

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**

**Fort Monmouth Economic Revitalization Authority
Board Meeting
June 15, 2022
Public Meeting and Teleconference**

MINUTES OF THE MEETING

Members of the Authority and/or Designees present:

- Anthony Talerico, Jr. – Mayor of Eatontown – V (Serving as Chair of the Meeting)
- Stephen Gallo – Public Member – V
- Jay Coffey – Mayor of Oceanport – V
- Tracy Buckley – Tinton Falls Borough Council President – V - Designee
- Jamera Sirmans – Associate Counsel, Governor’s Authorities Unit – V – Designee
- Juan Burgos – Director of Real Estate Development & Finance NJEDA – V - Designee
- Elizabeth Dragon – Director, Site Remediation Program, NJ Department of Environmental Protection – Designee
- Robert Long – Deputy Commissioner, NJ Department of Community Affairs – Designee (arrived at 5:08p.m.)
- William Riviere – Principal Planner, NJ Department of Transportation – Designee
- Wayne Smith – State Veterans Program Coordinator, NJ Department of Labor & Workforce Development – Designee

V – Denotes Voting Member

Members of the Authority and/or Designees not present:

- Lillian Burry – Monmouth County Commissioner – V

Also present:

- Kara Kopach, Executive Director
- FMERA staff:
 - Regina McGrade – Administrative Manager
 - Sarah Giberson – Manager of Marketing & Development
 - Upendra Sapkota – Senior Project Office, Planning & Development
 - Kristy Dantes – Director of Facilities & Infrastructure
 - Joe Fallon – Senior Environmental Officer
 - Jennifer Lepore – Accounting Manager
 - Laura Draushak – Director of Legal Affairs
- Matt Reagan, Deputy Attorney General (DAG)

The meeting was called to order by Mayor Talerico at 5:00p.m. who led the meeting in the Pledge of Allegiance.

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

WELCOME

Mayor Talerico welcomed attendees to the Authority’s meeting. Mayor Talerico stated that a copy of the Board package was posted to the FMERA website to give the public the opportunity to review the information in advance of the meeting. Mayor Talerico noted the protocol regarding the two opportunities for the public to address the Board, with the 3-minute limit for agenda items, and the 5-minute limit for all other FMERA business.

Mayor Talerico stated that in his role he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period and that FMERA continues to welcome the public’s constructive comments and ideas.

The next item of business was the approval of the May regular meeting minutes. A motion as made to approve the minutes by Steve Gallo and seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: STEVE GALLO Second: JAY COFFEY
Ayes: 6

SECRETARY'S REPORT

Kara Kopach, Executive Director, stated that the Fort's successful development has continued through construction and demolition projects and the team expects new developments to open in the coming months. While the FMERA team is always appreciative of all the stakeholder support, we are particularly thankful to the Borough of Oceanport and Two Rivers Water Reclamation Authority for this month's MOUs which will foster continued redevelopment through demolition and utility projects.

TREASURER'S REPORT

Jennifer Lepore, Accounting Manager, stated that with the close of the second quarter on June 30th, FMERA staff will begin preparing the financial and operational summary for the first half of 2022. Staff will be meeting to assess the first six months of 2022 and assess the performance against the 2022 organization goals. FMERA's Comprehensive Annual Report, approved by the Board at the May meeting, has been issued, distributed and posted to the Authority's website in accordance with Executive Order NO. 37.

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

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT

1. Kristy Dantes, Director of Facilities & Infrastructure gave the following update:
 - FMERA is currently relocating an overhead power line on the south end of the Allison Hall parcel. The relocation is necessary to ensure continued electrical service to the adjacent RPM homes. The old overhead infrastructure will be eliminated in order to make way for the new redevelopment. The project is expected to be completed by June 30th.
 - The MCR team reviewed and provided comments on T&M Associates on RWJ Barnabas's site plans for the Myer Center parcel. A significant portion of T&M's comments have already been addressed by RWJ Barnabas's consultant to the satisfaction of T&M. The remaining comments are minor and should be resolved shortly by RWJ Barnabas.
 - The Facilities team contributed to the draft of a Memorandum of Understanding (MOU) between FMERA and the Borough of Oceanport to secure design and engineering services.
 - The Facilities team continues to work with JCP&L staff to prepare the proposed electrical substation parcel for redevelopment. JCP&L continues to complete their due diligence at the site and hopes to further characterize any remaining environmental issues in the Army carveout.
 - Within the next month, work will commence on the construction of a new sanitary pump station, east interceptor and force main along Oceanport Avenue. TRWRA awarded a contract to Earle Asfalt in March. The completed project will initially accept sanitary outfall from the Lodging, the Allison Hall parcel, and the 400 Area. Plans and specifications are being prepared for the Phase II leg of the 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.

2. Sarah Giberson, Manager of Marketing & Development gave an overview on property sales and RFOTPs.

FMERA continues to make good progress on the Fort's redevelopment, with about 86 percent 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. Since our last meeting, FMERA closed on the Allison Hall property. Site work and demolition are already underway. An official groundbreaking ceremony is expected over the summer. 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.

Proposals for 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 proposals from the following proposers, listed in alphabetical order:

1. Extell Acquisitions LLC
2. Mega Parcel Development LLC
3. Netflix, Inc.
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 contract. In keeping with FMERA's standard evaluation process and its sales rules, FMERA's Evaluation Committee will begin its review of all submitted proposals for compliance and proposals will subsequently be scored based on the evaluation criteria outlined in Section 8.0 and Attachment #3 of the RFOTP. 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.

While FMERA remains focused on the continued movement and progress of on-going projects, we're also excited to highlight our progress to-date with the release of our 2021 Annual Report. You may now view our Annual Report on our website. Yesterday, FMERA's annual Flag Day celebration returned to Cowan Park in celebration of the Army's 247th birthday. Thank you to the community leaders, elected officials, and local stakeholders for joining us for this tradition.

FMERA recently participated in an Urban Land Institute panel, titled Navigating the P3's: Fort Monmouth Redevelopment Redefined, featuring speakers from Somerset Development, the Pulte Group, the Loft Partnership & RPM development. Thank you to all of our developers who took the time to discuss their experience with FMERA and highlight their project progress. Presently, several of our team members are also participating in the New Jersey Redevelopment Forum conference, engaging with industry leaders, elevating the profile of the Fort's redevelopment, and enhancing our redevelopment knowledge to support the furtherance of our mission.

Our wayfinding efforts continue, with design and fabrication work underway.

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

COMMITTEE REPORTS

1. AUDIT COMMITTEE

Kara Kopach stated that the Committee received an email on June 14th regarding the following:

- The Committee received an email on June 14th regarding the approval of a MOU and Grant Agreement between the Two Rivers Water Reclamation Authority and FMERA for construction and installation of the Phase Two New Gravity Sanitary Sewer Lines serving the Oceanport section of the Fort. FMERA shall pay 100% of the costs of the

Project in an amount not to exceed \$3,985,908.00 including but not limited to consulting fees, design fees, permit costs, and all construction costs associated with or arising from the Project. The Committee agreed to recommend to the Board for approval.

2. REAL ESTATE COMMITTEE

Kara Kopach stated that the Committee met on May 12th and discussed the following:

- Seventh Amendment to Purchase and Sale and Redevelopment Agreement with Fort Partners Group, LLC for the Fitness Center Parcel. The Amendment will extend the project completion date to November 15, 2022. Fort Partners will remit \$1,500 which will be held in escrow until an itemized bill can be generated for the costs associated. The Committee agreed to recommend to the Board for approval.
- Tenth Amendment to Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport. The Amendment will extend the project completion date to June 30, 2023. The Committee agreed to recommend to the Board for approval.
- Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services for demolition plans and specifications including abatement, demolition and site improvements, for 4 buildings in Oceanport. The Committee agreed to recommend to the Board for approval.

Other Items:

- Grant Agreement and Memorandum of Understanding with TRWRA for construction and installation of the Phase Two Gravity Sanitary Sewer Lines serving the Oceanport Fort property.
- Plan Amendments #18 and #19
 - Plan Amendment #18 is under staff review.
 - Plan Amendment #19 is out for the 45-day comment period. Comments are due on July 21st.
- JCP&L Amendment

3. ENVIRONMENTAL STAFF ADVISORY COMMITTEE (DIANE DOW, CHAIRWOMAN)

Elizabeth Dragon stated that the Committee met on June 6th.

An ESAC Committee took a tour of Fort Monmouth to explore key sites of environmental interest including:

- Howard Commons parcel: Lennar is currently engaged in due diligence work. Pesticides, primarily in the form of chlordane, have been detected in soils. In addition, petroleum contamination has been detected at a portion of the site targeted for commercial development. FMERA is optimistic that solutions will be found for referenced environmental challenges and the redevelopment project will proceed as planned.
- Tinton Falls Commercial Parcel. RWJ is currently performing their environmental due diligence work. The parcel contains the Army's M25 landfill (2.1 acres) which was recently capped.
- Myer Center Parcel. The Myer Center parcel includes the "lime pit" site which is a carve-out parcel. The Army is pursuing monitored natural attenuation (MNA) for site groundwater to include a Classification Exception Area (CEA) component.
- Main Post: Environmental carve-out sites located within the boundaries of the Main Post parcel include the 4 Army owned landfills, the former Army/Air Force gas station, the former dry-cleaning site, and a former coal storage located in the 400 Area.
- Resident ospreys: Numerous ospreys were observed during the tour. During the 2021 breeding season, from April 1st – August 31st, 42 pairs of ospreys were recorded as nesting on the Main Post property. Nesting ospreys are afforded a 500-foot buffer zone around their nests.
- Bald eagles. A pair of bald eagles have been nesting on a radio tower located on the county's highway district parcel. Bald eagles are afforded protections under both federal and state regulations. Breeding bald eagles are listed as an endangered species in NJ and are afforded certain protections primarily during their breeding season between January 1st - July 31st. Nesting bald eagles are afforded a 1000-foot buffer zone around their nests.
- FMERA staff continues to have ongoing discussions with NJDEP staff concerning the fort's resident ospreys and bald eagle. The ultimate goal of these discussions is to develop and implement a management strategy that is

protective of both avian species while at the same time allows redevelopment work to continue at the fort in a manner that is both timely and economically feasible.

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

Jay Coffey stated that the Committee met on May 25th and discuss the following:

The Committee reviewed the following applications:

- 1. 22 Russel Ave

The Committee approved:

- Modification to front stairs, front walkway and existing sidewalk to front stairs and a colonial style garage door replacement.

- 2. 13 Allen Ave

The Committee approved:

- Walkway connecting the front driveway and patio.

- 3. Installation of Screen Doors

The Committee approved:

- The proposed installation of screen doors with white frame and oil-rubbed bronze handle.

The Committee asked staff to further review those applications that did not meet the Historical Preservation guidelines and to provide a recommendation on each. Staff will provide the Committee with an email recommendation on these applications.

5. HOUSING STAFF ADVISORY COMMITTEE (ROBERT LONG, CHAIRMAN)

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

6. VETERANS STAFF ADVISORY COMMITTEE (LILLIAN BURRY, CHAIRWOMAN)

Kara Kopach, on behalf of Lillian Burry stated that the Committee did not meet this month.

BOARD ACTIONS

- 1) Consideration of Approval of the Seventh Amendment to Purchase and Sale and Redevelopment Agreement with Fort Partners Group, LLC for the Fitness Center Parcel.

Laura Drahushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Jamera Sirmans and was seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: JAMERA SIRMANS Second: JAY COFFEY
Ayes: 6

2. Consideration of Approval of the Tenth Amendment to the Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Jay Coffey and was seconded by Steve Gallo.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: JAY COFFEY Second: STEVE GALLO
Ayes: 6

3. Consideration of Approval of an Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Jay Coffey and was seconded by Jamera Sirmans.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: JAY COFFEY Second: JAMERA SIRMANS
Ayes: 6

4. Consideration of Approval of a Memorandum of Understanding and Grant Agreement between FMERA and the Two River Water Reclamation Authority.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 4.

A motion was made by Steve Gallo and was seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: STEVE GALLO

Second: JAY COFFEY

Ayes: 6

OTHER ITEMS

There were no other items before the Board.

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

Al Baginsky of Eatontown asked if there are still plans for a run/bike/walking path at the Fort. Mr. Baginsky also asked what materials will make up the pathways. He noted that some pathways that are already constructed are either asphalt or made of quarry dust.

Kara Kopach stated that the Fort's redevelopment plan does envision a run/bike/walking path, however there are some areas that will be only accessible to walking. The River Front walkway will also accommodate dining and biking would therefore not be compatible in that area. Ms. Kopach stated that staff is working with the developers to provide connectivity through the developments, whether it be sidewalks or trails. She further stated that there are some projects that will not have pathways in the exact location as indicated in the Reuse Plan and instead staff is working with those developers to incorporate sidewalks and other pedestrian friendly portions of their site to connect the paths. As connectivity is important to the site and within the Reuse Plan, FMERA will continue to work with developers on building a connective loop throughout the property and will evaluate FMERA's current or future coffers to determine how FMERA can also directly invest in improving this connectivity.

Mr. Baginsky stated that at the Howard Commons parcel, under the existing PSARA, the developer has the option of moving the remediated soil to an open space site in Eatontown and questioned why the soil is not being moved to an offsite disposal location. Mr. Baginsky asked if this onsite capping process has ever been done at another site at Fort Monmouth.

Kara Kopach told Mr. Baginsky that FMERA was not aware of another project on the property where remediated soil was relocated and then capped in place.

Mayor Talerico stated that the Borough has had numerous discussions regarding the soil being moved to this site in Eatontown and Eatontown has also discussed this in Executive Session with the Borough's attorney. The Borough has also publicly indicated their willingness to move forward with this transfer. However, Mayor Talerico did indicate that if the Borough does seek to transfer the property, then the property will have to meet the recreational standards for the Borough Engineer, will have to comply with NJDEP standards and pass a Borough inspection. Mayor Talerico stated that Plan Amendment #19 is currently out for the 45-day comment period and Mr. Baginsky can submit his comments and concerns to the Borough. He also provided Mr. Baginsky with the upcoming dates for the Eatontown Borough Council meeting and Planning Board so that he can share additional thoughts with Borough officials on this subject.

Mr. Baginsky asked if the supportive housing that will be built at Howard Commons will be affordable housing.

Kara Kopach stated that each residential project is required to have a 20% affordable set aside and there are other affordable standards that were mandated by HUD which included supportive housing. At Howard Commons the 20% affordable set aside will include 20 supportive units that will be managed by the Affordable Housing Alliance.

Mr. Baginsky stated that both Greely Field and Cowan Park are included in the Mega Parcel and will they be preserved as historical.

Kara Kopach stated that Greely Field and Cowan Park will have to be preserved per the Historical Guidelines and the Programmatic Agreement.

There being no further business, on a motion by Steve Gallo and seconded by Jay Coffey and unanimously approved by all voting members present, the meeting was adjourned at 5:40p.m.

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



Kara Kopach - Secretary

**Resolution Regarding
Seventh Amendment to Purchase and Sale and Redevelopment Agreement (“PSARA”) 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; and

WHEREAS, on September 19, 2017, FM Partners, LLC assigned all rights, title and interest in the PSARA, 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 permitting the retention of the water tower to display Fort Partner’s logo, and to clarify that project would be completed by June 31, 2020; the Second Amendment was executed on December 19, 2019; and

WHEREAS, under the Delegated Authority granted per the Board’s action on April 15, 2020, the Executive Director agreed to retroactively extend the Project Completion Date under his Delegated Authority via the Third Amendment to the PSARA for five months or until December 31, 2020 for delays caused by COVID-19 restrictions; the Third Amendment was executed on October 27, 2020; and

WHEREAS, on December 20, 2020, the Board approved the Fourth Amendment to the PSARA to extend the Project Completion date until June 30, 2021; the Fourth Amendment was executed on January 21, 2021; and

WHEREAS, on June 16, 2021, the Board approved the Fifth Amendment to the PSARA to extend the Project Completion date until September 1, 2021; the Fifth Amendment was executed on July 8, 2021; and

WHEREAS, on September 15, 2021, via email correspondence, Fort Partners Group requested an extension to the Project Completion date of the water tower citing that they had obtained three (3) quotes from contractors, all of which withdrew their proposals stating labor shortages and difficulty in procuring materials; Fort Partners stated that it engaged with additional contractors; however, all had advised that based upon their workloads and a continued delay in procuring the specified materials, they would be unable to execute the work until the second quarter of 2022; and

WHEREAS, additionally, the paint product to be used requires temperatures above 40 degrees for successful application. Therefore, the selected contractor would have to wait until March for milder temperatures. FMERA staff reviewed Fort Partners Group request and recommended the extension of the Project Completion Date for an additional eight (8) months until June 30, 2022. In addition, if Fort Partners requested additional extensions beyond June 30, 2022, it agreed to pay a \$1,500 administrative cost associated with the request. The Sixth Amendment was executed on November 18, 2021; and

WHEREAS, on May 4, 2022, via letter, Fort Partners advised FMERA that an Osprey nest had been found on the Water Tower. Due to the New Jersey Department of Environmental Protection (“NJDEP”) restrictions, Fort Partners will need to apply for and receive a “Depredation Control” permit from the NJDEP in order to remove the active raptor nest located atop the water tower. Once the Depredation Control permit is secured, Fort Partners may proceed to remove the raptor nest after August 31, 2022; and

WHEREAS, Fort Partners has therefore requested an extension to the Project Completion date until November 15, 2022. Fort Partners has completed all aspects of the Project, with the exception of renovation and painting of the water tower. Fort Partners agrees that should it request any additional extensions for any reason it shall pay any and all costs associated with such a request. At the time of the request, Fort Partners shall remit to FMERA \$1,500, which shall be held in escrow until an itemized bill can be generated for costs associated with this amendment; and

WHEREAS, all other material terms of the PSARA as presented to the Board 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 and a review 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 of the PSARA 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 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: June 15, 2022

EXHIBIT 1

**Resolution Regarding
Tenth 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 (6) 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 (75) 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 (75) 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 (12) 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 5, 2020, Triumphant Life requested via letter correspondence to 1) an extension of the construction timeline until December 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 December 31, 2020 completion date; and 3) an extension of the short-term license to park vehicles off-site until December 31, 2020. 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 Triumphant Life notified FMERA that they would not be able to complete the parking lot by December 31, 2020 and requested an additional six (6) months, or until June 30, 2021, to complete the project; and

WHEREAS, on December 15, 2020, the FMERA Board approved the Seventh Amendment to the PSA to allow for: 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; 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 30, 2021. The Seventh Amendment was executed on January 21, 2021; and

WHEREAS, on May 27, 2021, Triumphant Life requested via email correspondence an extension to the Project Completion to June 30, 2022, citing the need to use financial reserves as contributions from the members have decreased during the pandemic and the temporary suspension of partnerships that had been aiding in the completion of the parking lot due to Covid-19; Triumphant Life stated that these partners' offices are just now reopening and it expected attendance and contributions to normalize in the upcoming months; and FMERA reviewed the request and agreed to extend the Project Completion date to June 30, 2022. The 8th Amendment was executed on August 9, 2021; and

WHEREAS, on November 10, 2021, Triumphant Life requested via email correspondence an extension to the Project Completion to June 30, 2022, citing the need to use financial reserves as contributions from the members have decreased during the pandemic and the temporary suspension of partnerships that had been aiding in the completion of the parking lot due to Covid-19. Triumphant Life stated that these partners' offices are just now reopening, and it expects attendance and contributions to normalize in the upcoming months. FMERA reviewed the request and agreed to extend the Project Completion date to June 30, 2022. The Ninth Amendment was executed on January 11, 2021; and

WHEREAS, on April 20, 2022, via a meeting between FMERA's former Executive Director and Purchaser, Purchaser requested an extension to the Project Completion, indicating it was applying for a grant to assist in financing the parking lot. FMERA reviewed the request and recommends extending the Project Completion date to June 30, 2023; and

WHEREAS, the attached Tenth Amendment to the PSA contains the following revisions to material terms: 1) an extension of the construction timeline until June 30, 2023 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, 2023 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until June 30, 2023.

WHEREAS, all other material terms of the PSA as presented to the Board will remain unchanged and the attached Tenth Amendment to the PSA is in substantially final form. The final terms of the Tenth Amendment will be subject to the approval of FMERA's Executive Director and as to form by 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 Tenth 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 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: June 15, 2022

EXHIBIT 2

Resolution Regarding
Approval of an Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services

WHEREAS, the identified buildings on the Main Post of Fort Monmouth are outdated and not suitable for future use. All four buildings are in locations targeted for utility and infrastructure improvements and/or blight removal. This interagency agreement will enable FMERA to move forward with the blight removal and improvements to the Main Post infrastructure, which will serve both sold properties and future redevelopment projects on the Main Post; and

WHEREAS, in particular, FMERA is obligated to demolish Building 885 under its current agreement with Jersey Center Power & Light for buildout of a new substation, while Buildings 550 and 551, and 555 are located near current development and the Project Site containing Buildings 550 and 551 may be used for future public parking. Therefore, demolition will support redevelopment at the Fort including current and future property owners; and

WHEREAS, FMERA will make \$19,000 in funding available to the Borough of Oceanport through a Memorandum of Understanding (“MOU”) to pay for all costs associated the Project (“Project Funding”). These funds are allocated for this expenditure in the 2022 FMERA budget; and

WHEREAS, the Borough selected Colliers Engineering and Design (“Colliers”) as the Borough’s engineering firm via a formal RFQ process for the calendar year. Accordingly, the Borough will retain Colliers to prepare plans and a scope of work (the “Plans”) for the Project, which will include one set of demolition plans for all three Project Sites and additional demolition plans and specification for each of the three (3) Project Sites; and

WHEREAS, the Plans may also include surveying services and field/building reconnaissance. The Plans will be used by FMERA to bid out environmental abatement and demolition contracts for portions of the Main Post, and FMERA may choose to bid out each of the three identified Project Site either together or separately. The consideration for this interagency agreement is expediting the environmental abatement and demolition design and engineering services for the eventual blight removal and improvements to the Main Post infrastructure which will serve current and future property owners; and

WHEREAS, by using the Borough of Oceanport’s engineers for this work, FMERA will minimize lead time and reduce expenses associated with initiating its own RFQ process. Also, utilizing the Borough engineers will also ensure that the winning bidder to FMERA’s subsequent public procurement will be aware of all permitting requirements and improvements required to meet the Borough’s standards; and

WHEREAS, staff requests that the Board enter into this interagency agreement utilizing the attached draft MOU between FMERA and the Borough of Oceanport for environmental abatement and demolition design and engineering services. In addition, staff requests the Board grant the Executive Director delegated authority to increase the Project Funding by an amount not to exceed 10% for unforeseen design costs for demolition or environmental abatement.

WHEREAS, the attached MOU is in substantially final form. The final terms of the MOU will be subject to the approval of the Executive Director, the Borough of Oceanport 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 interagency agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services with final terms acceptable to the Executive Director

and a review as to form by 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: June 15, 2022

EXHIBIT 3

Resolution Regarding
Memorandum of Understanding and Grant Agreement between the Two Rivers Water Reclamation
Authority and the Fort Monmouth Economic Revitalization

WHEREAS, on March 11, 2021, the President signed the “American Rescue Plan Act of 2021” P.L. 117-2 (the “ARP Act”) into law; and, as part of the ARP Act, Congress at subtitle M of the ARP Act, amended Title VI of the Social Security Act (42 U.S.C. 801 et seq.) by adding Sections 602 and 603 to create the “Coronavirus State Fiscal Recovery Fund” (“CSFRF”). Monies in the CSFRF are to be used, generally: (a) to respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; (b) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State of New Jersey (“State”) who are performing such essential work, or by providing grants to eligible workers who perform essential work; (c) for the provision of government services to the extent of the reduction in revenue of the State due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State prior to the emergency; or (d) to make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, the State Treasurer has entered into a Memorandum of Understanding (“MOU”) dated as of July 22, 2021, with New Jersey Department of Community Affairs (“DCA MOU”), as Grants Manager for the State CSFRF funds, to provide those grant management functions and processes for the State that are necessary to administer and manage and disburse funds accordingly; and

WHEREAS, pursuant to the Fiscal Year 2022 Appropriations Act, L. 2021, c. 133, as may be amended from time to time, FMERA received a line-item appropriation of \$10,500,000 of CSFRF funds entitled “Fort Monmouth Water and Sewer,” (“Appropriated Funds”). Following the Board’s October 2021 approval, FMERA and the DCA entered into a MOU dated as of November 15, 2021, distributing to FMERA the Appropriated Funds for planning, survey, design, engineering, construction/installation and replacement of the former Army owned sewer system on the former Fort Monmouth military base, and planning, survey, design, engineering and construction/installation of water mains to replace the Army owned water system and connect development to other newly replaced water mains on the former the Fort; and

WHEREAS, on February 16, 2017, FMERA and TRWRA entered into a MOU (“2017 MOU”) to commission the design of the replacement sewer mains for the Oceanport section of the Fort Monmouth US Army military post. The Parties entered into this MOU to reflect the mutual understanding of the Parties relative to the design of the necessary Phase Two New Gravity Sanitary Sewer Lines to service the portions of the Oceanport section of the former Fort which includes Barker Circle, the Oceanport Municipal Complex, the Homeless Shelter, the Baseline, AcuteCare and the South Post (the “Project”). The design of Phase II was completed on February 26, 2018; and

WHEREAS, presently, FMERA and TRWRA are entering into an MOU to commission the installation and construction of the replacement sewer mains for the Oceanport section of the Fort Monmouth US Army military post. The Parties are proposing to enter into this MOU to reflect the mutual understanding of the Parties relative to the installation and construction of the necessary Phase Two New Gravity Sanitary Sewer Lines to service the portions of the Oceanport section of the former Fort which includes Barker Circle, the Oceanport Municipal Complex, the Homeless Shelter, the Baseline, AcuteCare and the South Post; and

WHEREAS, while the original design 2017 MOU included multiple other gravity lines, the Parties intend this MOU to only include the installation of the Phase Two Gravity Lines needed to service the areas in the Oceanport section of the former Fort. This Project does not include installation of new service lines for previously improved projects completed by developers along or within the bounds of Oceanport Way; however, the Project does include connecting to existing service lines previously installed by developers along or within the bounds of Oceanport Way

for connection to the Gravity Lines. All future tie-ins shall be the responsibility of any developer(s) of adjacent properties; and

WHEREAS, FMERA shall pay 100% of the costs of the Project in an amount not to exceed Three Million Nine Hundred Eighty-Five Thousand Nine Hundred and Eight (\$3,985,908.00) Dollars (“Project Costs”), including but not limited to consulting fees, design fees, permit costs, and all construction costs associated with or arising from the Project. The Parties will reserve the right to reject all bids should the costs for construction and construction observation engineering services exceed the Project Costs. FMERA hereby confirms that FMERA will pay the Project Cost associated with the Construction and Installation Work that result from the award of a contract by TRWRA pursuant to the Bid Specifications agreed to by the Parties. The Parties understand and agree that FMERA may utilize federal funding available under the American Rescue Plan Act of 2021 (“Federal Funds”) to pay for the Project Costs. In that case, the Parties will enter into a separate Grant Agreement governing the requirements for receipt of the funds. Notwithstanding the above, FMERA may choose to utilize other funds for the Project Costs either to supplement or in lieu of federal funds; and

WHEREAS, FMERA will grant to TRWRA such sanitary sewer easements across its lands as the final approved design for the Project may require. FMERA shall issue a non-exclusive easement, without charge, to TRWRA for construction and maintenance of the new gravity sewer lines. FMERA shall operate the Local Sewer System until such a time as the entire replacement system has been fully constructed and accepted by TRWRA. Nothing herein shall make TRWRA responsible for the Local Sewer System under any circumstance. However, TRWRA shall assume ownership, operation and maintenance of the Project upon completion and shall be responsible for service to end users to the Project; and

WHEREAS, FMERA and TRWRA have entered into a separate MOU dated May 16, 2019, that governs the terms and conditions for payment of connection fees by subsequent purchasers of property in Oceanport from FMERA. TRWRA will use the Project Costs remitted by FMERA to TRWRA to pay the costs of contractors and consultants hired to complete the Construction and Installation Work. TRWRA shall not be required to utilize any of its own funds to pay costs or expenses of the Construction and Installation Work and associated construction observation engineering services. In accordance with Section 6.a., FMERA shall provide 100% of the Project Costs to TRWRA to be kept in escrow and utilized as necessary to complete the Construction and Installation Work; and

WHEREAS, contemporaneously with the MOU, FMERA is entering into a Grant Agreement with TRWRA, attached as Exhibit B, in order to permit FMERA to disburse \$3,985,908 (“Grant Funds”) from the Appropriated Funds to TRWRA for the costs of the Project (“Project Costs”). TRWRA may propose to amend **Project Costs** by providing written notice of the proposed amendments to FMERA, subject to FMERA’s approval; and

WHEREAS, TRWRA shall hold the Grant Funds in escrow and shall use Grant Funds solely as necessary for Project Costs to construct and install the project, including but not limited to construction costs, ancillary design costs, engineering services during construction, costs to prepare plans and specifications for bidding and permit fees. Upon execution of this Agreement and commencement of the Project, and until Project completion, TRWRA agrees to submit to FMERA monthly financial reports. The monthly reports should be sufficiently detailed to allow FMERA’s staff to review; and

WHEREAS, in addition, staff requests the Board grant the Executive Director delegated authority to increase the Project Costs by an amount not to exceed 10% for unforeseen site conditions or material costs; and

WHEREAS, the attached MOU and Grant Agreement between FMERA and TRWRA are in substantially final form. The final terms of the MOU and Grant Agreement will be subject to the approval of FMERA’s Executive Director and a review as to the form by the Attorney General's Office. The Audit Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Memorandum of Understanding and Grant Agreement between the Two Rivers Water Reclamation Authority and FMERA for construction and installation of the Phase Two Gravity Sanitary Sewer Lines serving the Oceanport Fort property and delegated authority to the Executive Director to approve up to 10% increase in Project Costs, and with final terms acceptable to the Executive Director and a review as to form by 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: June 15, 2022

EXHIBIT 4

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.

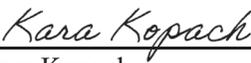
The remainder of FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. We look forward to the integration of additional businesses and amenities into the Fort community.

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

**ADOPTED
July 20, 2022**

**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

**SEVENTH AMENDMENT TO
PURCHASE AND SALE AGREEMENT AND REDEVELOPMENT AGREEMENT**

THIS SEVENTH AMENDMENT TO PURCHASE AND SALE AGREEMENT AND REDEVELOPMENT AGREEMENT (this “**Seventh Amendment**”) is entered into and effective as of this _____ day of _____ 2022 by and between **FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY (“FMERA” or “Seller”)**, a public body corporate and politic constituted as an independent authority and instrumentality of the State of New Jersey pursuant to P.L. 2010, c. 51, N.J.S.A. 52:271-18 et seq. (“**FMERA Act**”), whose address is 502 Brewer Avenue, Oceanport, New Jersey 07757, referred to as the Seller, and the Borough of Eatontown, (the “**Borough**” or “**Purchaser**”) a municipal corporation of the State of New Jersey, whose address is 47 Broad Street, Eatontown, New Jersey 07724, referred to as the Purchaser. Seller and Purchaser are collectively referred to herein as the “**Parties**”.

WHEREAS, the FMERA and the Borough entered into a certain Purchase and Sale Agreement And Redevelopment Agreement dated as of May 8, 2019, as amended by the First Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated September 2, 2019, and the Second Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated July 30, 2020, and the Third Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated November 29th, 2020, and the Fourth Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated April 8, 2021, and the Fifth Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated June 7, 2021, and the Sixth Amendment to the Purchase and Sale and Redevelopment Agreement, dated October 14, 2021 (collectively, the “**Agreement**”) whereby FMERA agreed to sell and the Borough agreed to purchase and redevelop the property consisting of the approximately 7.2-acre parcel improved by Buildings 1123, 1124, 1108, 1109 and 1110, including Environmental Carve-Out Parcels ECP41 and ECP43, located on Fort Monmouth, Eatontown, New Jersey (“**Property**”); and

WHEREAS, the Borough requested a Due Diligence Extension prior to the August 8, 2019 Due Diligence expiration date and the Board approved the First Amendment to the Purchase and Sale and Redevelopment Agreement providing a Due Diligence Extension until November 29, 2019, and;

WHEREAS, thereafter the Borough requested by correspondence dated May 15, 2020, a five (5) month extension to the Approval Period until October 30, 2020; and

WHEREAS, on April 15, 2020 the Board granted Delegated Authority to FMERA’s Executive Director 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; and

WHEREAS, the Borough satisfied FMERA’s request for supporting documentation and the Executive Director agreed to retroactively extend the Approval Period under his Delegated Authority for five months or until October 30, 2020 via the Second Amendment to the PSARA, dated July 30, 2020; and

WHEREAS, thereafter the Borough requested by correspondence dated October 2, 2020, the conditional termination of the PSARA and a five (5) month Approval Period extension until April 1, 2021, which was granted by the FMERA Board via the Third Amendment to the PSARA dated November 29th, 2020; and

WHEREAS, the Borough requested a modification to Redevelopment Project to permit the demolition of Building 1124, which the Board approved via the Fourth Amendment to the PSARA, dated April 8, 2021; and

WHEREAS, by correspondence dated March 30, 2021, the Borough requested a four (4) month extension to the Approval Period to be retroactively applied and extended until August 1, 2021, providing additional time

to review and resubmit the Borough's MCR package, which was approved by the Board via the Fifth Amendment to the PSARA, dated June 7, 2021; and

WHEREAS, by correspondence dated July 7, 2021, the Borough requested a twelve (12) month extension to the Approval Period until August 1, 2022, due to outstanding approvals from the NJDEP and the potential need to seek additional funding approval in the following fiscal year, which the Board approved via the Sixth Amendment to the PSARA, dated October 14, 2021; and

WHEREAS, by correspondence dated June 23, 2022, the Borough requested a six (6) month extension to the Approval Period until February 1, 2023, due to unexpected delays resulting from the pandemic which impacted the Project's anticipated timeline; and

WHEREAS, the Borough noted in its extension request buildings that were intended for reuse have deteriorated significantly, which may impact the Project's budget and potentially necessitate the Borough's approval of additional project costs, pending further investigation by the Borough's professionals; and

WHEREAS, Purchaser and Seller wish to, amend and modify the obligations of Purchaser and Seller under the Agreement as set forth below.

NOW, THEREFORE, in consideration of the foregoing and other good and other valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

1. Recitals; Defined Terms. The recitals set forth above are hereby incorporated herein as if set forth in full in the body of this Seventh Amendment. Capitalized terms used but not otherwise defined shall have the respective meaning ascribed to such terms in the Agreement.

2. Approval Period. Section 1 of the Agreement is hereby amended and modified to provide that the Approval Period shall be extended and expire on February 1, 2023.

3. Entire Agreement, Ratifications and Reconciliation. The Agreement and this Seventh Amendment contain the final and entire Agreement between the Parties with respect to the sale and purchase of the Property and are intended to be an integration of all prior negotiations and understandings. Except as modified in this Seventh Amendment, the Agreement is hereby ratified and remains in full force and effect. The terms and provisions of this Seventh Amendment shall be reconciled with the terms and provisions of the Agreement to the fullest extent possible; provided, however, in the event of any irreconcilable conflict between any term or provision of this Seventh Amendment and any terms or provisions of the Agreement, such term or provision of this Seventh Amendment shall control.

4. Authority to Execute. Both Seller and Purchaser covenants, represents and warrants to the other that the individual(s) executing this Seventh Amendment on such party's behalf is authorized to do so.

5. Governing Law. This Seventh Amendment shall be governed by the laws of the State of New Jersey.

6. Counterparts. This Seventh Amendment may be executed in counterparts, all of which together shall constitute one agreement binding on all of the parties hereto, notwithstanding that all such parties are no signatories to the original or the same counterpart. Each counterpart may be delivered by facsimile or electronic mail transmission and a faxed or electronically mailed counterpart of this Seventh Amendment containing either the original and/or copy of any signature of any party hereto shall have the same force and effect as an original counterpart signature.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date above written:

ATTEST

SELLER

FORT MONMOUTH ECONOMIC
REVITALIZATION AUTHORITY

By: Kara A. Kopach
Title: Executive Director

ATTEST

PURCHASER
Borough of Eatontown

By: Anthony Talerico, Jr., Mayor

**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.

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:

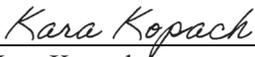
- 1) This Amendment permits a diverse range of housing types which are consistent with the goal and uses contemplated in the Reuse Plan.

- 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.

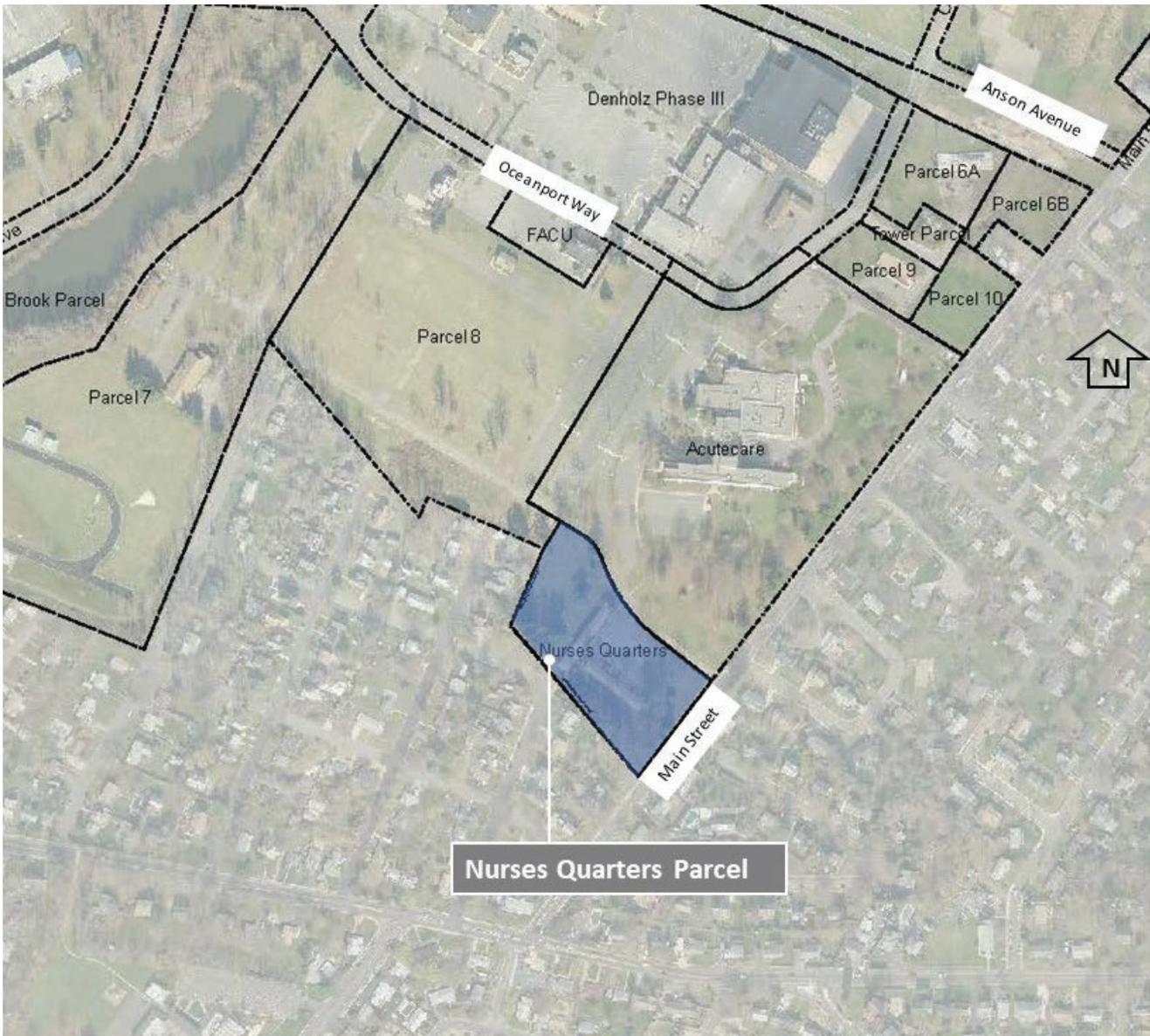


Kara Kopach

Attachment: Reuse Plan Amendment #18
Reports from Host Municipalities (“**Exhibit A**”)
Responses from FMERA (“**Exhibit B**”)
Prepared by: Upendra Sapkota

Amendment #18 to the Fort Monmouth Reuse and Redevelopment Plan

July 2022



Fort Monmouth Economic Revitalization Authority

Amendment #18 to the
Fort Monmouth Reuse and Redevelopment Plan

Prepared by:

Upendra Sapkota, PP, AICP, LEED AP
New Jersey Professional License #8200
Senior Officer- Planning and Development
The Fort Monmouth Economic Revitalization Authority

Fort Monmouth Reuse and Redevelopment Plan, adopted: October 2008

Amendments to the Fort Monmouth Reuse and Redevelopment Plan

- Amendment #1:** Parcel E in Tinton Falls, adopted May 2012
- Amendment #2:** Patterson Clinic in Oceanport, adopted December 2012
- Amendment #3:** Several parcels in Tinton Falls, adopted November 2015
- Amendment #4:** Russel Hall and Dance Hall in Oceanport, adopted January 2016
- Amendment #5:** Pistol Range in Tinton Falls, adopted May 2016
- Amendment #6:** Two parcels in Oceanport, adopted July 2016
- Amendment #7:** Fitness Center in Oceanport, adopted August 2016
- Amendment #9:** Eatontown Barracks and DPW in Eatontown, adopted December 2018
- Amendment #10:** Suneagles Golf Course in Eatontown, adopted May 2018
- Amendment #11:** Allison Hall in Oceanport, adopted December 2018
- Amendment #12:** Myer Center in Tinton Falls, adopted January 2019
- Amendment #13:** Squier Hall in Oceanport, adopted April 2019
- Amendment #14:** Lodging Area in Oceanport, adopted May 2019
- Amendment #15:** Commissary & Warehouse area in Oceanport, adopted August 2020
- Amendment #16:** Barker Circle parcel in Oceanport, adopted December 2020
- Amendment #17:** Howard Commons-Water Tower parcel in Eatontown, adopted April 2021

ACKNOWLEDGEMENTS

Fort Monmouth Economic Revitalization Authority (FMERA) Board

Vacant – Chairman & Public Member, Fort Monmouth Economic Revitalization Authority

Stephen Gallo – Public Member

Lillian Burry – Monmouth County Board of County Commissioners

Jay Coffey – Mayor of Oceanport

Anthony Talerico, Jr. – Mayor of Eatontown

Vito Perillo – Mayor of Tinton Falls

Kevin A. Quinn – NJEDA Board Chairman

Robert Asaro-Angelo – Commissioner, NJ Department of Labor & Workforce Development

Noreen Giblin – Governor's Representative

Diane Gutierrez Scaccetti – Commissioner, NJ Department of Transportation

Shawn Latourette – Commissioner, NJ Department of Environmental Protection

Sheila Oliver – Commissioner, New Jersey Department of Community Affairs

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I. Introduction

The Fort Monmouth Reuse and Redevelopment Plan (“the Reuse Plan”) was adopted by the Fort Monmouth Economic Revitalization Planning Authority (“FMERPA”) Board on October 15, 2008. Subsequently, the Reuse Plan has been amended seventeen times since its first adoption to address the changing development climate.

To further support redevelopment opportunities and economic vitality within the Fort area, pursuant to P.L.2010, c. 10 (N.J.S.A. 52:271-18 et. seq.), the Fort Monmouth Economic Revitalization Authority (“FMERA”) is considering amending the Reuse Plan to revise development standards (bulk standards) and provide the option for an alternative development scenario on the following parcels that are located in the former Fort Monmouth property in the Borough of Oceanport, New Jersey (“Oceanport Reuse Area”) as shown on Exhibit A.

1. The Nurses Quarters Parcel

The Nurses Quarters Parcel is an approximately 3.75-acre parcel of land containing two residential buildings totaling twenty-four (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.

This amendment, referred to as “Amendment #18,” does not purport to delete any provisions of the Reuse Plan but rather supplements the Plan by proposing alternative development scenarios for the parcels in the Fort area as shown on Exhibit B. Under N.J.A.C. 19:31C-3.19(a)(1), principal land uses permitted in the *Reuse Plan* are specifically permitted under the Land Use Rules. Thus, Amendment #18 is incorporated into the Land Use Rules for the Reuse Area in a manner similar to an “overlay zone,” whereby an alternative set of requirements are superimposed on the area allowing for alternative land use scenarios to be realized. With regard to the alternative land use scenario, the overlay zoning provides alternative opportunities for development that do not apply unless the land is developed in accordance with the purposes for which the overlay zoning is adopted.

Amendment #18 is consistent with the planning objectives and principles articulated in the Reuse Plan and is necessary to fulfill the Authority’s main objectives – specifically job creation, economic development, and leveraging existing Fort assets.

This is the tenth amendment to the *Reuse Plan* for the Oceanport Reuse Area. Amendment #2 permitted the reuse of the Patterson Army Health Clinic as a medical clinic. Amendment #4 allowed for

office/research uses in Russel Hall (Building 286) and permitted the Dance Hall (Building 552) to be reused for commercial/retail uses including outdoor dining accessory uses and provided for the maintenance of Van Kirk Park as open space. Amendment #6 allowed for a 13-acre parcel in the southern section of the Oceanport Reuse Area to be reused by the Borough of Oceanport and a 3-acre parcel to be developed as a County emergency homeless shelter. The *Reuse Plan* contemplated these government/civic/institutional uses within the Oceanport Reuse Area but had originally envisioned them in other locations. Amendment #6 also allowed Building 288 to be used for office and/or open space. Amendment #7 allowed for Building 114 (the Fitness Center) to be reused as a privately- operated commercial recreation facility. Amendment #11 allowed for a variety of commercial and office uses on the Allison Hall parcel including a boutique hotel and transferred the residential units contemplated under the Reuse Plan for the Allison Hall parcel to the nearby Lodging parcel. Amendment #13 to the *Reuse Plan* permitted the reuse of the Building 283 (Squier Hall) for higher education classrooms and higher education ancillary uses – as defined in the amendment - and permitted the demolition of Buildings 291 and 295. Reuse Plan Amendment #14 permitted the demolition of Buildings 360, 361, 362, 363, 364, and 365 and the reuse of Buildings 270 and 271 for affordable housing on the Lodging Parcel. Additionally, Plan Amendment #14 permitted the construction of 144 market-rate townhomes and development of at least a ±50-foot-wide waterfront esplanade along Parkers Creek including a 12-foot-wide walkway designed in a complimentary coordinated style to the adjacent Allison Hall riverfront promenade. Reuse Plan Amendment #15 permitted an alternative development scenario on the Warehouse District Parcel and District A (a merger of the Commissary and PX Complex, Parking Lot and the Post Office Area) parcels located in the Oceanport Reuse Area. Reuse Plan Amendment #16 permitted the reuse of Building 206 for business lofts with a childcare center as an accessory use, Building 282 for craft production facilities and art and cultural retail uses and Building 275 for art and cultural retail uses with office uses as an accessory use. Amendment #16 also permitted the adaptive reuse of Buildings 205, 287, 207 and 208 for 75 residential units.

The Fort Monmouth *Reuse and Redevelopment Plan* involved years of careful consideration and study as well as an extensive effort to draw input from residents, the three host municipalities and the County, State and Federal government. As such, this amendment does not change the underlying Plan envisioned for the Oceanport Reuse Area. Instead, it provides land use options that afford FMERA with the necessary flexibility to respond to changed circumstances in a manner that does not compromise the overall *Reuse Plan* goals and objectives.

The following chapter describes the nature and scope of the amendment, while succeeding chapters discuss its relationship to the elements, objectives and planning principles of the *Reuse Plan*, as well as to FMERA's directive, and to relevant State, County, and Municipal planning objectives.

II. Goals and Objectives

The primary goal of this Amendment is to further sustainable economic development of the Fort Monmouth area by encouraging a mix of futuristic uses with greater economic viability. The amendment also aims to promote sustainable and resilient development strategies. Some of the key plan goals and policy objectives are outlined below:

- a. Encourage reinvestment and redevelopments within the Fort Monmouth area.
- b. Ensure the availability of market-rate and affordable housing alternatives for all income levels as envisioned by the Reuse Plan.
- c. Address some of the limitations of FMERA's current land use rules and development standards and revise those standards to provide desired flexibility for current & future redevelopment projects.
- d. Enhance economic viability and livability of the area through improved pedestrian connectivity and walkability.
- e. Establish appropriate land use rules for to support adaptive reuse of the Fort's existing buildings and infrastructures.

III. Scope of the *Reuse Plan* Amendment

The Fort Monmouth properties in Oceanport Reuse Area total approximately 419 acres and are bounded generally by New Jersey Transit's North Jersey Coast Line, Main Street and Oceanport Creek to the south, Parkers Creek to the north, and the former Fort properties in Eatontown to the west. The *Reuse Plan* envisions redevelopment of the Oceanport Reuse area for approximately 1.75 million square feet of non-residential space and 720 residential units. Such 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.

This amendment maintains the development concepts and plans articulated in the *Reuse Plan* but further permits alternative development scenarios on the Nurses Quarters Parcel located in the Oceanport Reuse Area as shown in Exhibit A. The details of the amendment to the land use plan and alternative development scenario contemplated in this amendment are provided below.

1. The Nurses Quarters Parcel

The Reuse Plan contemplates the reuse of Buildings 1077 & 1078 as mixed-income apartments. Under the Land Use Rules, the Nurses Quarters Parcel 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 proposed amendment would permit the following on the Nurses Quarters parcel.

1.1 Permitted Uses

- i. Residential Use - including multi-family dwelling units and town homes.

1.2 Bulk Regulations

- a. Density: A total of thirty-four (34) residential units which includes the reuse of twenty-four (24) one and two-bedroom residential units and ten (10) three-bedroom residential units will be permitted.

- b. Building Height¹: New residential buildings shall not exceed three (3) stories or forty (40) feet in height.
- c. Street Facing Building Setback:
 - i. The building setback on Stephenson Avenue shall be a minimum of fifteen (15) feet from the property line.
 - ii. The building setback on Main Street shall be a minimum of fifteen (15) feet from the property line.
 - iii. Walkways, steps and landscaping will be permitted within the setback area.
- d. Except for the standard set forth above under subsection 1.2 (a) – (c) all other bulk standard set forth in the FMERA Land Use Rules shall be applicable for the Nurses Quarters Parcel.

1.3 Additional Requirements

- a. The new townhomes shall have frontage on Main Street and no parking or driveway is permitted between new townhomes and Main Street.
- b. One (1) access driveway to the site from Main Street will be permitted.
- c. A minimum five (5) foot-wide sidewalk shall be installed along Main Street.

1.4 Signage:

The following requirement will be applicable to the Nurses Quarters Parcel.

- a. **Ground Signs:**
 - i. One (1) ground sign shall be permitted on the Nurses Quarters Parcel.
 - ii. The maximum sign area shall not be more than thirty-two (32) square feet.
 - iii. The maximum sign height shall not be more than seven (7) feet above grade.
 - iv. FMERA Land Use Rules 19:31C-3.9(d) shall be applicable for all other requirements related ground signs.

1.5 Green infrastructure and low impact development:

This amendment encourages the use of following green infrastructure measures.

- a. Permeable pavers
- b. Electric vehicle charging stations
- c. Rain gardens & bio-retention basins
- d. Native plants and vegetations

¹ As defined under FMERA Land Use Rules 19:31C-3.2 Building height shall mean the vertical distance as measured from the mean or average finished grade of the building to the highest point of the roof of the building but not including rooftop appurtenances. If the mean or average finished grade is three feet or more above existing grade, then the measurement shall be taken from the existing grade.

V. Relationship to Elements, Objectives and Principles of the Reuse Plan and FMERA Directive

a. Relationship to Reuse and Redevelopment Plan and its Elements

In considering the impacts of the Reuse Plan amendment, the following *Reuse Plan* elements were considered: land use and circulation, infrastructure, environmental issues, historic preservation, and community impacts. The relationship between the amendment and these Plan elements are described below.

1. Land Use and Circulation

Total Non-Residential Square Footage Yield

The Nurses Quarters Parcel: This amendment neither contemplates nor permits any non-residential uses on the Nurses Quarters Parcel.

Total Residential Square Footage Yield

Total residential units on the Oceanport Reuse Area will remain 720 units as was contemplated in the *Reuse Plan* and subsequent amendments to the Oceanport Reuse Area.

The Nurses Quarters Parcel:

The Reuse Plan calls for adaptive reuse of Building 1077 and Building 1078 for twenty-four (24) one- and two-bedroom residential units and an additional ten (10) three-bedroom townhomes in the parcel. Thirty-four (34) residential units will be permitted in the parcel as a result of the proposed development and, of those thirty-four (34) residential units, (7) two-bedroom affordable housing units will be included.

Compatibility with Surrounding Land Uses

The uses contemplated in this amendment are compatible with the surrounding land uses anticipated in the *Reuse Plan* and subsequent amendments. This amendment promotes a diverse range of housing types in the Nurses Quarters Parcel. In addition to providing housing opportunities to the local residents and as a result of the proposed amendment, the housing development in the Nurses Quarters Parcel will also provide housing opportunities to employees of Beacon of Life Pace Program and future end-users of the Commissary campus redevelopment area as it is in close proximity to these locations. Thus, the proposed amendment will also promote a live-work environment within the Fort area.

Circulation

This amendment does not propose any changes to the roadway network system for the Nurses Quarters parcel, as such the proposed amendment is consistent with the “Transportation Circulation Improvement Goals” established in the *Reuse Plan*. This amendment also does not adversely impact any of the “Transportation Circulation Improvement Goals” established in the *Reuse Plan*. All the planned streets, pedestrian, and transit plans would not be affected by the proposed amendment.

2. Open Space

This amendment does not impact any active recreation or open space contemplated in the *Reuse Plan*. In the Nurses Quarters Parcel, existing buildings will be adaptively reused, and new townhomes would be aligned along Main Street which will allow the creation of an adequate open space in the parcel for some passive recreational opportunities.

3. Sustainability

This amendment would not preclude incorporation of any of the sustainability measures outlined in the *Reuse Plan*. Specifically, the reuse of the Buildings 1077 & 1078 would further the *Reuse Plan's* green building sustainability goal to maximize the adaptive reuse of existing buildings and infrastructure.

4. Infrastructure

As indicated in the *Reuse Plan*, impacts on the existing gas, electric, water, wastewater and telephone utilities servicing Fort Monmouth will have to be evaluated at site plan review for a specific project. This assessment is unaffected by the amendment.

5. Traffic

This amendment permits the adaptive reuse of Buildings 1077 & 1078 for twenty-four (24) residential one- and two-bedroom units and an additional ten (10) three-bedroom townhomes in the parcel. As such, a small increase in the number of trips is anticipated from the Nurses Quarters as a result of additional residential units. However, such a small increase is unlikely to create any detrimental impact on the traffic & circulation in the area and will not generate significant additional traffic other than what has already been anticipated in the *Reuse Plan*.

Therefore, the existing road network system as contemplated in the *Reuse Plan* is expected to accommodate any additional traffic generated from the Nurses Quarters Parcel. A detailed traffic analysis would be prepared as part of any site plan review related to the reuse and/or development of these parcels. Any necessary traffic mitigation would be addressed at that time.

6. Environmental Issues

The Nurses Quarters parcel is located in the CAFRA zone and could trigger a CAFRA permitting action. Any environmentally constrained areas within the land area associated with this amendment would be preserved and protected accordingly.

7. Historic Preservation

None of the buildings in the Nurses Quarters parcel affected by the proposed amendment are listed in State or National Registers of Historic Places. Therefore, this amendment will not impact historic resources required for preservation according to the Programmatic Agreement between the SHPO and FMERA.

8. Community Impacts and Affordable Housing

As noted in the *Reuse Plan*, the host communities, including Oceanport, rely on taxation for the largest portion of their municipal revenues. The Fort's closure and the resulting loss of the Fort's workforce is expected to result in a larger share of the tax burden falling to residential property owners. The potential offered by this amendment to increase tax revenues would lessen the burden on local residents.

This amendment permits up to thirty-four (34) residential units for the Nurses Quarters Parcel of which seven (7) units will be two-bedroom affordable units which will count towards the Borough of Oceanport's fair share obligation. Therefore, this amendment will have more positive social and economic impacts in the community.

b. Relationship to Objectives and Principles of the *Reuse Plan*

This amendment would fulfill the objectives and planning principles outlined in the *Reuse Plan*. Those planning objectives articulated in the *Reuse Plan* include the following:

1. Be consistent with State, County, and Municipal planning policies.
This amendment is consistent with State, County, and Municipal planning policies, as set forth in the ensuing chapter.
2. Focus on business retention and attraction, job replacement, and employee training.
This amendment does not preclude business retention and attraction, job replacement, and employee training. It will create construction jobs and a residential development of this scale also involves some permanent job creation. This amendment would provide increased flexibility to aid FMERA in its efforts to attract new residents and businesses that wish to relocate to Fort Monmouth.
3. Be founded on market and economic analysis.
This amendment responds to the marketplace by permitting an alternative development scenario designed to attract diverse residents to the Oceanport Reuse Area.
4. Leverage Fort assets (people, infrastructure, location).
This amendment affords FMERA with an opportunity to leverage existing assets through the Reuse of Buildings 1077 and 1079 in the Nurses Quarters parcel to attract new residential uses that generate much-needed diverse housing opportunities and tax revenues.
5. Be a green community model.
The adaptive reuse of the buildings in the Nurses Quarters Parcel with surrounding redevelopments further the sustainability goals set forth in the *Reuse Plan*. The amendment encourages the creation of open space in close proximity to thirty-four (34) residential units and provide recreational opportunities the residents.

This amendment further advances a number of key planning principles from which the overall concepts in the *Reuse Plan* were devised:

- Principle #1: Decreasing Density West to East & Creating Mixed-Use Live/Work/Leisure Centers.* This amendment contemplates a mix of residential uses in existing and new buildings in a manner that promotes these planning principles.
- Principle #2: Link centers & increase mobility with connected transit infrastructure serving the region and the Fort.* This amendment does not preclude the potential to create an extensive system of bikeways, pedestrian trails and sidewalks as envisioned in the *Reuse Plan*. The amendment requires a 5-foot-wide sidewalk on Main Street to promote walkability and pedestrian connectivity.
- Principle #3: Enhance auto mobility and redevelopment capacity with targeted roadway infrastructure improvements.* This amendment does not preclude the enhancement of auto mobility and redevelopment capacity with targeted roadway infrastructure improvements as set forth in the *Reuse Plan*.
- Principle #4: Combine open space, habitat, and water resources to establish a continuous Blue – Green belt.* This amendment does not preclude the creation of an open space network consisting of environmentally sensitive areas, including wetlands, watercourses, and habitats. The amendment promotes green infrastructure and other low impact development strategies that will further improve the natural environment of the Fort area.
- Principle #5: Utilize the Blue – Green belt as an armature for enhanced bicycle and pedestrian mobility throughout the Fort.* This amendment would not preclude the development of the bike path or trails envisioned as part of the *Reuse Plan*.
- Principle #6: Remove Fort boundaries & extend existing land uses to reconnect the Fort to the communities.* This proposed amendment encourages a well-connected campus within the proposed development area as well as creates opportunities to build strong connection between the local community and the Fort Area both physically and economically. Further, this amendment would not preclude any gates into the Fort, nor inhibit public access to the Fort's amenities.
- Principle #7: Leverage existing Fort Monmouth assets (People, Buildings, Technology, and Infrastructure).* This amendment affords FMERA with an opportunity to leverage existing assets of the Oceanport Reuse Area, i.e., reuse and new construction of the residential units in the Nurses Quarters parcel that would create a diverse housing opportunity for local residents and generate tax revenues. The amendment would not involve the removal of any buildings identified in the *Reuse Plan* as being required for preservation.

In summary, this amendment is consistent with the *Reuse Plan* elements, objectives and planning principles.

a. Relationship to FMERA Directive

To implement the *Fort Monmouth Reuse and Redevelopment Plan*, the New Jersey State legislature empowered the Fort Monmouth Economic Revitalization Authority (FMERA) to adopt any modifications or amendments to the *Reuse Plan* and adopt development and design guidelines and land use regulations to implement the plan. Pursuant to P.L.2010, c. 10 (N.J.S.A. 52:27I-18 et. seq.), FMERA’s purpose is the following:

to oversee, administer, and implement the [Reuse Plan] as provided in this act, in a manner that will promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare; to conserve the natural resources of the State; to provide housing, including housing to address identified needs related to homelessness; and to advance the general prosperity and economic welfare of the people in the host municipalities, the county, and the entire State by cooperating and acting in conjunction with other organizations, public and private, to promote and advance the economic use of the facilities located at Fort Monmouth.

The *Reuse Plan* amendment would advance both FMERA’s stated purpose and the public welfare, by promoting, developing, encouraging and maintaining employment and economic development, and it would advance the public welfare by furthering the adaptive reuse of an existing facility and roadway network at the Fort.

b. Relationship to FMERA’s Land Use Rules

This amendment creates alternative development scenario and creates an overlay zone superseding some provisions of FMERA’s Land Use Rules. In all situations where zoning issues and bulk standards are not specifically addressed herein, the FMERA’s Land Use Rules, however, shall remain in effect.

VI. Relationship to State, County and Municipal Planning Objectives

a. State Development and Redevelopment Plan (SDRP)

On March 1, 2001, the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the SDRP, the Oceanport Reuse Area is classified as Planning Area 1, Metropolitan Planning Area (PA-1). The SDRP defines Metropolitan Planning Areas as areas that “provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.” The amendment is well-reconciled with the guiding policies and policy objectives of

the adopted SDRP for the Planning Area 1, Metropolitan Planning Area.

Consistent with the goals for the PA-1, this amendment promotes the type of redevelopment needed to transform this area of the Oceanport Reuse Area, into a vibrant, mixed- use community with compact development that will ensure efficient utilization of scarce land resources while also carefully protecting the character of surrounding communities. Also, in accordance with the objectives for PA-1, the amendment allows for redevelopment in a location well served by existing transportation networks, which is consistent with the plans for the Oceanport Reuse Area.

b. Monmouth County Open Space Plan

The Monmouth County Open Space Plan, adopted by the Monmouth County Planning Board in August 2006 as an element of the Monmouth County Growth Management Guide, specifically advocates the acquisition of a portion of the Fort Monmouth property as a new County park site. To fulfill this acquisition, Monmouth County filed a Notice of Interest for park and recreation lands within Fort Monmouth. The County subsequently filed an application to the National Park Service's Federal Lands to Park Program for a Public Benefit Conveyance, which was endorsed by the three host municipalities of Eatontown, Oceanport and Tinton Falls. This amendment is not inconsistent with the County's goals for open space in the Oceanport Reuse Area.

c. Fort to Village Plan: A Vision for Oceanport's Fort Monmouth

Although the development of the former Fort properties in Oceanport will be governed by the land use regulations and design guidelines adopted by FMERA, as a point of information, the former Fort properties in Oceanport are included within the "master plan" for Fort Monmouth, i.e., the *Reuse and Redevelopment Plan*. However, a vision for the redevelopment of the fort is provided in ***Fort to Village Plan: A Vision for Oceanport's Fort Monmouth***. This document was incorporated as an amendment to the Master Plan which was adopted by the Oceanport Planning Board on April 23, 2008.

The Fort to Village Plan calls for the area surrounding the Patterson Medical Center Area, presently Beacon of Life Pace Program, an adult care facility area, to be zoned for mixed-use medical office park uses, schools, and residential uses to allow townhouses. The Nurses Quarter Parcel is in close proximity to the Beacon of Life Pace Program - adult care facility area. The amendment permits residential opportunities to support surrounding land uses which is generally consistent with the uses contemplated for the area in the Fort to Village Plan.

d. Oceanport Zoning

The area affected by the proposed amendment lies within the Borough's R-1: Single-Family Residential District under the municipality's current zone plan. This designation permits single-family detached dwellings, parks and playgrounds, municipal buildings, libraries and public schools. The minimum lot size is 30,000 square feet, the maximum height is two stories, or thirty-five feet and the maximum density is 1.5 dwelling units per acre. The *Reuse Plan* and Land Use Rules, however, supersedes the Oceanport Zoning.

VI. Conclusion

The subject amendment, referred to as Amendment #18 to the Fort Monmouth Reuse and Redevelopment Plan, maintains the land use concepts and plans articulated in the Reuse Plan. However, the amendment permits alternative development scenarios for the Oceanport Reuse Area.

This amendment is consistent with the objectives and principles in the Reuse Plan, as well as State, County and Municipal planning objectives. Furthermore, the amendment advances the public welfare, particularly with regard to promoting, developing, encouraging and maintaining employment. The amendment provides flexibility for FMERA to more effectively attract potential residential and non-residential uses to the Oceanport Reuse Area, thereby enabling it to fulfill its statutory mandate to create new jobs, regenerate the local tax base and advance the general prosperity and welfare of the people most impacted by the Fort's closure.

Exhibit A

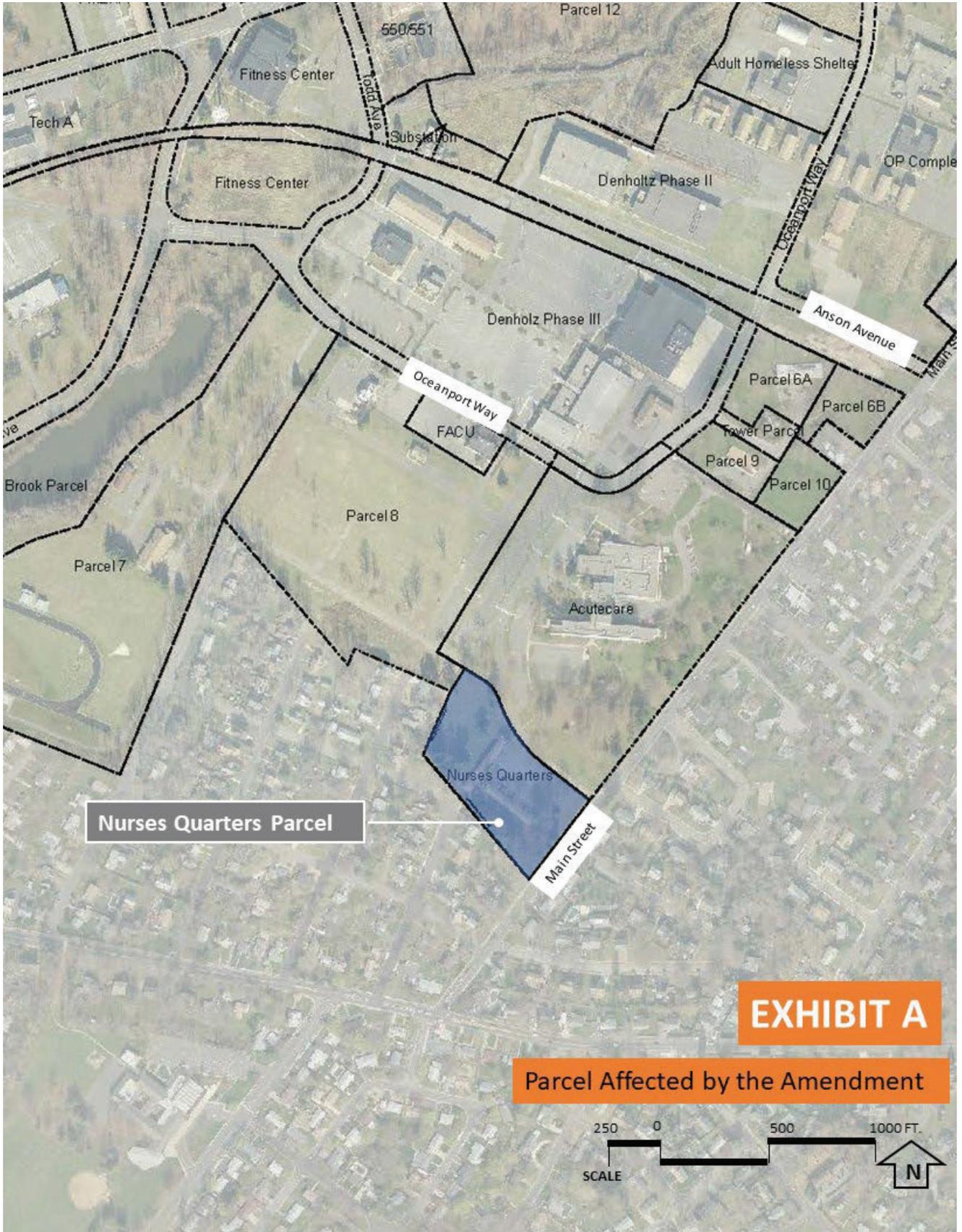
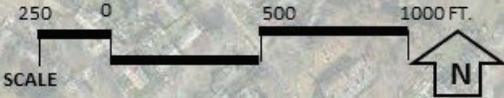
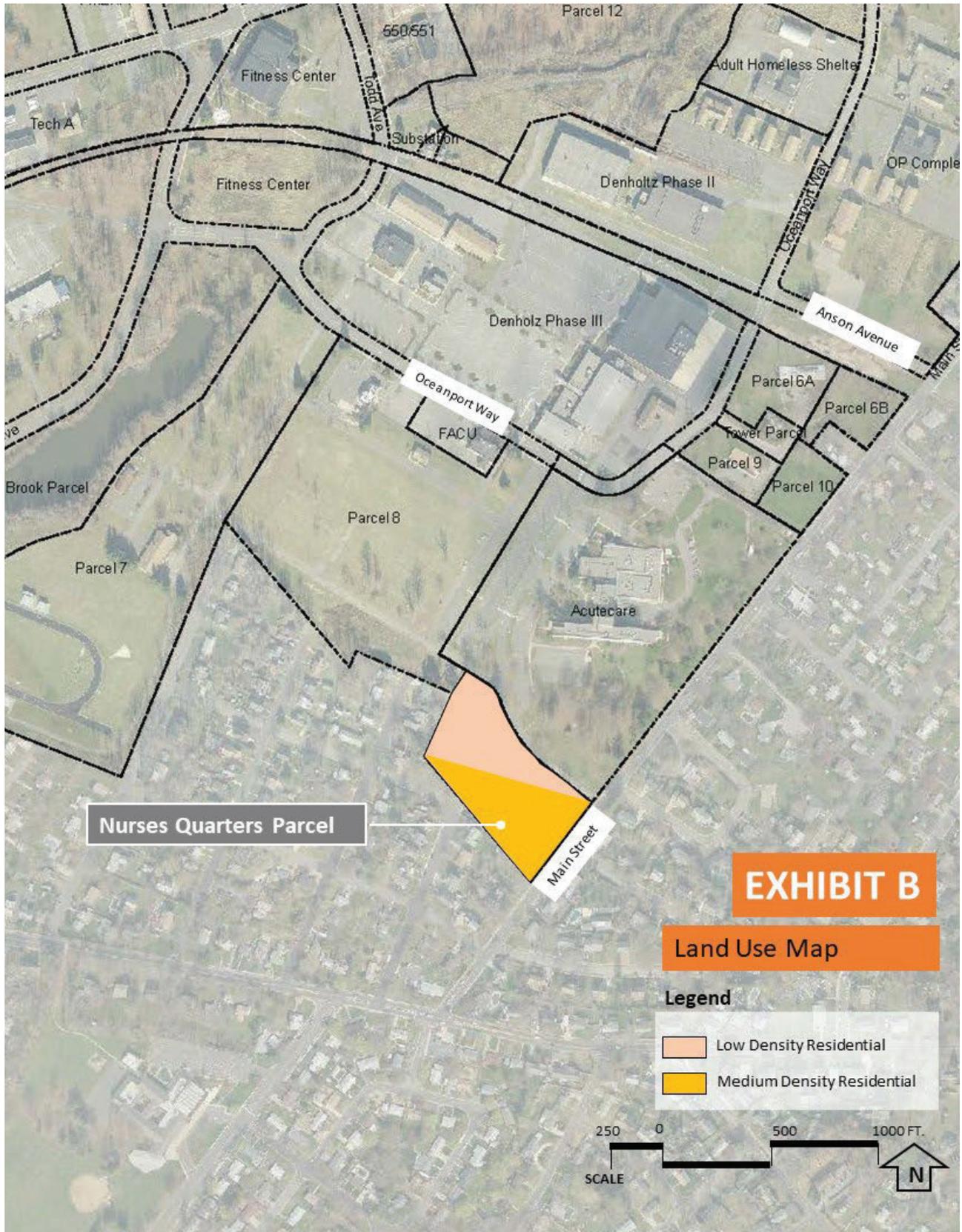


EXHIBIT A

Parcel Affected by the Amendment



Land Use Map



**RESOLUTION OF THE BOROUGH OF OCEANPORT
THE FORT MONMOUTH REUSE PLAN AMENDMENT #18 AND THE MUNICIPAL 45 DAY
REVIEW PERIOD AND FORMULATION OF THE BOROUGH RECOMMENDATIONS AND
COMMENTS TO THE FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY**

**Resolution #2022-99
05/5/22**

WHEREAS, the decision to close Fort Monmouth was made per Federal BRAC legislation in September of 2005 and the Fort Monmouth Economic Revitalization Authority (FMERA) was created by the State of New Jersey (C52:271 et. seq.) to implement comprehensive conversion and revitalization of the Fort Monmouth Property; and

WHEREAS, the Fort Monmouth Redevelopment and Reuse Plan was adopted September 3, 2008 and as subsequently amended; and

WHEREAS, the statute provides for a 45-day municipal review period for comment and recommendations on amendments to the Fort Monmouth Reuse Plan by each of the three host communities. On April 4, 2022 the Borough Clerk received a request to review the Reuse Plan Amendment #18 for which review period shall end May 18, 2022; and

WHEREAS, the Borough of Oceanport has solicited comment on the Reuse Plan Amendment #18 from the Borough Planner, Borough Engineer, 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.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that the municipality has performed its statutory duties as a host municipality concerning the review of the proposed Fort Monmouth Redevelopment and Reuse Plan Amendment #18 and offers the following and comments and recommendations:

Topics

Comments

DBR#11. Front setbacks off of Main Street should be as uniform as possible with the setbacks of existing houses along Main Street. **C1-1**

2. Attached comments from the Borough Planner and Borough Historian and Planning Board.

BE IT FURTHER RESOLVED, that a copy of the comments received be forwarded with this Resolution to the Fort Monmouth Economic Revitalization Authority Board for their consideration.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Keeshen, Tvrdik
ABSENT:	O'Brien, Walker

I certify that the foregoing Resolution #2022-99 was adopted by the Oceanport Governing Body at the Regular Meeting held May 5, 2022



JEANNE SMITH, RMC
BOROUGH CLERK



1455 Broad Street, #250
Bloomfield, NJ 08525
973-614-0005 (v)
973-338-5867 (f)
klelie@tandmassociates.com
tjenssen@tandmassociates.com

Type text here

To: Oceanport Borough Council

From: Kendra Lelie, PP, AICP, LLA
Timothy Jenssen, Senior Staff Planner

Re: **Amendment #18 to the Fort Monmouth Reuse and Redevelopment Plan
Planning Review**

Date: April 20, 2022

The following provides a planning review of the Fort Monmouth Economic Revitalization Authority's (FMERA) *Amendment #18 to the Fort Monmouth Reuse and Redevelopment Plan* (hereinafter the "Reuse Plan"), detailing its consistency with the Borough's master plan documents, identifying the impact of the development which the proposed change permits, and identifying questions and concerns which are relevant to planning in the Borough of Oceanport.

The following materials reviewed in preparation of this review are listed below.

- Cover Letter addressed to John F. Coffey, Mayor - Borough of Oceanport, consisting of one (1) page, prepared by Bruce Steadman, Executive Director of Fort Monmouth Economic Revitalization Authority (FMERA), dated April 4, 2022;
- Proposed Amendment #18 to the Fort Monmouth Reuse and Redevelopment Plan, consisting of seventeen (17) pages, prepared by Upendra Sapkota, PP, AICP, LEED AP, Senior Officer – Planning and Development, of FMERA, dated April, 2022;
- Fort Monmouth Reuse and Redevelopment Plan prepared by EDAW, Inc., dated August 22, 2008, adopted by FMERPA Board October 15, 2008;
- From Fort to Village Vision Plan, consisting of fifty-three (53) pages, prepared by Clarke Caton Hintz – Architecture, Planning, Landscape Architecture, dated March 2008, adopted April 23, 2008 by the Borough of Oceanport Planning Board
- Subsequent amendments to the Fort Monmouth Reuse and Redevelopment Plan adopted by FMERA; and
- Borough of Oceanport Third Round Housing Element and Fair Share Plan, consisting of thirty-nine (39) pages, prepared by Kendra Lelie, PP, AICP, LLA-, dated February, 2020, adopted by the Borough of Oceanport Planning Board February 11, 2020, endorsed by the Borough of Oceanport Mayor and Council February 20, 2020



1.0 Site & Surrounding Area

- 1.1 Amendment #18 addresses land referred to as the Nurses Quarters Parcel (Buildings 1077 and 1078). The two existing, vacant buildings contained within the parcel are designated for residential use, with a proposed adaptive reuse total of twenty-four (24) one- and two-bedroom units totaling 18,665 square feet of gross floor area. The parcel is 3.75 acres and is located along Main Street and Stephenson Avenue entirely within the Borough of Oceanport, with the Nurses Quarters located in the southern portion of the Oceanport area of Fort Monmouth Reuse and Redevelopment Plan boundaries.
- 1.2 The Nurses Quarters parcel is currently improved with the following residential buildings:
- a. Building #1077: apartments constructed in 1964 (9,282 sf)
 - b. Building #1078: apartments constructed in 1964 (9,373 sf)

2.0 The Reuse Plan

- 2.1 There are 419 acres of land within the Borough of Oceanport which are subject to the *Reuse Plan*. Adopted in 2008, the Reuse Plan provides for redevelopment of the Fort Monmouth property with approximately 1.75 million square feet of nonresidential space and 720 residential units.
- 2.2 The Reuse Plan permits 24 one and two-bedroom mixed income apartments within the two existing buildings.

3.0 Overview of Amendment #18

- 3.1 The proposed amendment will serve as functional equivalent of overlay zoning. As such, Amendment #18 creates an additional option to how the parcel may be developed but does not eliminate the existing permitted uses and regulations. The proposed amendment allows for the addition of ten (10) townhome 3-bedroom units on the Nurses parcel. In addition, there are specific bulk, design and sustainability requirements incorporated as further described in Section 4.0 below. Proposed Amendment #18 also acknowledges the requirement that seven (7) of the 34 units shall be affordable to low and moderate income households and will be credited to Oceanport's affordable housing obligation.

4.0 Permitted Uses and Design Standards

- 4.1 Permitted Uses. The proposed amendment permits alternate permitted uses on the Nurses Quarters Parcel as follows:
- a. Nurses Quarters. Residential Use – including multi-family dwelling units and townhomes. The amendment would permit 34 residential units comprised of 24 one- and two-bedroom residential units and ten (10) three-bedroom units as new town homes.
- 4.2 Bulk Requirements. The amendment identifies regulations proposed to define and limit development on the Nurses Quarters Parcel. These include, but are not limited to, the following bulk requirements:
- a. Building Height. New residential buildings shall not exceed three (3) stories or forty (40) feet in height.



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- b. Density. A total of 34 units will be permitted, which includes the adaptive reuse of the existing twenty-four (24) one- and two-bedroom residential units contained within buildings 1077 and 1078 and ten (10) new three-bedroom residential units. This equates to a permitted density of 9.07 dwelling units per acre.
- c. Street Facing Building Setback.
 - i. The building setback on Stephenson Avenue shall be a minimum of fifteen (15) feet from the property line.
 - ii. The building setback on Main Street shall be a minimum of (15) feet from the property line.
 - iii. Covered patios, walkways, steps and landscaping will be permitted within the setback area.
- d. With the exception of the bulk requirements listed above in subsection 1.2(a)-(c), all other bulk requirements pursuant to the FMERA Land Use Rules shall apply to the Nurses Quarters Parcel.

4.3 Circulation. In addition to the bulk requirements in the proposed amendment, the following vehicular and pedestrian circulation items shall apply to the Nurses Quarters Parcel:

- a. The ten (10) new townhomes shall be constructed with frontage on Main Street and no parking or driveway is permitted between the new townhomes.
- b. One access driveway connecting the Nurses Quarters Parcel to Main Street shall be permitted.
- c. A sidewalk with a minimum width of five (5) feet shall be installed along Main Street.

4.4 Signage. The following signage requirements shall also apply to the Nurses Quarters Parcel:

- a. One ground sign shall be permitted within the Parcel.
- b. The ground sign shall not exceed forty (40) square feet in area.
- c. The ground sign shall not exceed seven (7) feet in height above grade.
- d. FMERA Land Use Rules pursuant to 19:31C-3.9(d) shall apply for all other requirements pertaining to ground signs.

4.5 Green Infrastructure and Low Impact Development. The following measures are encouraged by the proposed amendment:

- a. Permeable pavers;
- b. Electric vehicle charging stations;
- c. Rain gardens and bio-retention basins; and
- d. Native plants and vegetation.

In all scenarios where zoning regulations and bulk requirements are not addressed by the requirements above, said requirements pursuant to the FMERA's Land Use Rule shall apply.



Topics			Comments
	5.0	Comparison to Borough Policies	
ZP#1	5.1	The site is within Oceanport's R-1 zoning district. This district principally permits single family detached homes with a building height of 2.5 stories. As such, the proposed uses are inconsistent with the Borough's zoning. However, the Reuse Plan and associated amendments supersedes the Borough's Zoning Ordinance.	C2-5.1
ZP#2	5.2	The Borough adopted the <i>Fort to Village Plan</i> (Plan) in 2008 as an amendment into the Borough's Master Plan to properly plan for the redevelopment of Fort Monmouth. The Plan called for the Nurses Quarters site to accommodate the existing buildings as a residential use. The proposed amendment permits an additional 10 residential units as townhomes for this parcel which slightly increases the residential density from what was envisioned in the Fort to Village Plan. Given that the proposed permitted uses are not substantially greater in density or intensity, the proposed Reuse Plan Amendment is generally not inconsistent with the Borough's Master Plan.	C2-5.2
	6.0	Traffic and Circulation Comments	
T/C#1	6.1	The proposed amendment anticipates a small increase in the number of trips from the Nurses Quarters due to the 34 new residential units proposed. However, this increase is not expected to adversely impact the existing vehicular traffic in the area since no changes to the existing roadway network are proposed. A traffic analysis may be required however as part of any site plan application and reviewed by the Borough's traffic engineer to confirm whether any necessary traffic mitigation measures are required as part of the approval process.	C2-6.1
T/C#2	6.2	Pedestrian and bicycle facilities and improvements should be accommodated on the Nurses Quarters parcel and surrounding streets. Given the parcel's proximity to the Barkers Circle parcel, a potential destination use, residents and users of the buildings may want to rely upon alternative forms of transportation (pedestrian, bicycle, mass transit) and it is critical that this development area properly accommodate the needs of the development users. Pedestrian and bicycle facilities should connect this site as well as nearby destination uses and the surrounding communities.	C2-6.2
	7.0	Open Space and Environment Comments	
OSE#1	7.1	The Reuse Plan amendment does not anticipate the removal of open space areas or impact to the environmental resources within the Nurses Quarters Parcel and is therefore compatible with Principle #4 of the Reuse Plan.	C2-7.1
OSE#2	7.2	The Nurses Quarters parcel is located within the CAFRA Zone. As such, a CAFRA permit may be required depending on the scope of the proposed development, specifically the ten (10) proposed new townhome dwellings and impervious site improvements.	C2-7.2
	8.0	Infrastructure Comments	
IU#1	8.1	The ability of existing and planned infrastructure to service the proposed development is deferred to the Borough Engineer and other Borough professionals, as may be appropriate.	C2-8.1



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9.0 Affordable Housing Comments

C2-9

HO#1 While the amendment recognizes that the Nurses Quarters parcel will provide seven (7) affordable residential units, it does not indicate which buildings will contain said units and the proposed bedroom distribution is also not indicated in the proposed amendment. We recommend the Amendment indicate the required bedroom distribution as detailed in the Court Approved Borough Housing Element and Fair Share Plan. It should also be indicated in the proposed amendment the affordable units will be non-age-restricted family units.

HP#1 10.0 Historic Preservation Comments

C2-10

The existing buildings 1077 and 1078 in the Nurses Quarters Parcel are not listed in State or National Registers of Historic of Historic Places. As such, the amendment will not impact historic resources required for preservation per the Programmatic agreement between the SHPO and FMERA.

11.0 Design Comments

DBR#2 11.1 While the amendment does not include a concept plan for the townhome layout, we recommend that the townhomes be rear loaded in lieu of garages facing Main Street. The Borough may also want to request additional specific architectural design regulations for the townhome units. The amendment should also specify whether the proposed townhomes will be rear loaded in order to facilitate the circulation requirement that does not permit driveways or parking between the townhomes.

C2 11.1

Should you have any questions or comments, please do not hesitate to contact us.

C. Jeanne Smith, RMC

COMMENTS ON DRAFT PROPOSED PLAN AMENDMENT #18 FORT MONMOUTH REUSE AND REDEVELOPMENT PLAN

Topics	Comments	
HP #2	The draft amendment does not impact the Fort Monmouth Historical District. The Nurses Quarters Parcel does border on Oceanport's Main Street, but the borough has not designated that area as a historic district. The proposed amendment therefore does not impact historic preservation.	C5-1
DBR#3	However, this is the first parcel where FMERA's bulk regulations are in conflict with those in established neighborhoods. FMERA's bulk regulations with respect to residential building height (three stories or forty feet in height) and building setback (fifteen feet) are in conflict with those existing along Main Street in both Oceanport and Eatontown. Paragraph VI.a indicates the redevelopment of the area should "protect the character of existing stable communities". The amendment does not do that. The new townhouses should conform to the existing height limits and setbacks along Main Street.	C5-2

Frank Barricelli

**Borough of Oceanport Planning Board
FMERA Amendment No. 18**

LIST OF CONCERNS

The majority of Board members found Plan Amendment #18 overall is not consistent with the Borough's Plan or the Borough's Zoning Ordinance including:

Topics		Comments
DBR#4	- Bulk control for height (3 stories, 40' proposed) should be reduced to be more conforming with the Borough's 2 ½ stories, maximum height of 35'	C3-1
DBR#5	- Bulk control for density (9.07 dwelling units/acre proposed) is too intense and should be reduced	C3-2
DBR#6	- Bulk control for front yard setback (15') should be increased to be more conforming with the front setbacks of other residential properties along Main Street.	C3-3
DBR#7	- Development sign total area (40 SF) compared with Borough allowable (32 SF)	C3-4
HO#2	- Affordable housing units identified for 7 units does not adequately indicate which buildings will contain said units, the bedroom distribution and the minimum floor areas for the units	C3-5
GEN#3	- Definition of "covered patio" and the motive for same	C3-6



Borough of
Tinton Falls
New Jersey

Borough Council

MUNICIPAL CENTER
556 TINTON AVENUE
TINTON FALLS, NJ 07724-3298
PHONE #: 732-542-3400 EXT. 221
FAX #: 732-542-2075

May 2, 2022

Mr. Bruce Steadman
Executive Director
Fort Monmouth Economic Revitalization Authority
P.O. Box 267
Oceanport, NJ 07757

RE: Plan Amendment #18 Permitting Alternative Development Scenario in Oceanport

Dear Mr. Steadman:

The Mayor and Council of the Borough of Tinton Falls have received the draft proposed amendment #18. The Mayor and Council have reviewed this amendment and have no comments as these changes are located solely in the Borough of Oceanport. The Mayor and Council concur with the proposed "*Plan Amendment #18 Permitting Alternative Development Scenario in Oceanport.*"

Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Tracy A. Buckley".

Tracy A. Buckley
Council President

cc: Regina McGrade, FMERA (via email)

Responses to written comments made on Amendment #18 to the Fort Monmouth Economic Revitalization Authority

Prepared by:

The Fort Monmouth Economic Revitalization Authority

PO Box 267

Oceanport, NJ 07757

June 2022

Introduction

This document was prepared in response to comments received by the Fort Monmouth Economic Revitalization Authority (“FMERA”) on the draft Amendment #18 to the Fort Monmouth Reuse and Redevelopment Plan. Originally, Amendment #18 included the option for an alternative development scenario on the Nurses Quarters Parcels that is located in the former Fort Monmouth property in the Borough of Oceanport. The comments include written correspondence to FMERA during the public comment period. As evidenced in Appendix A, some of the comments addressed the same topics. Accordingly, duplicative comments were grouped by topic into the following categories:

Comments by Topic	Code
Design & Bulk Requirements	DBR
General Comments	GEN
Historic Preservation	HP
Housing	HO
Infrastructure & Utilities	IU
Open Space & Environmental	OSE
Traffic & Circulation	T/C
Zoning & Planning	ZP

Each author of a written comment was assigned a code beginning with the letter “C” (e.g., C1). Then each comment from each author was assigned a number (e.g., C1-1 for comment 1 by author 1). All written correspondence with comment designations is included in Appendix A. The following table lists each author and their code.

Author	Code
Resolution #2022-99, Borough of Oceanport	C1
Kendra Lelie and Timothy Jenssen, T & M Associates	C2
Borough of Oceanport Planning Board	C3
Resolution #117-2022, Borough of Eatontown	C4
Frank Barricelli	C5

DESIGN AND BULK REQUIREMENTS (DBR)

DBR#1: Front setbacks off of Main Street should be as uniform as possible with the setbacks of existing houses along Main Street. **(C1-1)**

Response: *FMERA'S Reuse Plan contemplates low-density residential units along Main Street with the buildings built to the lot line without setbacks on Main Street. After careful assessment of the site surroundings, FMERA concluded that allowing buildings on Main Street to be built to the lot line as contemplated under the Reuse Plan could result in developments incompatible with the surrounding area. As such, to create some level of uniformity along Main Street the proposed amendment requires a 15 ft setback from Main Street.*

Additionally, the Borough's Engineer has recommended that the townhomes be rear loaded (see DBR#2) and the amendment requires all the buildings on Main Street have a rear driveway. Requiring a deeper setback would not only eliminate the opportunity for the townhouses to be rear loaded, but also would necessitate multiple front driveways on Main Street which would be undesirable and unsafe from a walkability and traffic standpoint.

DBR#2: While the amendment does not include a concept plan for the townhome layout, we recommend that the townhomes be rear loaded in lieu of garages facing Main Street. The Borough may also want to request additional specific architectural design regulations for the townhome units. The amendment should also specify whether the proposed townhomes will be rear loaded in order to facilitate the circulation requirement that does not permit driveways or parking between the townhomes. **(C2-11.1)**

Response: *FMERA acknowledges the Borough Engineer's concerns and recommendations. Under the proposed amendment, the new townhomes shall have frontage on Main Street, and no parking or driveways would be permitted between the new townhomes and Main Street. Please also see response to **DBR#1**. The amendment permits only one access driveway from Main Street to the site; therefore, there will not be multiple driveways or parking between townhomes.*

Further, pursuant to N.J.A.C.19:31C-3.20, prior to or simultaneous with submitting an application for subdivision or site plan approval to the planning board (or to the County planning board), the application must be submitted to the Authority for Mandatory Conceptual Review (MCR). The Authority will take the Borough's Engineer recommendations into the account during the MCR process. Additionally, the Oceanport Planning Board will also have the opportunity to review site plans, architectural drawings and other relevant documents and make appropriate recommendations before making any formal action on the application submitted for subdivision or site plan review.

DBR#3: This is the first parcel where FMERA's bulk regulations are in conflict with those established neighbors. FMERA's bulk regulations with respect to residential building height (three stories or forty feet in height) and building setback (fifteen feet) are in conflict with those existing along Main Street in both Oceanport and Eatontown. Paragraph VI.a indicates the redevelopment of the area should "protect the character of existing stable communities". The amendment does not do that. The new townhouses should conform to the existing height limits and setbacks along Main Street. **(C5-2)**

Response: *FMERA's Reuse Plan contemplates up to three and a half story buildings along Main Street with the buildings built to the lot line without setbacks on Main Street. Under the proposed amendment, the buildings on Main Street will be only up to three stories and will have a 15 feet setback from Main Street. As the proposed amendment does not significantly deviate from what was envisioned*

for this section of Main Street under the Reuse Plan and instead offers a reduced height and increased setback, the amendment would not result in developments which would be in conflict with the surrounding neighborhoods.

*With respect to setback, please see response to **DBR#1**.*

DBR#4: Bulk control for height (3 stories, 40' proposed) should be reduced to be more conforming with the Borough's 2 ½ stories, maximum height of 35' **(C3-1)**

Response: Please see response to **DBR#3**

DBR#5: Bulk control for density (9.07 dwelling units/acre proposed) is too intense and should be reduced. **(C3-2)**

Response: *The Nurses Quarters parcel is currently zoned for medium-density residential. Under the Land Use Rules, medium-density residential permits 12 units per acre, as the Nurses Quarter parcel 3.75 acres the Land Use Rules would permit up to 45 units. Given the site is 3.75 acres, the proposed 34 units consisting of 24 apartments and 10 low density single family residential units is an appropriate density for the parcel. Further, FMERA's Reuse Plan contemplates adaptive reuse of the Nurses Quarters building into apartments as well as +/-5 additional single-family detached houses along Main Street on the Nurses Quarters parcel. The proposed amendment permits 10 townhouses, increasing the permitted number by five. As such, the proposed density is not significantly different from what has been contemplated under the Reuse Plan.*

Additionally, as indicated in ZP#2 of this document, this position is supported by the Borough's Engineer who also concluded the proposed uses are not substantially greater in density or intensity and the proposed Reuse Plan Amendment is generally not inconsistent with the Borough's Master Plan.

DBR#6: Bulk control for front yard setback (15') should be increased to be more conforming with the front setbacks of other residential properties along Main Street. **(C3-3)**

Response: *Please also see response to **DBR#1**.*

DBR#7: Development sign total area (40 SF) compared with Borough allowable (32 SF). **(C3-4)**

Response: *FMERA accepts the Borough of Oceanport Planning Board's recommendation to reduce to sign area to 32 SF to making it consistent with the Borough's sign regulations and has updated the Amendment to reflect the same.*

General Comments (GEN)

GEN#1: The area which borders the Eatontown residential property should be cleaned and maintained, removing dead trees and those which may pose a hazard to adjoining properties. **(C4-1)**

Response: *FMERA will advise the developer concerning public safety and removal of dead trees.*

GEN#2: The two fences should be removed and replaced with a fence on the property line suitable for a residential border. **(C4-2)**

Response: *FMERA will bring the Borough's concerns to the developer concerning fencing. However, the amendment does not amend any part of the Reuse Plan concerning the fencing & buffering*

requirements. There are regulations for fencing under the Land Use Rules, however, fencing is not required under the Land Use Rules for any development projects.

GEN#3: Definition of “covered patio” and the motive for same. **(C3-6)**

Response: *FMERA acknowledges the Borough of Oceanport Planning Board’s concern relative to “Covered Patio” as proposed without a corresponding definition. As such, FMERA agrees to remove “covered patios” as a permitted structure within the setback area.*

Historic Preservation (HP)

HP#1 The existing buildings 1077 and 1078 in the Nurses Quarters Parcel are not listed in State or National Registers of Historic of Historic Places. As such, the amendment will not impact historic resources required for preservation per the Programmatic agreement between the SHPO and FMERA. **(C2-10)**

Response: *FMERA agrees with the comment.*

HP#2 The draft amendment does not impact the Fort Monmouth Historical District. The Nurses Quarters Parcel does border on Oceanport’s Main Street, but the borough has not designated that area as a historic district. The proposed amendment therefore does not impact historic preservation. **(C5-1)**

Response: *FMERA concurs this parcel is not within the Fort’s Historic District.*

Housing (HO)

HO#1 While the amendment recognizes that the Nurses Quarters parcel will provide seven (7) affordable residential units, it does not indicate which buildings will contain said units and the proposed bedroom distribution is also not indicated in the proposed amendment. We recommend the Amendment indicate the required bedroom distribution as detailed in the Court Approved Borough Housing Element and Fair Share Plan. It should also be indicated in the proposed amendment the affordable units will be non-age restricted family units. **(C2-9)**

Response: *FMERA accepts the Borough Planner’s recommendation to include actual bedroom counts for set-aside affordable housing units, and the proposed amendment has been revised to that effect. The development on the Nurses Quarters parcel will have seven (7) two-bed room affordable housing units, and these affordable units will not be age-restricted family units. The units will be located within the existing Nurses Quarters buildings and unit locations are at the developer’s discretion.*

HO#2 Affordable housing units identified for 7 units does not adequately indicate which buildings will contain said units, the bedroom distribution and the minimum floor areas for the units. **(C3-5)**

Response: *As indicated above in response to **HO#1**, the development on the Nurses Quarters will have seven (7) two-bedroom affordable housing units located within the existing buildings. With respect to floor area for the affordable housing units, the developer will be required to submit the floor area information at the time of MCR and Site Plan review. As such, both FMERA and the Borough of Oceanport’s Planning Board will have an opportunity to review the site plan application for compliance with above-mentioned standards. While FMERA cannot mandate unit sizes, the developer will have to comply with any state or federal regulation on floor area requirements for affordable housing units.*

Infrastructure and Utilities (IU)

IU#1: The ability of existing and planned infrastructure is deferred to the Borough Engineer and other Borough professionals, as may be appropriate. **(C2-8.1)**

Response: *Infrastructure and utilities relative to the new development under the proposed Plan Amendment #18 are to be considered during FMERA's Mandatory Conceptual Review ("MCR") and site plan review by the Oceanport Planning Board. The MCR review entails evaluation of impacts on the existing gas, electric, water, wastewater and communication lines servicing Fort Monmouth. This assessment is unaffected by the amendment. The Borough Engineer and Borough Professionals will have full opportunity to review any impacts on infrastructure during the Site Plan review process.*

Open Space and Environment (OSE)

OSE#1: The Reuse Plan amendment does not anticipate the removal of open space areas or impact to the environmental resources within the Nurses Quarters Parcel and is therefore compatible with Principle#4 of the Reuse Plan. **(C2-7.1)**

Response: *FMERA concurs.*

OSE#2: The Nurses Quarters parcel is located within the CAFRA Zone. As such, a CAFRA permit may be required depending on the scope of the proposed development, specifically the ten (10) proposed new townhome dwellings and impervious site improvements. **(C2-7.2)**

Response: *As indicated in the Plan Amendment # 18, the Nurses Quarters parcel is located in the CAFRA zone and could trigger a CAFRA permitting action. Any environmentally constrained areas within the land area associated with this amendment would be reviewed during the MCR process, which includes review by the Authority's Environmental Staff Advisory Committee.*

Transportation and Circulation (T/C)

T/C#1: The proposed amendment anticipates a small increase in the number of trips from the Nurses Quarters due to the 34 new residential units proposed. However, this increase is not expected to adversely impact the existing vehicular traffic in the area since no changes to the existing roadway network are proposed. A traffic analysis may be required however as part of any site plan application and reviewed by the Borough's traffic engineer to confirm whether any necessary traffic mitigation measures are required as part of the approval process. **(C2-6.1)**

Response: *While a traffic impact report or similar study is not a requirement of the MCR process, FMERA will recommend that the developer assess traffic impacts resulting from the planned development. The Oceanport Planning Board will have an opportunity to review the submitted application and request additional information, as deemed necessary.*

T/C#2: Pedestrian and bicycle facilities and improvements should be accommodated on the Nurses Quarters parcel and surrounding streets. Given the parcel's proximity to the Barkers Circle parcel, a potential destination use, residents and users of the buildings may want to rely upon alternative forms of transportation (pedestrian, bicycle, mass transit) and it is critical that this development area properly accommodate the needs of the development users. Pedestrian and bicycle facilities should connect this site as well as nearby destination uses and the surrounding communities. **(C2-6.2)**

Response: *To improve and maintain the connectivity around the neighborhood as envisioned in the Reuse Plan, the proposed amendment requires a 5ft-wide sidewalk on Main Street.*

Please note several design parameters relative to the sidewalk, multi-purpose trail standards and bicycle lane are set forth under FMERA's Land Use Rules N.J.A.C. 19:31C-3.14(c). Pursuant to N.J.A.C. 19:31C-3.15(e)(1)(iv), for all non-residential buildings and medium-density residential buildings, secure indoor bicycle racks should be provided within the garage area or within a separate secure storage room. Pursuant to N.J.A.C. 19:31C- 3.15(e)(3), the number of bicycle parking in each required area should be based on the expected number of occupants, visitors, and or workers at the building. The proposed amendment does not alter or override any of these requirements. Further, both FMERA and the Borough of Oceanport's planning Board will have full opportunity to review the site plan application for compliance with above-mentioned standards during MCR & Site Plan review process.

Zoning & Planning (ZP)

ZP#1: The site is within Oceanport's R-1 zoning district. This district principally permits single family detached homes with a building height of 2.5 stories. As such, the proposed uses are inconsistent with the Borough's zoning. However, the Reuse Plan and associated amendments supersedes the Borough's Zoning Ordinance. **(C2-5.1)**

Response: *Per the Fort Monmouth Economic Revitalization Act (FMERA Act), P.L.2010, c.51 (N.J.S.A. 52:27I-18 et seq.), FMERA's land use regulations and the Fort Monmouth Reuse Plan are the zoning regulations and Master Plan which govern development within the former Fort's boundaries. As noted, the Reuse Plan and FMERA Land Use Rules supersede the Borough's zoning.*

*With respect to building height, please see response to **DBR#3**.*

ZP#2: The Borough adopted the *Fort to Village Plan* (Plan) in 2008 as an amendment into the Borough's Master Plan to properly plan for the redevelopment of Fort Monmouth. The Plan called for the Nurses Quarters site to accommodate the existing buildings as a residential use. The proposed amendment permits an additional 10 residential units as townhomes for this parcel which slightly increases the residential density from what was envisioned in the Fort to Village Plan. Given that the proposed permitted uses are not substantially greater in density or intensity, the proposed Reuse Plan Amendment is generally not inconsistent with the Borough's Master Plan. **(C2-5.2)**

Response: *FMERA acknowledges Borough Planner's assertion.*