

TO: Members of the Board

FROM: Kara Kopach
Executive Director

DATE: July 20, 2022 – 5:00p.m.

SUBJECT: Agenda for Board Meeting of the Authority

1. **Call to Order – Mayor Anthony Talerico, Jr.**
2. **Pledge of Allegiance**
3. **Notice of Public Meeting - Roll Call**
4. **Approval of Previous Month’s Board Meeting Minutes**
5. **Welcome – Mayor Anthony Talerico, Jr.**
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 Requests for Offers to Purchase (RFOTPs)
 - Update on Marketing Effort
10. **Committee Reports**
 - Audit Committee – Vacant, Chairman
 - Real Estate Committee – Vacant, Chairman
 - Environmental Staff Advisory Committee – Elizabeth Dragon, Chairwoman
 - Historical Preservation Staff Advisory Committee – Jay Coffey, Chairman
 - Housing Staff Advisory Committee – Robert Long, Chairman
 - Veterans Staff Advisory Committee – Lillian Burry, Chairwoman
11. **Board Actions**
 1. Consideration of Approval of the Seventh Amendment to the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for a Department of Public Works Complex on the 1123 Parcel.

2. Consideration of Approval of a Recommendation to Approve Plan Amendment #18 Permitting an Alternative Development Scenario with respect to the Nurses Quarters 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: Kara Kopach
Executive Director

Date: July 20, 2022

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

With the close of the second quarter on June 30, FMERA staff is preparing the financial and operational summary for the first half of 2022. Staff will be meeting to review the first six months of 2022 and assess the performance against the 2022 organization goals. FMERA controls spending to the extent possible and expects to be on or under budget through year end.

Executive Director's Report

- Update on Utilities and Infrastructure
- Work has commenced on the construction of a new sanitary pump station, east interceptor and force main along Oceanport Avenue. Approximately 25% of the materials for the project have been delivered, and 560' feet of force main conduit along Oceanport Avenue from Signal Avenue to Parkers Creek has been installed. The completed project will initially accept sanitary outfall from the Lodging Parcel, the Allison Hall parcel, and the 400 Area. The line will also accommodate offsite outfall from Horseneck Point and Riverside Avenue. Plans and specifications are being prepared for the Phase II project which includes the 'South Interceptor' and the 'Barker Circle' lines. The Phase II project will provide sanitary outfall to all development along Oceanport Way and will also connect Barker Circle and Liberty Walk.
- In Eatontown, T&M continues to design the Avenue of Memories sewer main and pump station to serve the outfall from Parcel B and properties East of the Fort's frontage.
- FMERA staff continues to work with JCP&L to prepare the proposed electrical substation parcel for redevelopment. JCP&L is completing their due diligence and their Phase 2 environmental investigation at the site and hopes to further characterize any remaining environmental issues in the Army carveout.
- FMERA has continued to repair and replace aged electrical infrastructure and is in discussions with JCP&L to replace all of the distribution lines on the Main Post to correspond with the new substation activation.
- The developer of the Fabrication Shops is currently performing a Phase 1 environmental assessment of the subject property.
- The MCR team is currently reviewing site plans submitted by the New Jersey American Water (NJAW) for the 4-acre water storage tank site located on Pinebrook Road due east of the Howard Commons parcel. NJAW plans to construct a 2-million-gallon water tank to include supporting structures and equipment at the subject parcel.

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 seventeen 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.
- Marina, on March 22, 2021, with AP Development Partners, LLC, which will continue to operate as a marina/public boat ramp and restaurant.
- 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, on November 24, 2021, with Somerset Development, LLC, a 15-acre site located on Parkers Creek, to be developed with up to 185 new and renovated housing units.
- Allison Hall, on May 18, 2022, 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.

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

- Nurses Quarters, with RPM Development, LLC for the 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital.

In **Eatontown**, FMERA has closed on the following three properties:

- Suneagles Golf Course, on December 18, 2020, 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 and restaurant in the interim, so it remains open to the public as the redevelopment progresses.
- New Jersey American Water Tank Parcel, on April 23, 2021, a parcel located on a 3.945-acre tract on the Howard Commons parcel to install a water tank to serve NJAW's needs by providing approximately four acres of land surrounded on two sides by undeveloped preserved forest, a municipal road on another and a fourth side that encompasses soon to be built residential units which will be buffered by trees.
- Eatontown Parks Parcel, on March 7, 2022, with the Borough of Eatontown, a 3.82-acre tract known as the Nicodemus Avenue Park Parcel located on Nicodemus Avenue for active recreation uses.

Also in **Eatontown**, FMERA has executed or approved contracts on the following parcel:

- Building 1123, a former general office building at Avenue of Memories and Wilson Avenue with the Borough of Eatontown for the reuse by the Borough's Department of Public Works.

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 C with Lennar Corporation, on August 2, 2018, approved for 243 residential units and up to 58,000 sq. ft. of retail development.
- Parcel C1 with Lennar Corporation, on August 2, 2018, planned for 45 new single-family homes.

FMERA has executed contracts on three 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.
- Tinton Falls Commercial Parcel (Pulse Power, Building 2719, and the Pistol Range) with RWJBH for 1) construction of a three-story Medical Office Building anticipated to have be approximately 121,125 GSF; 2) installation of a grid-supply solar energy system; 3) construction of active recreational facilities, including two (2) multi-purpose grass or turf athletic fields, one (1) baseball / softball field, up to five (5) tennis courts, and a field house; 4) passive recreation, including a community walking / nature trail that enhances walkability and interconnectedness of the Tinton Falls section of Fort Monmouth; and 5) open space to benefit the surrounding area.

3. Development & Marketing Update

FMERA continues to make good progress on the Fort's redevelopment, with about 86% of the Fort's 1,126 acres sold, under contract, in negotiations, or entering the request for proposals process. To date, FMERA has sold 33 parcels, and another 4 parcels are under contract or have Board approved contracts. Many projects on the Main Post are making significant progress. At the Allison Hall property, site work and demolition continue, and an official groundbreaking ceremony is expected later this summer. At the former lodging area, Somerset and Pulte are also continuing their construction efforts. All the blighted buildings have been demolished and large portions of their property has been cleared to make way for new residential development. Barker Circle continues to undergo historic renovation, with its office facilities nearly up and running, and the residential component is forecasted for next year. The Park Loft project is slated for completion this summer. Last in Oceanport, OPort Partners' renovation of the Commissary building is nearing completion, with its brewery planned for opening this summer and a restaurant anticipated to open in the fall. Moving west to Eatontown, the Eatontown Parks parcel is wrapping up its demolition efforts.

The remainder of FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. We look forward to the integration of additional businesses and amenities into the Fort community.

The Mega Parcel RFOTP were due on June 6, 2022 at 12:00pm. All proposals were publicly opened in the FMERA offices beginning at 12:30pm, in accordance with Section 5.0 of the RFOTP. FMERA received FOUR (4) proposals from the following proposers, listed in alphabetical order: 1) Extell Acquisitions LLC; 2) Mega Parcel Development LLC; 3) Netflix, Inc. and 4) RDR Partners, LLC (Russo Development, LLC; Dinallo Development, LLC; River Development Equities, LLC).

Please be advised that no additional information will be provided at this time. Pursuant to FMERA's sales rules, N.J.A.C. 19:31C-2.19, offer documents are not public until the execution of the a contract. FMERA will make no representations relative to the highest scoring proposal until such time as the staff is prepared to recommend the approval of a Purchase and Sale Agreement and Redevelopment Agreement to the FMERA Board. Please be advised that this process may take several months.

FMERA remains focused on the continued movement and progress of on-going projects and is now focusing its efforts on the redevelopment of the Mega Parcel. We are in the process of collaborating on several community initiatives, targeted for the fall, including another blood drive. Our wayfinding efforts continue, with design and fabrication work underway. We also anticipate replacing some signage on HWY 35 with some updated images and upcoming projects.

Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at @fortmonmouthnj for our latest updates.

Kara Kopach

Prepared by: Regina McGrade

Draft

**Resolution Regarding
Seventh Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with the Borough of
Eatontown for a Department of Public Works Complex on the 1123 Parcel**

WHEREAS, on May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests for the Borough's request to purchase a 7.2-acre tract known as the 1123 Parcel ("the Property") including Buildings 1123, 1124, 1108, 1109 and 1110 located on Echo Avenue, in Eatontown, New Jersey for municipal uses including the relocation of Eatontown's Department of Public Works; and accordingly, the Borough's proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria, resulting in a 40% price reduction and sale price of \$886,461.00; and

WHEREAS, on January 16, 2019, the Board authorized the execution of the PSARA between FMERA and the Borough for the Property, and the PSARA was executed on May 8, 2019; and

WHEREAS, pursuant to the terms of the PSARA, the Borough was provided a ninety-day Due Diligence Period commencing on the Effective Date of the PSARA; an Initial Approval Period of twelve months commencing at the end of the Due Diligence period; and a six-month Approval Extension Period, subject to FMERA approval, with Closing to occur within thirty days of satisfaction or waiver of the Conditions Precedent to Closing; and

WHEREAS, under the terms of the First Amendment, executed September 2, 2019, Purchaser agreed to: i) amend the Approval Period to run for a total period not to exceed six months, beginning at the expiration of the Due Diligence Period; and ii) Close within thirty days of the expiration of the amended six month Approval Period, subject to receipt of a NFA letter from the NJDEP for the two environmental carve-out parcels located within the Property and regardless of whether other Conditions Precedent to Closing have been waived or satisfied; and

WHEREAS, under the terms of the Second Amendment to the PSARA, the Executive Director agreed to retroactively extend the Approval Period under his Delegated Authority for five months or until October 30, 2020; the Second Amendment was executed on July 30, 2020; and

WHEREAS, under the terms of the Third Amendment to the PSARA, an additional five-month extension to the Approval Period, or until April 1, 2021 was approved and the PSARA reinstated; Third Amendment was executed November 29, 2020; and

WHEREAS, under the terms of the Fourth Amendment to the PSARA, the Project as set forth in the PSARA was amended to permit the demolition of Building 1124; the Fourth Amendment was executed April 8, 2021; and

WHEREAS, on March 30, 2021, via letter correspondence, the Borough requested an additional extension to the Approval Period, set to expire on April 1, 2021, indicating that the Borough needed additional time to respond to its incomplete Mandatory Conceptual Review (MCR) letter and resubmit a revised MCR package for FMERA's review; the Borough was granted an additional four (4) month extension to the Approval Period at the FMERA Board's April 2021 meeting and the Fifth Amendment was executed June 7, 2021; and

WHEREAS, on July 8, 2021, via letter correspondence, the Borough requested a one year or twelve-month extension to the Approval Period, set to expire on August 1, 2021, citing outstanding environmental approvals from the NJDEP; the Borough indicated that any potential environmental issues that may arise and/or require additional funding to investigate or resolve would pose financial concerns for the approved 2021 budget and would be considered in the next fiscal year; and

WHEREAS, at FMERA's July 2021 Board meeting, the Borough requested and was granted an additional one (1) year or twelve (12) month extension to the Approval Period and the Sixth Amendment was executed on October 14, 2021; and

WHEREAS, on June 22, 2022, via letter correspondence, the Borough requested a six (6) month extension to the Approval Period, set to expire on August 1, 2022, citing unexpected delays that have significantly impacted the Borough's overall timeline; the Borough indicated that it has experienced numerous delays on the DPW project, beginning with pandemic related challenges that prevented the Borough from adhering to its anticipated timeline; and

WHEREAS, although the Borough has continued to proceed in good faith, these delays have caused the existing improvements, which are intended for reuse, to deteriorate significantly; and

WHEREAS, the Borough wishes to further investigate the condition of the buildings and reevaluate the costs associated with remediation and renovation of these facilities. Should those costs exceed the current budget for the Project, the Borough will need additional time to approve such expenses. FMERA staff has reviewed this request and recommends an extension to the Approval Period by six (6) months to February 1, 2023; and

WHEREAS, all other terms of the PSARA will remain unchanged. The attached Seventh 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, the Borough of Eatontown, and as to form by 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 Seventh Amendment to the PSARA with the Borough of Eatontown for the 1123 Parcel for an extension of the Approval Period 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: July 20, 2022

EXHIBIT 1

MEMORANDUM

TO: Members of the Board

FROM: Kara Kopach
Executive Director

RE: Seventh Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with the Borough of Eatontown for a Department of Public Works Complex on the 1123 Parcel

DATE: July 20, 2022

Request

I am requesting that the Board approve the execution of the Seventh Amendment to the Purchase and Sale & Redevelopment Agreement (“PSARA”) with the Borough of Eatontown (“Borough”) providing for an amendment to the Approval Period.

Background

On May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests for the Borough of Eatontown’s request to purchase a 7.2-acre tract known as the 1123 Parcel (“the Property”) including Buildings 1123, 1124, 1108, 1109 and 1110 located on Echo Avenue, in Eatontown, New Jersey for municipal uses including the relocation of Eatontown’s Department of Public Works. Accordingly, the Borough’s proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria, resulting in a 40% price reduction and sale price of \$886,461.00.

On January 16, 2019, the Members of the Board authorized the execution of the PSARA between FMERA and the Borough of Eatontown for the Property. The PSARA was executed on May 8, 2019.

Pursuant to the terms of the PSARA, Purchaser was provided a ninety (90) day Due Diligence Period commencing on the Effective Date of the PSARA and; an Initial Approval Period of twelve (12) months commencing at the end of the Due Diligence period; and a six (6) month Approval Extension Period, subject to FMERA approval. Closing would occur within thirty (30) days of satisfaction or waiver of the Conditions Precedent to Closing.

Due Diligence & First Amendment

Due to the existing constraints of the site and a need to further investigate two (2) Army-owned environmental carve-out parcels known as ECP Parcel 41 and ECP Parcel 43, environmental contractor T&M Associates made a recommendation to the Borough of Eatontown to request an extension of the Due Diligence Period, which expired on August 8, 2019 per the terms of the PSARA. A request to extend the Due Diligence Period to November 29, 2019 was subsequently submitted to the FMERA Board and approved at the July 2019 meeting.

Under the terms of the First Amendment, executed September 2, 2019, Purchaser agreed to: i) amend the Approval Period to run for a total period not to exceed six (6) months, beginning at the expiration of the Due Diligence Period; and ii) Close within thirty (30) days of the expiration of the amended six (6) month Approval Period, subject to receipt of a NFA letter from the NJDEP for the two environmental carve-out parcels located within the Property and regardless of whether other Conditions Precedent to Closing have been waived or satisfied.

Delegated Authority & Second Amendment

Following the expiration of the Due Diligence Period, the Borough entered the Approval Period that was set to expire on May 30, 2020. On May 15, 2020, via email correspondence, Purchaser requested an extension to the Approval Period due to challenges navigating COVID-19 at the Borough and turnover in Borough staff.

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 the Borough's request and the Executive Director agreed to retroactively extend the Approval Period under his Delegated Authority for five months or until October 30, 2020. The Second Amendment was executed on July 30, 2020.

Reinstatement & Third Amendment

On October 2, 2020, via letter correspondence, Purchaser requested an additional extension to the Approval Period, set to expire on October 30, 2020, citing delays in the Borough budget approval process for 2020. The budget approval was required in order for the Borough to authorize funds for the remaining environmental work to be completed by T&M Associates. The Borough requested an additional five (5) month extension to the Approval Period or until April 1, 2021. As the Approval Period was set to expire before the Third Amendment could be adopted, the Borough conditionally terminated and reinstated the PSARA under the Third Amendment, executed November 29, 2020.

Demolition of Building 1124 & Fourth Amendment

The Borough of Eatontown submitted its initial Mandatory Conceptual Review (MCR) packet to FMERA on October 28, 2020. During its review, FMERA staff identified Building 1124 as slated for demolition on the Borough's site plan. The Project as set forth in the PSARA identifies 1124 as slated for renovation. FMERA notified the Borough of this conflict and the Borough confirmed its position regarding the intended demolition of Building 1124. As amended, the Reuse Plan allows for the demolition of Building 1124 and FMERA agreed that this change supported the highest and best use of the property. The FMERA Board reviewed and approved this request via the Fourth Amendment to the PSARA at its January 2021 meeting. The Fourth Amendment was executed April 8, 2021.

Extension of Approval Period & Fifth Amendment

On March 30, 2021, via letter correspondence, the Borough requested an additional extension to the Approval Period, set to expire on April 1, 2021, indicating that the Borough needed additional time to respond to its incomplete MCR letter and resubmit a revised MCR package for FMERA's review. Although the Borough submitted a revised MCR package on March 26, 2021, FMERA had a forty-five (45) day period after the submission was deemed complete to review, which extended the review period beyond April 1, 2021. The Borough requested and was granted an additional four (4) month extension to the Approval Period at the FMERA Board's April 2021 meeting. The Fifth Amendment was executed June 7, 2021.

Extension of Approval Period & Sixth Amendment

On July 8, 2021, via letter correspondence, the Borough requested an additional extension to the Approval Period, set to expire on August 1, 2021, citing outstanding environmental approvals from the NJDEP. The Borough indicated that any potential environmental issues that may arise and/or require additional funding to investigate or resolve would pose financial concerns for the approved 2021 budget and would need to be considered in the next fiscal year. The Borough requested and was granted an additional one (1) year or twelve (12) month extension to the Approval Period at the FMERA Board's July 2021 meeting. The Sixth Amendment was executed October 14, 2021.

Extension of Approval Period & Seventh Amendment

On June 22, 2022, via letter correspondence, the Borough requested a six (6) month extension to the Approval Period, set to expire on August 1, 2022, citing unexpected delays that have significantly impacted the Borough's overall timeline. The Borough indicated that it has experienced numerous delays on the DPW project, beginning

with pandemic related challenges that prevented the Borough from adhering to its anticipated timeline. Although the Borough has continued to proceed in good faith, these delays have caused the existing improvements, which are intended for reuse, to deteriorate significantly. The Borough wishes to further investigate the condition of the buildings and reevaluate the costs associated with remediation and renovation of these facilities. Should those costs exceed the current budget for the Project, the Borough will need additional time to approve such expenses.

FMERA staff has reviewed this request and recommends the Board approve an extension to the Approval Period by six (6) months to February 1, 2023.

All other terms of the PSARA will remain unchanged. The attached Seventh 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, the Borough of Eatontown, and as to form by 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 PSARA with the Borough of Eatontown for the 1123 Parcel for an amendment to the Approval Period.

Kara Kopach

Attachment: Seventh Amendment to the Purchase and Sale & Redevelopment Agreement
Prepared by: Sarah Giberson

**Resolution Regarding
Approval of Plan Amendment #18 Permitting Alternative Development Scenario in Eatontown**

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 #18, prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development, envisions 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; and

WHEREAS, in accordance with the FMERA Act and the Land Use Rules, the Board approved transmitting the proposed Reuse Plan Amendment #18 to the host municipalities at its March 16, 2022 meeting; and

WHEREAS, the 45-day comment period commenced on April 4, 2022; and

WHEREAS, the comment period expired on May 18, 2022, and correspondence was received from Eatontown, Oceanport and Tinton Falls; and

WHEREAS, FMERA staff reviewed the correspondences and provided responses to all comments in the attached report; and

WHEREAS, the Real Estate Committee has reviewed the responses to the comments from the three host municipalities for the Reuse Plan Amendment #18 and recommends adoption of Amendment #18 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 #18 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: July 20, 2022

EXHIBIT 2

MEMORANDUM

TO: Members of the Board

FROM: Kara Kopach
Executive Director

RE: Recommendation to Approve Plan Amendment #18 Permitting an Alternative Development Scenario with respect to the Nurses Quarters Parcel in Oceanport.

DATE: July 20, 2022

Request

I am requesting that the Board approve Plan Amendment #18 to the Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”) that would permit an alternative development scenario for the Nurses Quarter 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 report 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.

Amendment #18 provides the option for an alternative development scenario on the Nurses Quarters Parcel that is located on the former Fort Monmouth property in the Borough of Oceanport. The Reuse Plan contemplates the reuse of Buildings 1077 & 1078 as mixed-income apartments. Under the Land Use Rules, the Property is included in the Oceanport Education/Mixed-Use Neighborhood Development District, which permits low-and medium-density residential, mixed-use, retail, office/research, institutional/civic, and open space/recreational uses.

The Subject Parcel

The Nurses Quarters Parcel is an approximately 3.75-acre parcel of land containing two residential buildings totaling 24 one- and two-bedroom units totaling 18,665 gsf known as the former Nurses Quarters (aka Buildings 1077 & 1078), at Main Street and Stephenson Avenue in the Oceanport Reuse Area of the Fort. Constructed in 1962, the Property was used as apartments for Army nurses and is located just west of the former Patterson Army Hospital in Oceanport and includes laundry and storage facilities, lawn areas, and off-street parking.

The Reuse Plan contemplates the reuse of Buildings 1077 & 1078 as mixed-income apartments. This amendment further contemplates the development of new townhomes in such a way that it creates a compact pedestrian-friendly environment along Main Street, allowing the development of more flexible and usable open spaces in the western section of the parcel.

The Proposed Reuse Plan Amendment

As originally proposed, Amendment #18 prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development would permit the following on the subject parcel:

- A total of thirty-four (34) residential units will be permitted on the parcel, which includes the reuse of twenty-four (24) one- and two-bedroom residential units, of which (7) will be affordable housing units, and ten (10) three-bedrooms residential units.
- New residential buildings shall not exceed three (3) stories or forty (40) feet in height.
- The building setback on Stephenson Avenue shall be a minimum of fifteen (15) feet from the property line.
- The building setback on Main Street shall be a minimum of fifteen (15) feet from the property line.
- Covered patio, walkways, steps and landscaping will be permitted within the setback area.
- The new townhomes shall have frontage on Main Street and no parking or driveway is permitted between the new townhomes and Main Street.
- One (1) access driveway to the site from Main Street will be permitted.
- A minimum five (5) foot-wide sidewalk shall be installed along Main Street.
- One (1) ground sign shall be permitted on the Nurses Quarters Parcel.
- The maximum sign area shall not be more than forty (40) square feet.
- The maximum sign height shall not be more than seven (7) feet above grade.
- FMERA Land Use Rules 19:31C-3.9(d) shall be applicable for all other requirements related ground signs.

The amendment encourages the use of following green infrastructure measures.

- Permeable pavers
- Electric vehicle charging stations
- Rain gardens & bio-retention basins

- Native plants and vegetations

In accordance with the Act and the Land Use Rules, on March 16, 2022, the FMERA Board approved the transmittal of proposed Amendment #18 to the governing body of each municipality for a 45-day comment period. The municipalities received Amendment #18 on April 4, 2022, upon expiration of the Governor’s 10-day veto period; the comment period ended on May 18, 2022. The correspondences received from Oceanport, Eatontown and Tinton Falls are attached (“**Exhibit A**”).

The letter dated May 2, 2022, from the Tinton Falls Council President states that the Borough Council reviewed the amendment and has no comment.

The Authority received two comments on May 12, 2022, from the Borough of Eatontown.

The Authority also received comments on May 18, 2022, from the Borough of Oceanport, which included reviews by the Borough Planner, the Borough Historian and the Borough’s Planning Board as well as the Council’s resolution.

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 public comments in the attached report (“**Exhibit B**”).

Based on this report and in response to the Borough of Oceanport Planning Board’s feedback, Amendment #18 has been modified.

As modified, Amendment #18 allows for the following on the subject parcel:

- A total of thirty-four (34) residential units will be permitted on the parcel, which includes the reuse of twenty-four (24) one- and two-bedroom residential units, of which (7) two bedrooms will be affordable housing units, and ten (10) three-bedrooms residential units.
- New residential buildings shall not exceed three (3) stories or forty (40) feet in height.
- The building setback on Stephenson Avenue shall be a minimum of fifteen (15) feet from the property line.
- The building setback on Main Street shall be a minimum of fifteen (15) feet from the property line.
- Walkways, steps and landscaping will be permitted within the setback area.
- The new townhomes shall have frontage on Main Street and no parking or driveway is permitted between new townhomes and Main Street.
- One (1) access driveway to the site from Main Street will be permitted.
- A minimum five (5) foot-wide sidewalk shall be installed along Main Street.
- One (1) ground sign shall be permitted on the Nurses Quarters Parcel.
- The maximum sign area shall not be more than thirty-two (32) square feet.
- The maximum sign height shall not be more than seven (7) feet above grade.
- FMERA Land Use Rules 19:31C-3.9(d) shall be applicable for all other requirements related ground signs.

The amendment encourages the use of following green infrastructure measures.

- Permeable pavers
- Electric vehicle charging stations
- Rain gardens & bio-retention basins
- Native plants and vegetations

Staff has reviewed Plan Amendment #18 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 permits a diverse range of housing types which are consistent with the goal and uses contemplated in the Reuse Plan.

- 2) This Amendment affects only the Oceanport Reuse Area. This Amendment would not adversely impact any of the “Transportation Circulation Improvement Goals” established in the Reuse Plan. This Amendment does not impact any active recreation or open space contemplated in the Reuse Plan. Furthermore, existing buildings will be adaptively reused, and new townhomes would be aligned along Main Street which will allow the creation of adequate open space in the parcel for some passive recreational opportunities. The uses contemplated in this Amendment are compatible with the surrounding land uses anticipated in the Reuse Plan and subsequent amendments.
- 3) This Amendment will not substantially impair the intent and purposes of the Reuse Plan and is well aligned with the sustainability goals of the Reuse Plan. Specifically, the reuse of Buildings 1077 & 1078 would further the Reuse Plan’s green building sustainability goal to maximize the adaptive reuse of existing buildings and infrastructure.
- 4) 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.
- 5) 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.

Attached is Reuse Plan Amendment #18, which is in substantially final form. 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 Amendment #18 to the Reuse Plan that would permit alternative development scenarios for the Nurses Quarters Parcel in Oceanport.

Kara Kopach