

**Fort Monmouth Economic Revitalization Authority
In-Person & Telephonic Board Meeting
502 Brewer Avenue, Oceanport, N.J. 07757
Dial In: 888-431-3598 Access Code: 1123026
Agenda – November 2, 2022**

1. **Call to Order**
2. **Notice of Public Meeting**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **Welcome – Mayor Anthony Talerico, Jr., Vice-Chairman**
6. **Approval of Previous Month’s Board Meeting Minutes**
7. **Public Comment Regarding Board Action Items**
8. **Executive Director/Secretary Report & Update**
9. **Committee Reports**
 - Audit Committee – Anthony Talerico, Jr., Chairman
 - Real Estate Committee – Anthony Talerico, Jr., 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
10. **Board Actions**
 1. Consideration of Approval of the Second Amendment to the Reinstated, Amended & Merged Purchase and Sale Agreement & Redevelopment Agreement for OPort Partners, LLC properties in Oceanport.
 2. Consideration of Approval of the Third Amendment to the Purchase and Sale & Redevelopment Agreement with RPM Development, LLC for the Nurses Quarters in Oceanport.
 3. Consideration of Approval of a Consent to the adoption of Redevelopment Plan Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plans by the Borough of Oceanport.
11. **Other Items**
12. **Public Comment Regarding any FMERA Business**
13. **Executive Session - OPMA EXEMPTION N.J.S.A. 10:4-12b(7)**
14. **Adjournment**



MEMORANDUM

To: Members of the Board
From: Kara Kopach
Executive Director
Date: November 2, 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 the Treasurer's Report, and Update on Utilities and Infrastructure, and Update on the Fort Monmouth Redevelopment; and an Update on Development & Marketing.

Treasurer's Report

The 2023 FMERA Budget is currently being drafted. FMERA staff will be meeting in the next few weeks to discuss and finalize the budget. The draft budget will then be presented to the Audit Committee for their review. The 2023 FMERA Budget is scheduled to be brought to the Board for its consideration and approval at the December meeting.

Executive Director's Report

1. Update on Utilities and Infrastructure

- Construction continues on the new sanitary pump station, east interceptor and force main along Oceanport Avenue. TRWRA awarded a contract to Earle in March. 1,640' feet of force main conduit along Oceanport and Silverside Avenues have been installed. The new pump station wet-well and dry-well structures have been installed, as well as 400-feet of gravity main. The completed project will initially accept sanitary outfall from the Lodging and Allison Hall parcels and the 400 Area. The line will also accommodate offsite outfall from Horseneck Point and Riverside Avenue. Earle has stated they will complete the project by January 1, 2023.
- The Phase II sanitary project which includes the South Interceptor and the Barker Circle lines has been awarded to by TRWRA. The 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 has completed their due diligence and all contaminants of concern are now fully delineated.
- FMERA staff continues 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.

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.

Also in **Tinton Falls**, FMERA has executed contracts on three properties:

- 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; 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 5 parcels are under contract or have Board-approved contracts. FMERA is targeting a December closing on the Myer Center parcel, to be redeveloped by Robert Wood Johnson Barnabas Health.

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. Continuous demolition and construction are underway at the Main Post, with several businesses slated to open prior to year-end. The Fort recently welcomed Birdsmouth Brewery to the former Commissary. We look forward to the integration of additional businesses and amenities into the Fort community. FMERA has also funded numerous utility projects to serve these new development projects on the Main Post, as reported previously.

The development team is now focusing its efforts on the future development of the Mega Parcel. Proposals 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 RFOTF. FMERA received FOUR (4) proposals. FMERA is presently in the negotiations phase.

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 a contract. FMERA can confirm that it has identified and contacted the highest scoring proposer for the Mega Parcel; however, FMERA will make no further representations relative to the potential purchase of property until such time as the staff is prepared to recommend the approval of a fully negotiated Purchase and Sale Agreement and Redevelopment Agreement to the FMERA Board. Please be advised that this process may take several months.

Our wayfinding efforts continue, with design and fabrication work underway. We anticipate installing a new wayfinding sign and updated signage on HWY 35 prior to year end.

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



 Kara Kopach

Prepared by: Regina McGrade

Resolution Regarding
Second Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment
Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in
Oceanport

WHEREAS, at the December 2017 meeting, staff recommended, and the Board approved the issuance of three separate Request for Offers to Purchase (“RFOTPs”) for the Commissary and PX, the Warehouse District, and the Post Office Area with the option to propose individual or interrelated projects on one or more parcels; and

WHEREAS, since all of these parcels were in close proximity to one another and to facilitate proposals of the highest and best use, the RFOTP scoring provided additional consideration to parties who proposed to purchase multiple parcels. Additionally, parties bidding on the Commissary & PX and/or the Warehouse District had the option of also bidding on the Parking Area and received additional scoring consideration over bidders on those parcels who elected not to bid on the Parking Area; and

WHEREAS, the PSARA for the Post Office and Warehouse Parcels between FMERA and OPort Partners, LLC (“OPort” or “Purchaser”) was approved by the Board at its July 17, 2019 (“Warehouse PSARA”) meeting and executed by FMERA and OPort on September 16, 2019; and

WHEREAS, the PSARA for the Commissary/PX and Parking Lot (“Commissary PSARA”) was approved by the Board at its November 13, 2019 meeting and executed by FMERA and OPort on February 5, 2020; and

WHEREAS at the June Board meeting, the Board approved the merger of the Post Office, Parking Lot and Commissary/PX parcels for one cohesive parcel to encompass Class A office space which can support both general and food related research uses and flex space as ancillary related product storage and distribution in support of other primary uses. The merger also serves as a support to the Commissary space, which shall serve as an enrichment center incorporating a provision for food services, a culinary school, crafts production, arts adaptation (including music and art facilities for enrichment learning for all ages) as well as the display of art. The complex may also potentially include retail, office, entertainment, research and development. This merger simplifies land use planning and land use compliance. In order to facilitate the merger, timelines including Due Diligence, Approval Period, Reuse Plan Amendment, and Closing between the Warehouse and Commissary Parcels were aligned within this amendment; and

WHEREAS, the Purchase Price was reduced in exchange for an expedited closing by September 30, 2020 in which OPort agreed to close without receiving All Approvals to allow FMERA to meet its financial obligations for 2020. If Purchaser did not close by September 30, 2020, OPort must pay the original Purchase Price of Four Million Nine Hundred and Fifty Thousand dollars. The reduced purchase price remains above the required minimum bids threshold as required under the RFOTP; and

WHEREAS, the PSARA was also Reinstated as Purchaser had conditionally terminated the Warehouse PSARA by letter dated April 22, 2020 and the Commissary PSARA by letter dated June 5, 2020 with the hope that FMERA would provide an extension to the Due Diligence Period to completed additional environmental testing and building inspection. FMERA agreed to both extensions as OPort was working in good faith during the Due Diligence Period and was entitled to additional time to investigate the site; and

WHEREAS, subject to Section 8(c)(i) of the Reinstated, Amended and Merged Purchase and Sale and Redevelopment Agreement, the Purchase Price for the Property was to be reduced to a total of Four Million three Hundred Fifty Thousand Dollars in the event OPort exercised its option to waive All Approvals and close early on the Property, by September 30, 2020. Due to unforeseen items in the closing process, OPort requested and the FMERA Board granted an extension to the Closing timeline of October 20, 2020. OPort closed on the Property on October 16, 2020, and received a reduction of the Purchase Price, as defined under the Agreement; and

WHEREAS, citing changes to various market conditions brought about by Covid-19, in particular the decline of traditional office occupancy, Purchaser requested via phone call and email dated August 19, 2022, a modification to the Project description to include additional Research and Development uses, as permitted within District A under Plan Amendment #15, to attract a larger potential pool of tenants given market conditions. OPort has been proceeding with the Project in good faith and the requested expansion of uses is in alignment with the Reuse Plan. As such, FMERA recommends the following revisions to the material terms as described in the attached memorandum; and

WHEREAS, all other material terms of the Reinstated, Amended and Merged PSARA will remain unchanged. The attached Second Amendment to Reinstated, Amended and Merged PSARA is not in substantially final form. The final terms of the Second Amendment will be subject to the approval of FMERA's Executive Director and as to form by the Attorney General's Office. The Real Estate Committee has approved the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Second Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in Oceanport on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

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

Attachment

Dated: November 2, 2022

EXHIBIT 1

MEMORANDUM

TO: Members of the Board

FROM: Kara Kopach
Executive Director

RE: Second Amendment to the Reinstated Amended and Merged Purchase and Sale Agreement & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in Oceanport

DATE: November 2, 2022

Request

I am requesting that the Board approve the Second Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement (“PSARA”) with OPort Partners, LLC (“OPort” or “Purchaser”), for the Warehouse, Post Office, Commissary/PX & the Parking Lot in the Oceanport section of Fort Monmouth.

Background

At the December 2017 meeting, staff recommended, and the Board approved the issuance of three separate RFOTPs -- for the Commissary and PX, the Warehouse District, and the Post Office Area – with the option to propose individual or interrelated projects on one or more parcels.

Since all of these parcels were in close proximity to one another and to facilitate proposals of the highest and best use, the RFOTP scoring provided additional consideration to parties who proposed to purchase multiple parcels. Additionally, parties bidding on the Commissary & PX and/or the Warehouse District had the option of also bidding on the Parking Area and received additional scoring consideration over bidders on those parcels who elected not to bid on the Parking Area.

FMERA received five (5) proposals for the Commissary and PX Parcels, four (4) proposals for the Post Office Area and five (5) proposals for the Warehouse District in response to its May 8, 2018 Requests for Offers to Purchase (RFOTP). Following the evaluation and scoring process, OPort was selected as the highest-scoring potential Purchaser of two of the three parcels, the Warehouse District and the Post Office Area. Although OPort included an offer for the 1000 Area Parking, the Commissary & PX Complex, another proposer scored highest in conjunction with its proposed use for the Commissary & PX Complex. Therefore, the evaluation committee recommended proceeding with negotiations with OPort for a PSARA for the Warehouse and Post Office Parcels only. The PSARA for the Post Office and Warehouse Parcels was approved by the Board at its July 17, 2019 (“Warehouse PSARA”) meeting and executed by FMERA and OPort on September 16, 2019.

Warehouse PSARA

Under the terms of the Warehouse PSARA, Purchaser proposed to demolish all of the existing buildings and use the Warehouse Parcel for Class A office buildouts, and Post Office for additional Class A office buildouts. Purchaser was to pay One million nine hundred and fifty thousand (\$1,950,000.00) dollars for the property and invest a total of thirty-one million four hundred and forty-three thousand and seven hundred and fifty (\$31,443,750) dollars into the Project. Twelve million nine hundred thousand (\$12,900,000.00) dollars as the Post Office Area and eighteen million five hundred and forty-three thousand and seven hundred and fifty (\$18,543,750.00) dollars as to the Warehouse District. OPort was provided a sixty-day Due Diligence period commencing on the effective date of the PSARA and had thirty days to apply and diligently pursue approvals following the later to the occur of the final and non-appealable



amendment to the Reuse Plan or completion of Due Diligence. Its Approval period was for fourteen months with an optional six-month extension. The Project was to be completed within eighteen (18) months after completion of demolition and site work not to exceed twenty-two (22) months after closing on the Property. Closing(s) on the Property shall occur within thirty (30) days after satisfaction or waiver of the Conditions Precedent to Closing. Conditions precedent to Closing include OPort obtaining or waiving All Approvals within the Approval Period necessary to develop the Project; an amendment to the Reuse Plan to accommodate the Project; FMERA obtaining title and a FOST to Parcels 57; and the consent of the NJEDA Board. Purchaser was to have thirty (30) days to apply and diligently pursue approvals following the later to occur of the final and non-appealable amendment to the Reuse Plan or completion of Due Diligence. OPort estimated that it will create approximately four hundred thirty-nine (439) part-time and/or full-time permanent jobs within twenty-four (24) months of project completion or pay a penalty of \$1,500 per permanent job not created. OPort is responsible for funding a total of one thousand (1000') linear feet of new water main and one thousand (1000') linear feet of new sewer main along Razor and Anson Avenues, or in such other off-site location as directed by FMERA. Abutting developers will be obligated to install or fund additional water and sewer infrastructure to complete the connection of the Property to off-site public utilities. Purchaser will also be responsible for running new electrical distribution lines from the Property to an upgraded JCP&L substation following FMERA's conveyance of the abutting electric substation to JCP&L at a future date.

Commissary PSARA

On October 11, 2019, the highest-scoring potential Purchaser for the Commissary and PX Parcels and 1000 Area Parking terminated its negotiations for the Commissary and PX Parcels and 1000 Area Parking. As OPort was the second highest score, FMERA initiated negotiations with OPort for these parcels. The PSARA for the Commissary/PX and Parking Lot ("Commissary PSARA") was approved by the Board at its November 13, 2019 meeting and executed by FMERA and OPort on February 5, 2020.

Under the terms of the Commissary PSARA, Purchaser proposed to reuse the remaining Commissary building for a commercial building and to demolish all the remaining buildings. The site would ultimately serve as an enrichment center incorporating a provision for food service, a culinary school, crafts production, arts adaption, etc., Purchaser was to pay three million (\$3,000,000.00) dollars for the property and invest a total of twenty-three million (\$23,000,000.00) dollars into the Project. OPort was provided a sixty-day Due Diligence period commencing on the effective date of the PSARA and had two additional thirty (30) day due diligence extensions. Its Approval period was for fourteen months with an optional six-month extension. The Project was to be completed twenty-seven (27) months after closing on the Property. Closing(s) on the Property was to occur within thirty (30) days after satisfaction or waiver of the Conditions Precedent to Closing. Conditions precedent to Closing include OPort obtaining or waiving All Approvals within the Approval Period necessary to develop the Project; an amendment to the Reuse Plan to accommodate the Project; FMERA obtaining title and a FOST to Parcels 55, 57, 64, and 65; and the consent of the NJEDA Board. The parties would endeavor to satisfy these contingencies prior to the expiration of Purchaser's Approval Period. Purchaser was to have thirty (30) days to apply and diligently pursue approvals following the later to occur of the final and non-appealable amendment to the Reuse Plan or completion of Due Diligence. OPort estimated that it will create approximately three hundred eleven (311) part-time and/or full-time permanent jobs within twenty-four (24) months of project completion or pay a penalty of \$1,500 per permanent job not created. OPort will also be responsible for funding a total of five hundred (500') linear feet of new water main and five hundred (500') linear feet of new sewer main along Razor and Anson Avenues, or in such other off-site location as directed by FMERA. Abutting developers will be obligated to install or fund additional water and sewer infrastructure to complete the connection of the Property to off-site public utilities. Purchaser will also be responsible for running new electrical distribution lines from the Property to an upgraded JCP&L substation following FMERA's conveyance of the abutting electric substation to JCP&L at a future date.

Reinstated Amended and Merged Warehouse PSARA and Commissary PSARA

At the June Board meeting, the Board approved the merger of the Post Office, Parking Lot and Commissary/PX parcels for one cohesive parcel to encompass Class A office space which can support both general and food related research uses and flex space as ancillary related product storage and distribution in support of other primary uses. The merger also serves as a support to the Commissary space, which shall serve as an enrichment center incorporating a provision for food services, a culinary school, crafts production, arts adaptation (including music and art facilities

for enrichment learning for all ages) as well as the display of art. The complex may also potentially include retail, office, entertainment, research and development. This merger simplifies land use planning and land use compliance. In order to facilitate the merger, timelines including Due Diligence, Approval Period, Reuse Plan Amendment, and Closing between the Warehouse and Commissary Parcels were aligned within this amendment.

The Purchase Price was reduced in exchange for an expedited closing by September 30, 2020 in which OPort agreed to close without receiving All Approvals to allow FMERA to meet its financial obligations for 2020. If Purchaser did not close by September 30, 2020, OPort would be obligated to pay the original Purchase Price of Four Million Nine Hundred and Fifty Thousand (\$4,950,000.00) dollars. The reduced purchase price remains above the required minimum bids threshold as required under the RFOTPs.

The PSARA was also Reinstated as Purchaser had conditionally terminated the Warehouse PSARA by letter dated April 22, 2020 and the Commissary PSARA by letter dated June 5, 2020 with the hope that FMERA would provide an extension to the Due Diligence Period to complete additional environmental testing and building inspections. FMERA agreed to both extensions as OPort was working in good faith during the Due Diligence Period and was entitled to additional time to investigate the site.

First Amendment to the Reinstated, Amended and Merged Purchase and Sale & Redevelopment Agreement

Subject to Section 8(c)(i) of the Reinstated, Amended and Merged Purchase and Sale and Redevelopment Agreement, the Purchase Price for the Property was to be reduced to a total of Four Million three Hundred Fifty Thousand Dollars (\$4,350,000.00) in the event OPort exercised its option to waive All Approvals and close early on the Property, by September 30, 2020. Due to unforeseen items in the closing process, OPort requested and the FMERA Board granted an extension to the Closing timeline of October 20, 2020. OPort closed on the Property on October 16, 2020 and received a reduction of the Purchase Price, as defined under the Agreement.

Second Amendment to the Reinstated, Amended and Merged Purchase and Sale & Redevelopment Agreement

Citing changes to various market conditions brought about by Covid-19, in particular the decline of traditional office occupancy, Purchaser requested via phone call and email dated August 19, 2022, a modification to the Project description to include additional Research and Development uses, as permitted within District A under Plan Amendment #15, to attract a larger potential pool of tenants given market conditions. OPort has been proceeding with the Project in good faith and the requested expansion of uses is in alignment with the Reuse Plan. As such, FMERA recommends the following revisions to the material terms:

Section 7(b)(iii) is hereby deleted, and Section 7(b)(ii) of the Agreement is hereby amended and reinstated as follows:

(ii) For the purposes of the Redevelopment of the Post Office Area, Commissary and PX Complex and the Parking Lot, the parcels shall be merged for one section of the Redevelopment Project, referred to as “**District A**” as depicted on **Exhibit B** attached hereto. District A shall include the reuse of the Commissary building and the demolition of all the remaining buildings in District A.

- (a) The Commissary Building, located in District A, is to be adaptively reused as an enrichment center incorporating a provision for food services, a culinary school, craft production, arts adaptation (including music and art facilities for enrichment learning for all ages) as well as displays of art.
- (b) Excluding the Commissary Building, District A shall include at minimum 90,000 sq. ft. of new construction. District A may include buildouts for: office, food services, research and development, certain indoor recreational uses such as dance schools, martial arts, yoga studios, Pilates, karate, or similar group uses involving group instruction, and flex-space/warehouse space provided that such flex-space/warehouse space is: (i) in support of another principal use such as office or research and development; and (ii) not the primary use of any building. Interior storage or small warehouse space per building shall not be greater than 25% of total built space or 10,000 sq. ft, whichever is less. Any associated loading berths shall not be permitted on the street facing building façade.

- (c) Portions of District A will continue to be used for parking purposes in connection with the overall redevelopment of the Property.
- (d) New construction within District A shall seek to avoid a warehouse-like aesthetic. Lengthy, featureless facades shall be avoided, and new construction shall include architectural features similar to those depicted in **Exhibit C**, attached hereto. Setback areas should be landscaped with attractive foliage and areas along Oceanport Way and Todd Avenue should be screened. Chain link fencing will not be permitted.

All other material terms of the Reinstated, Amended and Merged PSARA will remain unchanged. The attached Second Amendment to Reinstated, Amended and Merged PSARA is not in substantially final form. The final terms of the Second Amendment will be subject to the approval of FMERA's Executive Director and as to form by the Attorney General's Office. The Real Estate Committee has approved the request and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board approve the Second Amendment to the Reinstated Amended and Merged Purchase and Sale & Redevelopment Agreement with OPort Partners, LLC for the Warehouse, Post Office, Commissary/PX & the Parking Lot in Oceanport.

Kara Kopach

Kara Kopach

DRAFT

**Resolution Regarding
Third Amendment to the Purchase and Sale & Redevelopment Agreement with RPM Development, LLC for
the Nurses Quarters in Oceanport**

WHEREAS, on November 13, 2019, the Board authorized the execution of the PSARA between FMERA and RPM Development Group for the Nurses Quarters Property, an approximately 3.75± acre parcel of land containing two buildings (Buildings 1077 and 1078) totaling approximately 18,655 gsf located on Main Street and Stephenson Avenue in the Main Post Area of Fort Monmouth; the PSARA was executed on January 14, 2020; and

WHEREAS, RPM's proposal for the Nurses Quarters calls for residential uses consisting of thirty-four residential units broken down into a mix of ten three to four-bedroom owner-occupied townhomes and the reuse of twenty-four one- and two-bedroom apartments as rentals, and seven of the apartments will be designated affordable housing flats and the seven affordable housing flats are subject to confirmation that they satisfy Purchaser's obligation to set aside twenty (20%) percent of the total residential units on this Parcel as housing that is affordable to low- and moderate-income households; and

WHEREAS, RPM will pay Two Million One Hundred and Fifty Thousand Dollars for the property and shall have a total Capital Investment, net of the Purchase price, of Six Million Six Hundred Ninety Thousand Dollars; and

WHEREAS, under the terms of the PSARA, Seller was to deliver to Purchaser a survey to be used during Due Diligence for Title review, but due to a delay in the delivery of the survey for the site, RPM requested a Due Diligence extension of sixty days to complete its investigation of the suitability of the Property for redevelopment therefore FMERA staff requested and the Board approved a Due Diligence extension until May 14, 2020; the First Amendment was executed on March 12, 2020; and

WHEREAS, on September 25, 2020, the FMERA Board approved transmittal to the host municipalities Reuse Plan Amendment #16, which included an alternative development scenario for the Borough of Oceanport for both the Nurses Quarters Property and the Barker Circle parcel. After the 45-day comment period, FMERA decided to move forward with only an alternative development scenario for the Barker Circle parcel and to address the Nurses Quarters Property in a separate Reuse Plan Amendment; and

WHEREAS, since that time, the Purchaser has been in discussions with the Borough of Oceanport regarding the configuration of the site, and in particular the location of the driveway servicing the parcel along with the setbacks from Main Street; and

WHEREAS, a special development committee formed by the Oceanport Planning Board indicated a willingness to accommodate the project if the ingress and egress were modified and if the setback was held at the proposed depth; the Planning Board will have an additional opportunity to provide comment during the 45-day public comment period; and

WHEREAS, the Approval Period expired on May 14, 2021 and an Amendment to the Reuse Plan to accommodate the Project is a condition precedent to closing; and

WHEREAS, on March 16, 2022, the FMERA Board approved the transmittal to the host municipalities of Reuse Plan Amendment #18 which included an alternative development scenario for the Nurses Quarters Property. Reuse Plan Amendment #18 was transmitted on April 4, 2022, and the 45-day comment period ended on May 18, 2022; and

WHEREAS, at its April 2022 meeting, the FMERA Board approved the Second Amendment to the Agreement, which retroactively extended the Approval Period for six months until January 14, 2023; and

WHEREAS, following the adoption of Reuse Plan Amendment #18 in July 2022, RPM notified FMERA via email on August 15, 2022, that it wished to modify the Project as defined, citing a change in market conditions that indicate that demand for a small for-sale community would not be economically profitable given the site constrictions requiring a shared driveway for the townhouses. As such, RPM requested that the ten owner-occupied townhouses targeted in the Project be converted to rental units with a reduced footprint of 1850 square feet with no Homeowners Association; and

WHEREAS, on October 12, 2022, RPM requested via email, a six-month extension to the Approval Period, set to expire January 14, 2023. As RPM has been awaiting confirmation that changes to the Project would be acceptable to FMERA and the Borough of Oceanport, it has been proceeding in good faith towards obtaining all approvals to the extent possible but has been delayed in finalizing all applications. RPM further expressed concerns with obtaining all approvals through “year-end” and requested an extension until July 14, 2023. FMERA reviewed these requests and believes the modification of the Project continues to support the highest and best use of the Property and the approval of a six-month extension to the Approval Period best supports the furtherance of the Nurses Quarters redevelopment; and

WHEREAS, all other terms of the PSARA will remain unchanged. The attached Third Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA’s Executive Director and 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 Third Amendment to the Purchase and Sale & Redevelopment Agreement with RPM Development, LLC for the Nurses Quarters 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: November 2, 2022

EXHIBIT 2

MEMORANDUM

TO: Members of the Board

FROM: Kara Kopach
Executive Director

RE: Third Amendment to the Purchase and Sale & Redevelopment Agreement with RPM Development, LLC for the Nurses Quarters in Oceanport

DATE: November 2, 2022

Request

I am requesting that the Board approve the execution of the Third Amendment to the Purchase and Sale & Redevelopment Agreement (“PSARA”) with RPM Development, LLC (“RPM” or “Purchaser”) to 1) modify the “Project” and 2) extend the Approval Period until July 14, 2023.

Background

On November 13, 2019, the Board authorized the execution of the PSARA between FMERA and RPM Development, LLC (the “Parties”) for the Nurses Quarters Property, an approximately 3.75± acre parcel of land containing two buildings (Buildings 1077 and 1078) totaling approximately 18,655 gsf located on Main Street and Stephenson Avenue in the Main Post Area of Fort Monmouth. The Nurses Quarters were built in 1962 and include 24 residential units. The PSARA was executed on January 14, 2020.

RPM’s proposal for the Nurses Quarters calls for residential uses consisting of thirty-four (34) residential units broken down into a mix of ten (10) three to four-bedroom owner-occupied townhomes and the reuse of twenty-four (24) one- and two-bedroom apartments as rentals. Seven (7) of the apartments will be designated affordable housing flats. The seven (7) affordable housing flats are subject to confirmation that they satisfy Purchaser’s obligation to set aside twenty (20%) percent of the total residential units on this Parcel as housing that is affordable to low- and moderate-income households.

Purchaser will pay Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) for the property and shall have a total Capital Investment, net of the Purchase price, of Six Million Six Hundred Ninety Thousand dollars (\$6,690,000). Pursuant to the terms of the PSARA, RPM was provided a sixty (60) day Due Diligence Period commencing on the Effective Date of the PSARA. Per the terms of the PSARA, Closing will occur within thirty (30) days of satisfaction of the Conditions Precedent to Closing, which include RPM completing due diligence and obtaining all approvals or waiving receipt of one or more approvals; an amendment to the Reuse Plan to accommodate the Project; and the consent of the NJEDA Board. Pursuant to the PSARA, the parties will endeavor to satisfy these contingencies within twelve (12) months of expiration of the Due Diligence Period. The Approval Period shall be twelve (12) months commencing on completion of the Due Diligence Period. The Approval Period expired on May 14, 2021.

RPM will commence construction of the Project forty-five (45) days after the satisfaction of all Conditions Precedent to Closing. Purchaser shall complete construction of the Project no later than twenty-four (24) months from the Commencement of Construction. FMERA will have a right to repurchase the Property if construction is not timely commenced or completed. RPM estimates that it will create a minimum of thirty-eight (38) part- or full-time, temporary construction related jobs in connection with the Project. Purchaser represents that it will create or cause to be created a minimum of one (1) permanent full or part-time job by Project completion or pay a penalty of \$1,500 for each permanent job not created.

First Amendment

Under the terms of the PSARA, Seller was to deliver to Purchaser a survey to be used during Due Diligence for Title review. Due to a delay in the delivery of the survey for the site, RPM requested a Due Diligence extension of sixty (60) days to complete its investigation of the suitability of the Property for redevelopment. FMERA staff requested and the Board approved a Due Diligence extension until May 14, 2020. The First Amendment was executed on March 12, 2020.

Second Amendment

On September 25, 2020, the FMERA Board approved transmittal to the host municipalities Reuse Plan Amendment #16, which included an alternative development scenario for the Borough of Oceanport for both the Nurses Quarters Property and the Barker Circle parcel. After the 45-day comment period, FMERA decided to move forward with only an alternative development scenario for the Barker Circle parcel and to address the Nurses Quarters Property in a separate Reuse Plan Amendment.

RPM's Approval Period expired on May 14, 2021 and a Reuse Plan Amendment, which is a condition precedent to closing had not yet been adopted. At its March 2022 meeting, the FMERA Board approved the transmittal to the host municipalities of Reuse Plan Amendment #18 which included an alternative development scenario for the Nurses Quarters Property. At its April 2022 meeting, the FMERA Board approved the Second Amendment to the Agreement, which retroactively extended the Approval Period for six (6) months until January 14, 2023.

Third Amendment

Following the adoption of Reuse Plan Amendment #18 in July 2022, RPM notified FMERA via email on August 15, 2022, that it wished to modify the Project as defined, citing a change in market conditions that indicate that demand for a small for-sale community would not be economically profitable given the site constrictions requiring a shared driveway for the townhouses. As such, RPM requested that the ten (10) owner-occupied townhouses targeted in the Project be converted to rental units with a reduced footprint of 1850 square feet with no Homeowners Association.

Additionally, on October 12, 2022, RPM requested via email, a six (6) month extension to the Approval Period, set to expire January 14, 2023. As RPM has been awaiting confirmation that changes to the Project would be acceptable to FMERA and the Borough of Oceanport, it has been proceeding in good faith towards obtaining all approvals to the extent possible but has been delayed in finalizing all applications. RPM further expressed concerns with obtaining all approvals through "year-end" and requested an extension until July 14, 2023. FMERA reviewed these requests and believes the modification of the Project continues to support the highest and best use of the Property and the approval of a six (6) month extension to the Approval Period best supports the furtherance of the Nurses Quarters redevelopment.

All other terms of the PSARA will remain unchanged. The attached Third Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and 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.

Recommendation

In summary, I am requesting that the Board approve the proposed Third Amendment to the PSARA with RPM Development, LLC to 1) modify the "Project" and 2) extend the Approval Period until July 14, 2023.



Kara Kopach

**Resolution Regarding
Consent to adoption of Redevelopment Plan Amendment #15 to the Fort Monmouth Reuse and Redevelopment
Plan” (“Redevelopment Plan”) by the Borough of Oceanport.**

WHEREAS, the N.J. Local Redevelopment and Housing Law (LRHL) offers municipalities tools to encourage redevelopment in areas that meet the statutory criteria of an *area in need of redevelopment*. On December 16, 2021, the Borough of Oceanport authorized the Borough Planning Board to conduct a study of an Oceanport area of Fort Monmouth to investigate whether all or a portion of certain properties located in the Borough within the former Fort Monmouth, and identified as the “Warehouse” parcel and the “District A” parcel (which includes parcels formerly designated as the “Post Office” parcel, “Parking” parcel and “Commissary” parcel) consisting of Block 110.13, Lot 1 and Block 110.14, Lot 1 (collectively the “Study Area”) meets the statutory criteria for such designation. Per the LRHL, the designation may be made if, following the investigation by the planning board and a public hearing for which notice has been given, the area is determined to meet one or more of the statutory criteria; and

WHEREAS, on June 28, 2022, the Oceanport Planning Board held a public hearing, with notice of the hearing completed pursuant to the LRHL. The Oceanport Planning Board determined that the properties located within the study area meet the criteria set forth in the LRHL. On July 26, 2022, the Borough approved the designation as a non-condemnation area in need of redevelopment per the Planning Board’s findings, via resolution and subject to the consent of the FMERA Board; and

WHEREAS, on August 17, 2022, the FMERA Board approved the consent to the designation of the area in need of redevelopment and on October 18, 2022, FMERA received the application from the Borough of Oceanport for the Authority’s consent to the adoption of Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan as a redevelopment plan for the Warehouse and District A parcels. Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan was approved by the FMERA Board on August 19, 2020; and

WHEREAS, pursuant to N.J.A.C. 19:31C–3.25(b)(1) the Authority’s consent is required for Oceanport’s “adoption of a redevelopment plan pursuant to LRHL for a duly designated area in need of redevelopment or rehabilitation or a portion thereof.” FMERA staff has reviewed the application and the Redevelopment Plan for selected properties as designated by the Borough of Oceanport as a non-condemnation area in need of redevelopment; and

WHEREAS, the proposed Redevelopment Plan will govern the Commissary & PX Parcel, and the Post Office Area (“District A”) and the Warehouse District (collectively the “Parcels”). District A is an approximately 11-acre property and including Building 1007, the former grocery and previously contained five buildings. District A borders on Razor Avenue and Murphy Drive in the Oceanport Reuse Area of the Fort. The Warehouse District is an approximately 7.7-acre site, previously containing seven buildings (five general purpose administrative buildings constructed in 1943 and two warehouse buildings constructed in 1954 warehouse buildings). The Warehouse District is bounded by Razor Avenue, Murphy Drive and the Monmouth County Emergency Homeless Shelter; and

WHEREAS, the proposed Redevelopment Plan will maintain the development concepts and plans articulated in the Reuse Plan but further permits alternative development scenarios on the Parcels that was adopted by the FMERA Board on August 19, 2020, as Plan Amendment #15; and

WHEREAS, pursuant to N.J.A.C. 19:31C–3.25(b), FMERA staff reviewed the proposed application and proposed Redevelopment Plan based on the criteria as described in the attached memorandum; 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 consent with condition to the adoption of Redevelopment Plan Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan by the Borough of Oceanport in accordance with the N.J. Local Redevelopment and Housing Law (LRHL) and Fort Monmouth Land Use Rules.

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: November 2, 2022

EXHIBIT 3

DRAFT

MEMORANDUM

TO: Members of the Board

FROM: Kara Kopach
Executive Director

RE: Consent to adoption of Redevelopment Plan Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan” (“Redevelopment Plan”) by the Borough of Oceanport.

DATE: November 2, 2022

Request

I am requesting that the Board approve the consent to the adoption of Redevelopment Plan Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan by the Borough of Oceanport in accordance with the N.J. Local Redevelopment and Housing Law (LRHL) and Fort Monmouth Land Use Rules.

Background

The N.J. Local Redevelopment and Housing Law (LRHL) offers municipalities tools to encourage redevelopment in areas that meet the statutory criteria of an *area in need of redevelopment*. On December 16, 2021, the Borough of Oceanport authorized the Borough Planning Board to conduct a study of an Oceanport area of Fort Monmouth to investigate whether all or a portion of certain properties located in the Borough within the former Fort Monmouth, and identified as the “Warehouse” parcel and the “District A” parcel (which includes parcels formerly designated as the “Post Office” parcel, “Parking” parcel and “Commissary” parcel) consisting of Block 110.13, Lot 1 and Block 110.14, Lot 1 (collectively the “Study Area”) meets the statutory criteria for such designation. Per the LRHL, the designation may be made if, following the investigation by the planning board and a public hearing for which notice has been given, the area is determined to meet one or more of the statutory criteria.

On June 28, 2022, the Oceanport Planning Board held a public hearing, with notice of the hearing completed pursuant to the LRHL. The Oceanport Planning Board determined that the properties located within the study area meet the criteria set forth in the LRHL, as described below. On July 26, 2022, the Borough approved the designation as a non-condemnation area in need of redevelopment per the Planning Board’s findings, via resolution and subject to the consent of the FMERA Board.

On August 17, 2022, the FMERA Board approved the consent to the designation of the area in need of redevelopment.

On October 18, 2022, FMERA received the application from the Borough of Oceanport for the Authority’s consent to the adoption of Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan as a redevelopment plan for the Warehouse and District A parcels. Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan was approved by the FMERA Board on August 19, 2020.

Pursuant to N.J.A.C. 19:31C–3.25(b)(1) the Authority’s consent is required for Oceanport’s “adoption of a redevelopment plan pursuant to LRHL for a duly designated area in need of redevelopment or rehabilitation or a portion thereof.” FMERA staff has reviewed the application and the Redevelopment Plan completed by Upendra Sapkota, PP, AICP, LEED AP for selected properties as designated by the Borough of Oceanport as a non-condemnation area in need of redevelopment. The Redevelopment plan is attached for review.

Summary of the Redevelopment Plan

The proposed Redevelopment Plan will govern the Commissary & PX Parcel, and the Post Office Area (“District A”) and the Warehouse District (collectively the “Parcels”). District A is an approximately 11-acre property and including Building 1007, the former grocery and previously contained five buildings. District A borders on Razor Avenue and Murphy Drive in the Oceanport Reuse Area of the Fort. The Warehouse District is an approximately 7.7-acre site, previously containing seven buildings (five general purpose administrative buildings constructed in 1943 and two warehouse buildings constructed in 1954 warehouse buildings). The Warehouse District is bounded by Razor Avenue, Murphy Drive and the Monmouth County Emergency Homeless Shelter.

The proposed Redevelopment Plan will maintain the development concepts and plans articulated in the Reuse Plan but further permits alternative development scenarios on the Parcels that was adopted by the FMERA Board on August 19, 2020, as Plan Amendment #15.

The Redevelopment Plan would permit District A to include the following principal uses: The Food Service - Research & Development Flex Space; Office, Research & Development, Instructional Schools and Studios. District A would also permit the accessory use of interior storage or small warehouse space no greater than 25% of the total build space or 10,000 square feet, whichever is less. The Commissary Building (Building 1007) would be adaptively reused for the following permitted uses: Craft Production Facility; Food Service – Related Establishment; Food Service – Research & Development. Additionally, Reuse Plan #15 provided for: Floor Area Ratio (FAR) not to exceed 0.30, 75% Maximum Impervious Lot Coverage as well as requirements for setbacks, parking, loading and signage.

The Redevelopment Plan would permit the Warehouse District to include the following principal uses: Flex Space; Medical Office; Office; Research & Development. Reuse Plan #15 also provided alternative requirement for FAR not to exceed 0.30 and 70% maximum Imperious Lot Coverage, as well as alternative requirement for parking, loading and signage.

Pursuant to N.J.A.C. 19:31C–3.25(b), FMERA Staff reviewed the proposed application and proposed Redevelopment Plan based on the following criteria:

1. *In accordance with N.J.A.C. 19:31C–3.19(a), all provisions of the LRHL redevelopment plan shall be consistent with the Reuse Plan.*

The Redevelopment Plan continues to allow for the reuse of District A and Warehouse parcels in accordance with alternative development scenario as approved by FMERA’s Board as Plan Amendment #15. The Redevelopment Plan permits the reuse of the Commissary building for commercial and retail uses related to food service establishments, research & development and craft production and the demolition of all the remaining buildings in District A. For the Parking Lot area, the Redevelopment Plan continues to allow for the development of parking for Distract A’s uses. For the Warehouse District, the Redevelopment Plan continues to allow for the demolition of all seven buildings on the Warehouse District and permit non-residential uses related to office, research and development and flex space. The proposed uses for the Warehouse District will complement the surrounding proposed uses for District A in terms of R&D cluster development. Consenting to the Redevelopment Plan would be consistent with the *Reuse Plan* as amended.

2. *Whether consent to the LRHL redevelopment plan would result in a material change in the overall development yield or affordable housing obligations of the host municipality as provided in this subchapter or would result in any negative impact to the Authority's obligations pursuant to the Fair Housing Act of 1985.*

The Redevelopment Plan does not permit any residential dwelling units on the Parcels. No housing units will need to be relocated as a result of the Redevelopment Plan. The total residential units on the Oceanport Reuse Area will remain 720 units as was contemplated in the *Reuse Plan*. Because no change in the total residential development yield is envisioned, consenting to the Redevelopment Plan would not have any impact on the construction of affordable housing as delineated in the *Reuse Plan*.

3. *Whether consenting to the LRHL redevelopment plan will result in any significant adverse impact on other areas of Fort Monmouth.*

The Redevelopment Plan aims to further sustainable economic development of the Fort Monmouth area by encouraging a mix of futuristic uses with greater economic viability and to promote sustainable and resilient development strategies. The commercial/R&D uses contemplated for the Warehouse and District A areas in this Redevelopment Plan typically generate more positive fiscal impacts for a municipality, i.e., generate more tax revenues, than do other land uses, including residential development. Additional non-residential square footage on these areas is expected to have a positive fiscal impact on the tax base of Oceanport.

Further, the Redevelopment Plan is consistent with the redevelopment of the Fort provided in *Fort to Village Plan: A Vision for Oceanport's Fort Monmouth*. The Warehouse District and District A are in close proximity to the Beacon of Life Pace Program adult care facility area. The Redevelopment Plan permits a mix of medical & professional offices and R&D uses in the Warehouse District and District A. As the Borough has identified an alternate resolution for a new public elementary school and the residential housing has been targeted in other areas, repurposing the area with a mix of commercial, office and R&D uses affords FMERA the flexibility to create a cluster development of compatible and complementary land uses in the area as contemplated in the Fort to Village Plan. Furthermore, the Redevelopment Plan advances the public welfare, particularly with regard to promoting, developing, encouraging and maintaining employment. Lastly, the Redevelopment Plan provides flexibility to more effectively attract potential non-residential users to the Oceanport Reuse Area, thereby enabling FMERA 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. Thus, consenting to the Redevelopment Plan will not result in any adverse impact on the other areas of Fort Monmouth.

4. *Whether consenting to the LRHL redevelopment plan would substantially impair the intent and purposes of this subchapter (that is, whether this subchapter will remain rational and coordinated land use rules following the implementation of the LRHL redevelopment plan).*

The Redevelopment Plan is consistent with the goals and objectives of the Reuse Plan and the Land Use Rules as amended. The Redevelopment Plan addresses several criteria established under N.J.A.C. 19:31C-3.25. Therefore, consenting to the Redevelopment Plan would not impair the intent and purposes of the criteria established under N.J.A.C. 19:31C-3.25.

5. *Whether the consent to the LRHL redevelopment plan would have any negative impact to the Authority's obligations pursuant to Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510 (10 U.S.C. § 2687), any agreement with the U.S. Army conveying Fort Monmouth property to the Authority, and whether such consent would require Federal review, consent, or approvals.*

FMERA acquired ownership of the Warehouse District and District A parcels by a Quitclaim Deed(s) from the U.S Army October 25, 2016 recorded with the Monmouth County Clerk's Office on November 28, 2016 and October 16, 2020 record with the Monmouth County Clerk's Office on December 20, 2020. Pursuant to the Defense Base Closure and Realignment Act of 1990 *Pub. L. 101-510 (10 U.S.C. § 2687)*, FMERA entered into a Reinstated Amendment and Merged Purchase and Sale Agreement and Redevelopment Agreement with OPort Partners, LLC for the redevelopment of the Parcels, as amended. Subsequently, FMERA conveyed the Parcels to OPORT PARTNERS, LLC through Quitclaim Deed dated October 16, 2020. As such, consenting to the proposed Redevelopment Plan will not impact FMERA's obligations to *Defense Base Closure and Realignment Act of 1990* nor would consenting to the proposed Redevelopment Plan would require any Federal review, consent, or approvals.

6. *Whether consenting to the LRHL redevelopment plan will have significant adverse infrastructure ramifications within the Fort Monmouth Project Area.*

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. Any necessary traffic mitigation and any impact on the infrastructure system would be addressed during the site plan review process. Therefore, consenting to the Redevelopment Plan will not have adverse infrastructure ramifications within the Fort Monmouth Project Area.

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 consent to the adoption of Redevelopment Plan Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan by the Borough of Oceanport in accordance with the N.J. Local Redevelopment and Housing Law (LRHL) and Fort Monmouth Land Use Rules.

Kara Kopach

Kara Kopach

DRAFT

ADOPTED
November 2, 2022

**Resolution Regarding
Entering into Executive Session
Discussion regarding pending or anticipated contract negotiations**

WHEREAS, pursuant to the Open Public Meetings Act, specifically N.J.S.A. 10:4-12(b)(7), a public body may enter into executive session to discuss " pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer"; and

WHEREAS, the Authority desires to enter into executive session to discuss pending or anticipated contract negotiations.

THEREFORE, BE IT RESOLVED THAT:

1. In accordance with the Open Public Meetings Act, the Authority shall go into executive session for the purpose of discussing pending or anticipated contract negotiations.
2. The Authority anticipates that the minutes of the executive session will not become available to the public until after such time as the subject contract is concluded and the Authority determines that the need for confidentiality no longer exists and the matters discussed can be disclosed.

Dated: November 2, 2022

EXHIBIT 4