51 (the “Act”), the Land Use Rules subsequently adopted in 2013, N.J.A.C. 19:31C-3 et seq. (“Land Use Rules”), and the Reuse Plan contemplate that amendments to the Reuse Plan would be required from time to time. Specifically, the Act authorizes FMERA “to adopt, revise, adjust, and implement ... any aspect of the plan.”

Reuse Plan amendments allow FMERA to respond to opportunities that arise through the Request for Offers to Purchase (“RFOTP”) process. The amendment is required to be a report or statement with proposals that include the following:

1. 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 and Redevelopment Plan.

According to the Land Use Rules, the FMERA Board shall consider the following as guidance when reviewing a proposed amendment:

1. Whether the proposed amendment would result in a material change in the overall development yield or affordable housing obligations of the host municipality, or would result in any negative impact to the Authority’s obligations pursuant to the Fair Housing Act of 1985;
2. Whether the proposed amendment would result in any significant adverse impact on other areas of Fort Monmouth;
3. Whether the proposed amendment would substantially impair the intent and purposes of the Reuse Plan;
4. Whether the proposed amendment would have any negative impact on the Authority’s obligations pursuant to the Base Realignment and Closure Act (“BRAC”) and any agreement with the U.S. Army conveying Fort Monmouth property to the Authority; and

5. Whether the proposed amendment would have significant adverse infrastructure ramifications different from those envisioned in the Reuse Plan.

In accordance with the Act and the Land Use Rules, prior to approving an amendment to the Plan, the amendment must be transmitted to the governing body of each host municipality for a 45-day comment period, at the end of which each municipality may provide FMERA with a written report containing the municipality's recommendations. Staff will review the report from each host municipality and prepare a preliminary analysis with reasons for accepting or not accepting the recommendations. This memo reflects a summary of a report which shall be presented to the Board for its consideration and approval.

Development Contemplated under the Reuse Plan

The Reuse Plan envisions the redevelopment of the Oceanport Reuse Area for approximately 1.75 million square feet of non-residential space and 720 residential units. The development 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.

Originally, Amendment #16 included the option for an alternative development scenario on the Barker Circle and the Nurses Quarters Parcels that are located in the former Fort Monmouth property in the Borough of Oceanport. However, based on the Borough of Oceanport's feedback on the Nurses Quarters Parcel, FMERA, has decided to include only the Barker Circle parcel in Amendment #16 and Nurses Quarters Parcel will be addressed in a separate amendment. The provisions of the original Amendment #16 that pertained to the Nurses Quarter are entirely severable from Barker Circle provisions, and the removal of the Nurses Quarter provisions will in no way alter Amendment #16 as it pertains to the Barker Circle Parcel.

The Barker Circle Parcel: With respect to the Barker Circle parcel, the Reuse Plan contemplates mixed-income apartments for residential uses at Buildings 205, 207, and 287. Reuse Plan Amendment #6 moved the civic/institutional uses envisioned for Buildings 206, 208, and 282 to a 13-acre parcel along Murphy Drive. Amendment #6 also included the change in use of Buildings 206 and 208 for residential and/or office/research & development uses, as well as retail or office/research & development uses of Building 282, the former Fire House. Amendment #6 relocated 32 residential units from Oceanport Municipal Complex parcel to Buildings 206 and 208 in the Barker Circle. The Reuse Plan envisions a museum/art center civic/institutional use for Building 275, known as Kaplan Hall, the former theater and museum of the Fort. The Reuse Plan also envisions the maintenance of open space in the form of a wetland preservation park along Oceanport Creek.

The Proposed Reuse Plan Amendment

The attached proposed Plan Amendment #16 prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development would permit the following on the subject parcels:

The Barker Circle Parcel: The proposed amendment would permit business lofts in Building 206. Childcare centers will be permitted only as an accessory use in Building 206. A Restaurant, craft production facility and arts and culture related retail uses would be permitted in Building 282. Additionally, the amendment would permit art and cultural retail in Building 275. Office uses are permitted only as accessory use in Building 275.

With respect to bulk regulations and density, a total of 75 residential units will be permitted in the parcel. The amendment permits Buildings 205, 287, 207 and 208 to be adaptively reused to house residential units. The amendment permits up to 0.55 Floor Area Ratio (FAR) for non-residential uses and relaxes several bulk regulations, including loading space requirements, setback requirements for adaptive reuse of the historic buildings in the Barker Circle parcel. Redevelopment of land parcels with adaptively reused historic building/s would be exempt from all setback requirements including street facing building setback requirements and no minimum loading space would be required for residential and non-residential uses. The amendment also relaxes Gross Floor Area and Maximum Impervious Lot Coverage requirements for land parcels with historic buildings. However, Gross Floor Area shall not exceed more than 5% of the permitted gross floor area set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(b) Table 4 and Maximum Impervious Lot Coverage shall not

exceed 5% of the permitted Impervious Lot Coverage set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(f).

The undivided property has adequate parking for the site. However, as the Developer has proposed a subdivision of the site, a shared parking approach has been proposed. The amendment would permit a shared parking approach for subdivided parcels as set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.7 subject to the following conditions: If the shared parking approach is utilized for this site, the applicant will submit an easement agreement executed by the parties involved, to FMERA and the Borough of Oceanport at the time the site plan application. The location of the nearest parking space of the shared parking lot shall not be greater than 400 ft walking distance from the entrance of the proposed building.

With respect to signage, the amendment permits one ground sign for each adaptively reused building or for each reused building or for each subdivided parcel. The maximum sign area shall not be more than 80 square feet for non-residential uses and it shall not be more than 40 square feet for residential use. The maximum sign height shall not be more than ten (10) feet above grade for non-residential uses and the maximum sign height shall not be more than seven (7) feet above grade for residential use. For non-residential buildings containing more than one tenant, the provisions set forth in FMERA Land Use Rules 19:31C-3.9(d) shall apply to the exterior surface of each tenant space or leased portion of the building. Also, all the signage design shall conform to the FMERA's Historic Design Guidelines.

Staff has reviewed the Amendment with regard to the criteria in the Land Use Rules, in N.J.A.C. 19:31C-3.27(c)5, for reviewing a proposed amendment and proposes the following conclusions:

- 1) This Amendment affects only the Oceanport Reuse Area. This amendment contemplates the reuse of existing historic buildings for 75 total residential units in the Oceanport Reuse area will remain 720 units as contemplated in the Reuse Plan.
- 2) This Amendment permits diverse tech-oriented uses and these uses are consistent with the goal and uses contemplated in the Reuse Plan.
- 3) This Amendment would not adversely impact any of the "Transportation Circulation Improvement Goals" established in the Reuse Plan.
- 4) This Amendment does not impact any active recreation or open space contemplated in the Reuse Plan. Furthermore, this Amendment aims to encourage the concept of placemaking and the development of public space, plaza, and walkways within the redevelopment area which is consistent with the Reuse Plan.
- 5) This Amendment is well aligned with the sustainability elements of the Reuse Plan.
- 6) The uses contemplated in this Amendment are compatible with the surrounding land uses anticipated in the Reuse Plan and subsequent amendments.
- 6) This Amendment would maintain the overarching land use concepts, objectives and principles of the Reuse Plan and addresses the relationship of the new uses at the subject parcel with the surrounding uses. Thus, the Reuse Plan would remain a rational coordinated land use plan.
- 7) This Amendment is consistent with the Authority's BRAC obligations and the existing Phase 2 Economic Development Conveyance ("EDC") agreement with the Army by incorporating open space uses envisioned in the Reuse Plan approved as part of the BRAC process.

In accordance with the Act and the Land Use Rules, on September 25, 2020, the FMERA Board approved the transmittal of proposed Amendment #16 to the governing body of each municipality for a 45-day comment period. The municipalities received Amendment #16 on October 14, 2020, upon expiration of the Governor's 10-day veto period; the comment period ended on November 27, 2020. The correspondences received from Oceanport, Eatontown and Tinton Falls are attached ("**Exhibit A**").

The letter from the Borough Administrator states that the Borough Council reviewed the amendment and has no comment. The Borough of Tinton Falls also did not have any comments for the proposed Plan Amendment.

The Authority received a formal correspondence from the Borough of Oceanport on November 25, 2020. The correspondence states that the proposed Reuse Plan Amendment #16 solicited comments from the Borough Planner, Borough Engineer, Environmental Committee, Planning Board, Police Department, First Aid, Fire Department, Office of Emergency Management and others in order to review the Amendment and consider its impact on the Borough and its residents. The correspondence also states that the Borough is supportive of the alternative development plan, if appropriately designed for the area and includes a report prepared by Borough's Planner Kendra Lelie, PP, AICP, LLA from Kyle+McManus Associates, also attached as Exhibit A. The Planner's report highlights salient features of the proposed amendment and includes some comments and recommendations.

Per FMERA's Land Use Rules, Authority staff must review reports from each municipality and provide a preliminary analysis of reasons for accepting or not accepting recommendations received from host municipalities. FMERA has responded to all of these public comments in the attached report ("**Exhibit B**").

FMERA did not receive any specific feedback relative to the proposed uses and the bulk standards from the Borough of Oceanport. The comments received from the Borough of Oceanport concerning traffic impact, circulation, connectivity, parking, and fire safety will be addressed during **FMERA's MCR process and the Borough's site plan review process**. With regard to concerns and questions raised about architectural design and building layout, any development within Fort Monmouth must adhere to the design guidelines in FMERA's Land Use Rules. Additionally, all development on Fort Monmouth is subject to FMERA's Mandatory Conceptual Review ("MCR") and Borough Planning Board review. As Barker Circle is in the historic district, the buildings and site plan will also be subject to review by the FMERA Historic Committee and NJ Trust and the State Historic Preservation Office. Further, it is anticipated that during the Borough's approval process any pertinent departments will have the opportunity to review the application. Though Plan Amendment #16 included a total number of set-aside affordable housing units for Barker Circle, the Borough Planner has recommended that the specific bedroom counts be included in addition to the total number the affordable housing units. As FMERA accepts this comment, the Plan Amendment has been modified to include the specific bedroom counts for affordable housing units.

As Nurses Quarters parcel will be addressed in a separate amendment, Plan Amendment #16 has been revised accordingly to include the Barker Circle parcel only.

After reviewing the comments of the host municipalities, FMERA staff recommends that the Real Committee recommend the Board's approval of the proposed Plan Amendment #16.

The attached Plan Amendment #16 is in substantially final form. The final terms of Plan Amendment #16 are subject to the approval of FMERA's Executive Director and the Attorney General's Office. The Real Estate Committee has reviewed the request, along with FMERA's responses to the Borough of Oceanport's comments and recommends Plan Amendment #16 to the Board for approval.

Recommendation

In summary, I am requesting that the Board approve Plan Amendment #16 to the Reuse Plan that would permit an alternative development scenario regarding the Barker Circle parcel in Oceanport.

Bruce Steadman

Prepared by: Upendra Sapkota