

ASSEMBLY, No. 4359

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED DECEMBER 14, 2009

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

SYNOPSIS

"Monmouth Economic Revitalization Authority Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the Monmouth Economic Revitalization
2 Authority, supplementing Title 52 of the Revised Statutes and
3 repealing parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Monmouth
9 Economic Revitalization Authority Act.”

10
11 2. The Legislature finds and declares that:

12 a. The closure and revitalization of Fort Monmouth is a matter
13 of great concern for the host municipalities of Eatontown,
14 Oceanport, and Tinton Falls; for Monmouth County; and for the
15 State of New Jersey.

16 b. The economies, environment, and quality of life of the host
17 municipalities, Monmouth County, and the State will benefit from
18 the efficient, coordinated, and comprehensive redevelopment and
19 revitalization of Fort Monmouth. The Fort Monmouth Economic
20 Revitalization Planning Authority was established pursuant to
21 P.L.2006, c.16 (C.52:27I-1 et seq.) to plan for the comprehensive
22 conversion and revitalization of Fort Monmouth, so as to encourage
23 enlightened land use and to create employment and other business
24 opportunities for the benefit of the host municipalities, of that
25 county and the entire State. On September 4, 2008, the Fort
26 Monmouth Economic Revitalization Planning Authority submitted a
27 comprehensive conversion and revitalization plan for Fort
28 Monmouth, known as the “Fort Monmouth Reuse and
29 Redevelopment Plan,” and a homeless assistance submission to the
30 United States Department of Defense and the United States
31 Department of Housing and Urban Development, as required under
32 the applicable federal Base Closure and Realignment law and
33 regulations. The Fort Monmouth Reuse and Redevelopment Plan is
34 the result of an extensive, coordinated, and collaborative process
35 conducted by the Fort Monmouth Economic Revitalization Planning
36 Authority, and reflects input from the host municipalities,
37 Monmouth County, State departments and agencies and the general
38 public as to the future of Fort Monmouth.

39 c. Upon acceptance by the United States Department of
40 Defense and the United States Department of Housing and Urban
41 Development as required under applicable federal Base Closure and
42 Realignment law and regulations, the Fort Monmouth Reuse and
43 Redevelopment Plan will constitute the plan for the redevelopment
44 and revitalization of Fort Monmouth to be implemented pursuant to
45 and in accordance with the provisions of this act.

46 d. A coordinated and comprehensive redevelopment and
47 revitalization of Fort Monmouth will be facilitated by establishing
48 and empowering a new authority, to be known as the “Monmouth

1 Economic Revitalization Authority,” to implement the Fort
2 Monmouth Reuse and Redevelopment Plan, including the adoption
3 of any modifications or amendments to the Fort Monmouth Reuse
4 and Redevelopment Plan and the adoption of development and
5 design guidelines and land use regulations in furtherance thereof, as
6 provided in this act.

7 e. The New Jersey Economic Development Authority (EDA)
8 has substantial and significant experience with partnering with local
9 communities and leveraging public-private partnerships. The EDA
10 manages large scale, redevelopment projects, utilizes a system of
11 internal controls and procedures to ensure the integrity of
12 redevelopment activities, and maintains a staff with a wide range of
13 experience in redevelopment projects, real estate, finance, and job
14 creation. Therefore the EDA is the appropriate entity to serve as
15 the staff to the authority to enable the authority to implement the
16 Fort Monmouth Reuse and Redevelopment Plan. To this end, an
17 office is to be created within the EDA staffed by such EDA
18 employees on a part or full time basis as the EDA determines
19 necessary to carry out the functions of the office.

20 f. Furthermore, because of the experience and expertise of the
21 EDA in redevelopment projects, it is appropriate to authorize the
22 authority established by this act to enter into a master
23 redevelopment agreement with the EDA for the redevelopment of
24 Fort Monmouth. The activities of the EDA as redeveloper pursuant
25 to the master redevelopment agreement are to be accounted for,
26 managed and supervised separate and apart from the activities of
27 the office established by this act, notwithstanding the possible
28 sharing of staff between the EDA’s activities as redeveloper and
29 EDA’s activities in staffing the office.

30 g. The host municipalities have an ongoing interest in the
31 implementation of the plan, and the planning boards of the host
32 municipalities have knowledge, expertise, and experience as well as
33 procedures in place for reviewing and approving proposed
34 subdivisions and site plans as provided in this act.

35
36 3. The following words or terms as used in this act shall have
37 the following meaning unless a different meaning clearly appears
38 from the context:

39 “Act” means the “Monmouth Economic Revitalization Authority
40 Act.”

41 “Authority” means the Monmouth Economic Revitalization
42 Authority established by section 4 of this act.

43 “Conditional use” means a use permitted within the project area
44 only upon a showing that such use in a specified location will
45 comply with the conditions and standards for the location or
46 operation of such use as contained in the development and design
47 guidelines or land use regulations adopted by the authority, and

1 upon the issuance of an authorization therefor by the planning
2 board.

3 “County” means Monmouth County.

4 “County planning board” means the Monmouth County planning
5 board.

6 “Density” means the permitted number of dwelling units per
7 gross area of land to be developed.

8 “Development and design guidelines” means the development
9 and design guidelines to be adopted by the authority pursuant to this
10 act, as revised or amended as provided in this act, which when
11 adopted shall apply to all applications for subdivision or site plan
12 approval within the project area and shall supersede the zoning
13 ordinances and land use regulations of the host municipalities and
14 the county with respect to the project area.

15 “EDA” means the New Jersey Economic Development
16 Authority, established pursuant to section 4 of P.L.1974, c.80
17 (C.34:1B-4).

18 “Federal government” means the United States of America, and
19 any officer, department, board, commission, bureau, division,
20 corporation, agency or instrumentality thereof, including, but not
21 limited to, the United States Department of Defense and the United
22 States Department of Housing and Urban Development.

23 “Floor area ratio” means the sum of the area of all floors of
24 buildings or structures compared to the total area of the site.

25 “Fort Monmouth” means the federally owned or operated
26 military installation located in the municipalities of Eatontown,
27 Oceanport, and Tinton Falls in the county that, as of May 13, 2005,
28 was functioning, but was scheduled for closure by recommendation
29 of the federal Base Realignment and Closure Commission issued on
30 that date, including any facilities, real property and improvements,
31 infrastructure and appurtenances and personal property.

32 “Homeless assistance submission” means the homeless assistance
33 submission submitted to the United States Department of Defense and
34 the United States Department of Housing and Urban Development on
35 September 4, 2008 required under the Defense Base Closure and
36 Realignment Act of 1990, Pub. L. 101-510 (10 U.S.C. s.2687).

37 “Host municipality” means the municipalities of Eatontown,
38 Oceanport or Tinton Falls.

39 “Land use regulations” means the regulations to be adopted by
40 the authority pursuant to this act, revised or amended as provided in
41 this act, which when adopted shall apply to all applications for
42 subdivision or site plan approval within the project area and shall
43 supersede the zoning ordinances and land use regulations of the
44 host municipalities and the county with respect to the project area.

45 “Master plan” or “plan” or “revitalization plan” means the
46 comprehensive conversion and revitalization plan and the homeless
47 assistance submission prepared and adopted by the predecessor
48 authority and entitled "Fort Monmouth Reuse and Redevelopment

1 Plan" submitted to the United States Department of Defense and the
2 United States Department of Housing and Urban Development on
3 September 4, 2008, pursuant to section 14 of P.L.2006, c.16
4 (C.52:27I-14), as accepted by the federal government, and as may
5 be amended, revised, or modified as provided in this act.

6 "Master redevelopment agreement" means the redevelopment
7 agreement to be entered into by and between the authority and the
8 EDA as provided in this act for properties within the project area
9 acquired by the authority.

10 "Minor subdivision" means "minor subdivision" as defined in
11 section 3.2 of P.L.1975, c.291 (C.40:55D-5).

12 "Nonconforming use" means a legal or pre-existing use or
13 activity which fails to conform to the development and design
14 guidelines or land use regulations adopted by the authority.

15 "Planning board" means the planning board of a host
16 municipality.

17 "Predecessor authority" means the Fort Monmouth Economic
18 Revitalization Planning Authority established pursuant to section 4
19 of P.L.2006, c. 16 (C.52:27I-4), repealed by this act.

20 "Project area" means that area encompassed by the metes and
21 bounds of Fort Monmouth.

22 "Project parcel" means a portion of the project area that is the
23 subject of a development or redevelopment project.

24 "Redevelopment" means clearance, replanning, development and
25 redevelopment; the conservation and rehabilitation of any structure
26 or improvement; the construction and provision for construction of
27 residential, commercial, industrial, public or other structures or
28 infrastructure; and the grant or dedication of spaces as may be
29 appropriate or necessary in the interest of the general welfare for
30 streets, utilities, parks, playgrounds, or other public purposes,
31 including recreational and other facilities incidental or appurtenant
32 thereto, in accordance with the approved Fort Monmouth Reuse and
33 Redevelopment Plan submitted to the federal government, with the
34 intent of supporting the economic revitalization of the region.

35 "Revitalization" means a comprehensive program of planning,
36 conservation, rehabilitation, clearance, development and
37 redevelopment, preservation, and historic restoration.

38 "Site Plan" means "site plan" as defined in section 3.4 of
39 P.L.1975, c.291 (C.40:55D-7).

40 "Subdivision" means "subdivision" as defined in section 3.4 of
41 P.L.1975, c.291 (C.40:55D-7).

42 "Variance" means permission to depart from the literal
43 requirements of the master plan, the development and design
44 guidelines adopted by the authority or the land use regulations
45 adopted by the authority.

46
47 4. There is hereby established in, but not of, the Department of
48 the Treasury a public body corporate and politic, with corporate

1 succession, to be known as the Monmouth Economic Revitalization
2 Authority as the successor to the predecessor authority. The
3 authority is hereby constituted as an instrumentality of the State
4 exercising public and essential governmental functions to provide
5 for the public safety, convenience, benefit, and welfare. The
6 exercise by the authority of the powers conferred by this act shall be
7 deemed and held to be an essential governmental function of the
8 State. For the purposes of complying with the provisions of Article
9 V, Section IV, paragraph 1 of the New Jersey Constitution, the
10 authority is allocated within the Department of the Treasury, but
11 notwithstanding that allocation, the authority shall be independent
12 of any supervision or control by the Department of the Treasury or
13 any board or officer thereof, except as may be provided in this act.
14

15 5. Effective and automatically upon the first meeting of the
16 authority:

17 a. The authority shall assume all of the powers, rights, assets,
18 and duties of the predecessor authority to the extent provided by
19 this act, and such powers shall then and thereafter be vested in and
20 shall be exercised by the authority.

21 b. The terms of office of the members of the predecessor
22 authority shall terminate, the officers having custody of the funds of
23 the predecessor authority shall deliver those funds into the custody
24 of the person having charge of the financial affairs of the authority,
25 the property and assets of the predecessor authority shall, without
26 further act or deed, become the property and assets of the authority,
27 and the predecessor authority shall cease to exist.

28 c. The offices and terms of the officers and employees of the
29 predecessor authority, as provided for through an agreement with
30 the Department of the Treasury, except as otherwise provided in
31 this act, shall terminate. Upon such termination, any current
32 employee may be retained by the EDA at its discretion on either a
33 full-time or a part-time basis.

34 d. All debts, liabilities, obligations and contracts of the
35 predecessor authority, except to the extent specifically provided or
36 established to the contrary in this act, are imposed upon the
37 authority, and all creditors of the predecessor authority and persons
38 having claims against or contracts with the predecessor authority of
39 any kind or character may enforce those debts, claims and contracts
40 against the authority as successor to the predecessor authority in the
41 same manner as they might have had against the predecessor
42 authority, and the rights and remedies of those holders, creditors
43 and persons having claims against or contracts with the predecessor
44 authority shall not be limited or restricted in any manner by this act.

45 e. In continuing the functions, contracts, obligations and duties
46 of the predecessor authority, the authority is authorized to act in its
47 own name or in the name of the predecessor authority as may be
48 convenient or advisable under the circumstances from time to time.

1 f. Any references to the predecessor authority in any other law
2 or regulation shall be deemed to refer and apply to the authority.

3 g. All operations of the predecessor authority shall continue as
4 operations of the authority until altered by the authority as may be
5 permitted pursuant to this act.

6 h. The powers vested in the authority by this act shall be
7 construed as being in addition to and not in diminution of the
8 powers heretofore vested by law in the predecessor authority to the
9 extent not otherwise altered or provided for in this act.
10

11 6. a. There is hereby established in the EDA an office which
12 shall be staffed by employees of the EDA which shall remain under
13 the supervision and control of the EDA. The office shall be
14 responsible for carrying out the policies set forth by the authority,
15 in a collaborative manner with the host municipalities and the
16 county. The office shall be administered by a director whose hiring
17 shall be reviewed and approved by a subcommittee of the members
18 of the authority to be appointed and convened at the direction of the
19 chairperson of the authority for the purposes of this action.

20 b. The authority will rely solely on the office for all support
21 services it requires to carry out its mission under this act, including,
22 but not limited, to administrative, procurement, budgetary, clerical,
23 and other similar types of services.

24 c. The authority and the EDA may enter into any agreements
25 necessary to provide for the establishment, operation, and financial
26 support of the office.

27 d. The costs of the office shall be paid for by the authority.
28 The EDA shall on an annual basis submit to the authority a budget
29 for review and approval by the authority for the anticipated costs of
30 the office for the succeeding calendar year. If, during the course of
31 the calendar year, it is necessary to amend the budget, the EDA
32 shall submit an amendment or amendments to the authority for
33 review and approval by the authority. All costs and expenses of the
34 office shall be accounted for separate and apart from the costs and
35 expenses of the EDA in its capacity as redeveloper pursuant to the
36 master redevelopment agreement.

37 e. When it is necessary for the authority to engage the services
38 of professional consultants, including registered architects, licensed
39 professional engineers, planners, attorneys, accountants, or other
40 professional consultants, the office shall assist the authority in the
41 procurement process.
42

43 7. It shall be the purpose of the authority to oversee,
44 administer, and implement the plan as provided in this act, in a
45 manner that will promote, develop, encourage, and maintain
46 employment, commerce, economic development, and the public
47 welfare; to conserve the natural resources of the State; to provide
48 housing, including housing to address identified needs related to

1 homelessness; and to advance the general prosperity and economic
2 welfare of the people in the host municipalities, the county, and the
3 entire State by cooperating and acting in conjunction with other
4 organizations, public and private, to promote and advance the
5 economic use of the facilities located at Fort Monmouth.

6
7 8. a. The authority shall consist of 13 members to be appointed
8 and qualified as follows:

9 (1) Three voting members appointed by the Governor with the
10 advice and consent of the Senate, for staggered terms of five years,
11 one of whom shall be a representative of the private sector with
12 relevant business experience or background; one of whom shall be
13 an individual who is knowledgeable in environmental issues,
14 conservation, or land use issues; and one of whom shall have
15 appropriate experience in workforce development and job training.
16 Preference shall be given to professionals with a background in
17 technology, finance, energy industry, or real estate. At least one of
18 the members shall be a resident of the county. Not more than two
19 of the members appointed by the Governor pursuant to this
20 paragraph shall be members of the same political party;

21 (2) The Chief Executive Officer of the New Jersey Economic
22 Development Authority, ex officio and voting;

23 (3) The Governor shall also appoint another member of the
24 Executive Branch to serve on the authority, ex officio and voting;

25 (4) One voting member, who shall be a resident of Monmouth
26 County, to be appointed by the Monmouth County Board of Chosen
27 Freeholders for a term of three years, who shall be either:

28 (a) a member of the board, or

29 (b) a qualified person, who shall be nominated by the board,
30 with relevant business experience or background, or who may be an
31 employee of the county;

32 (5) The mayors of Eatontown, Oceanport, and Tinton Falls, ex
33 officio and voting;

34 (6) The Commissioner of Labor and Workforce Development,
35 who shall serve as an ex officio, non-voting member;

36 (7) The Commissioner of Environmental Protection, who shall
37 serve as an ex officio, non-voting member;

38 (8) The Commissioner of Community Affairs, who shall serve
39 as an ex officio, non-voting member; and

40 (9) The Commissioner of Transportation, who shall serve as an
41 ex officio, non-voting member.

42 Each member appointed by the Governor and the member
43 appointed by the county Board of Chosen Freeholders shall hold
44 office for the term of that member's appointment and until a
45 successor shall have been appointed and qualified. A member shall
46 be eligible for reappointment. Any vacancy in the membership
47 occurring other than by expiration of term shall be filled in the same
48 manner as the original appointment but for the unexpired term only.

1 b. Each ex officio member of the authority and the member
2 appointed by the Monmouth County Board of Chosen Freeholders
3 may designate an employee of the member's department or office to
4 represent the member at meetings of the authority. The designee
5 may act on behalf of the member. The designation shall be in
6 writing and shall be delivered to the authority and shall be effective
7 until revoked or amended in writing to the authority.

8 c. Each member appointed by the Governor may be removed
9 from office by the Governor for cause, after a public hearing, and
10 may be suspended by the Governor pending the completion of that
11 hearing. Each such member, before entering the duties of
12 membership, shall take and subscribe an oath to perform those
13 duties faithfully, impartially, and justly to the best of the person's
14 ability. A record of those oaths shall be filed in the office of the
15 Secretary of State.

16 d. The members of the authority shall annually elect a
17 chairperson and vice-chairperson from among their members. The
18 chairperson shall appoint a secretary and treasurer. The powers of
19 the authority shall be vested in the voting members thereof in office
20 from time to time; five voting members of the authority shall
21 constitute a quorum, and the affirmative vote of five voting
22 members shall be necessary for any action taken by the authority,
23 except as otherwise provided in subsection e. of this section, or
24 unless the bylaws of the authority shall require a larger number. No
25 vacancy in the membership of the authority shall impair the right of
26 a quorum to exercise all the rights and perform all the duties of the
27 authority.

28 e. The affirmative vote of seven members shall be required for
29 the following actions taken by the authority:

30 (1) any action to adopt or revise the plan or to adopt or revise
31 the development and design guidelines or land use regulations
32 adopted by the authority as provided in this act; (2) any action to
33 enter into a master redevelopment agreement with the EDA; (3) any
34 action to adopt any amendment to the plan pursuant to section 16 of
35 this act; (4) any action to acquire easements, rights of way, or fee
36 title to properties pursuant to subsection g. of section 9 of this act;
37 and (5) consent to the designation of any portion of the project area
38 as an area in need of redevelopment or any area in need of
39 rehabilitation pursuant to the provisions of the "Local
40 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1
41 et al.), as provided in this act.

42 f. The members of the authority shall serve without
43 compensation, but the authority may, within the limits of funds
44 appropriated or otherwise made available for such purposes,
45 reimburse its members for necessary expenses incurred in the
46 discharge of their official duties.

47 g. (1) No member, officer, employee or agent of the authority
48 or office shall have a personal interest, either directly or indirectly,

1 in any project, employment agreement or any contract, sale,
2 purchase, lease, or transfer of real or personal property to which the
3 authority or office is a party.

4 (2) The members, officers, and employees of the authority shall
5 be subject to the provisions of P.L.2005, c.51 (C.19:44A-20.13 et
6 seq.).

7 (3) The members, officers, and employees of the authority shall
8 be subject to the same financial disclosure requirements as the
9 members, officers, and employees of State authorities subject to
10 executive orders of the Governor with respect to financial
11 disclosure.

12 h. The authority may be dissolved by act of the Legislature on
13 condition that the authority has no debts or obligations outstanding
14 or provision has been made for the payment, retirement,
15 termination, or assumption of its debts and obligations. Upon
16 dissolution of the authority, all property, funds, and assets thereof
17 shall be vested in the State, unless the Legislature directs otherwise.

18 i. A true copy of the minutes of every meeting of the authority
19 shall be forthwith delivered by and under the certification of the
20 secretary thereof to the Governor. No action taken at such meeting
21 by the authority shall have force or effect until 10 days, Saturdays,
22 Sundays, and public holidays excepted, after the copy of the
23 minutes shall have been so delivered, unless during such 10-day
24 period the Governor shall approve the same, in which case such
25 action shall become effective upon such approval. If, in that 10-day
26 period, the Governor returns such copy of the minutes with veto of
27 any action taken by the authority or any member thereof at such
28 meeting, such action shall be void.

29 j. Any and all proceedings, hearings or meetings of the
30 authority shall be conducted in conformance with the "Senator
31 Byron M. Baer Open Public Meetings Act," P.L.1975, c.231
32 (C.10:4-6 et seq.).

33 k. Records of minutes, accounts, bills, vouchers, contracts or
34 other papers connected with or used or filed with the authority or
35 with any officer or employee acting for or in its behalf are declared
36 to be public records, and shall be open to public inspection in
37 accordance with P.L.1963, c.73 (C.47:1A-1 et seq.).
38

39 9. The authority shall have the following powers:

40 a. To enter into a master redevelopment agreement as set forth
41 in subsection a. of section 14 of this act;

42 b. As designated and empowered as the "local redevelopment
43 authority" for Fort Monmouth for all purposes of the Defense Base
44 Closure and Realignment Act of 1990, Pub. L. 101-510 (10 U.S.C.
45 s.2687), and, in that capacity, to enter into agreements with the
46 federal government, State departments, agencies or authorities, the
47 county, the host municipalities, or private parties;

1 c. To adopt development and design guidelines and land use
2 regulations consistent with and in furtherance of the plan; and to
3 adopt, revise, adjust, and implement (1) any aspect of the plan or
4 the development and design guidelines and land use regulations
5 adopted in furtherance thereof, or to grant variances therefrom; (2)
6 the economic revitalization study prepared pursuant to section 16 of
7 P.L.2006, c.16 (C.52:27I-16); and (3) if designated as the
8 designated agency pursuant to section 2 of P.L.2008, c.28
9 (C.52:27I-8.2), any aspect of the homeless assistance submission
10 required under the Defense Base Closure and Realignment Act of
11 1990, Pub. L. 101-510 (10 U.S.C. s.2687);

12 d. To undertake redevelopment projects pursuant to the plan;

13 e. To acquire or contract to acquire, and to dispose of the
14 project area or any portion, tract or subdivision of the project area,
15 or any utility system or infrastructure servicing the project area;

16 f. To lease as lessee, lease as lessor whether as a titleholder or
17 not, own, rent, use, and take and hold title to, and to convey title of,
18 and collect rent from, real property and personal property or any
19 interest therein, in the exercise of its powers and the performance of
20 its duties under this act;

21 g. To acquire, including by condemnation where necessary
22 pursuant to the provisions of the "Eminent Domain Act of 1971,"
23 P.L.1971, c.361 (C.20:3-1 et seq.), easements, rights of way, or fee
24 title to properties within the project area where necessary in
25 connection with the provision of utilities, streets, roads or other
26 infrastructure required for implementation of the plan;

27 h. To arrange for the clearance of any parcel owned or
28 acquired, and for the installation, construction or reconstruction of
29 streets, facilities, utilities, and site improvements essential to the
30 preparation of sites for use in accordance with the plan;

31 i. To contract for the provision of professional services,
32 including, but not limited to, the preparation of plans for the
33 carrying out of redevelopment projects by registered architects,
34 licensed professional engineers or planners, or other consultants;

35 j. To issue requests for proposals or requests for qualifications;
36 to arrange or contract with other public agencies or public or private
37 redevelopers, including but not limited to nonprofit entities, for the
38 planning, replanning, construction, or undertaking of any project or
39 redevelopment work, or any part thereof; to negotiate and collect
40 revenue from a redeveloper to defray the costs of the authority, and
41 to secure payment of such revenue; as part of any such arrangement
42 or contract, to negotiate financial or in-kind contributions from a
43 redeveloper to the authority or to the host municipalities to offset or
44 mitigate impacts of the project; as part of any such arrangement or
45 contract, to require the posting of performance guarantees in
46 connection with any redevelopment project; as part of any such
47 arrangement or contract, to facilitate the extension of credit, or
48 making of loans, by the EDA, by other public agencies or funding

1 sources, or by private entities to redevelopers to finance any project
2 or redevelopment work, or upon a finding that the project or
3 redevelopment work would not be undertaken but for the provision
4 of financial assistance, or would not be undertaken in its intended
5 scope without the provision of financial assistance, to facilitate as
6 part of an arrangement or contract for capital grants to redevelopers;
7 and to arrange or contract with public agencies or redevelopers for
8 the opening, grading or closing of streets, roads, roadways, alleys,
9 or other places or for the furnishing of facilities or for the
10 acquisition by such agency of property options or property rights or
11 for the furnishing of property or services in connection with the
12 project area;

13 k. To participate in, conduct, or contract for the performance of
14 environmental assessment or remediation activities or restoration
15 arising out of or relating to environmental conditions within the
16 project area, including but not limited to insurance or bonds related
17 to such activities;

18 l. To enter upon any building or property in the project area in
19 order to conduct investigations or make surveys, sounding or test
20 borings necessary to carry out the purposes of the plan;

21 m. To arrange or contract with the EDA or other public
22 agencies to facilitate or provide relocation assistance, of the types
23 and in the amounts provided for businesses in the "Relocation
24 Assistance Law of 1967," P.L.1967, c.79 (C.52:31B-1 et seq.) and
25 the "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.),
26 to businesses operating within the project area who are displaced as
27 a result of the closure and who request such assistance within a
28 period to be determined by the authority;

29 n. To make, consistent with the plan: (1) plans for carrying out
30 a program of voluntary repair and rehabilitation of buildings and
31 improvements; and (2) plans for the enforcement of laws, codes,
32 and regulations relating to the use and occupancy of buildings and
33 improvements, and to the compulsory repair, rehabilitation,
34 demolition, or removal of buildings and improvements;

35 o. Notwithstanding any other law to the contrary, to consent to
36 a request by a host municipality for, or request that the host
37 municipality consider, the designation of portions of the project
38 area as being in need of redevelopment or rehabilitation in
39 accordance with the provisions of the "Local Redevelopment and
40 Housing Law," P.L.1992, c.79 (C. 40A:12A-1 et al.);

41 p. To publish and disseminate information concerning the plan
42 or any project within the project area;

43 q. To adopt and from time to time amend and repeal bylaws for
44 the regulation of its affairs and the conduct of its business;

45 r. To adopt and use an official seal and alter it at its pleasure;

46 s. To maintain an office at a place or places within the State as
47 it may designate;

48 t. To sue and be sued in its own name;

- 1 u. To appoint advisory committees to assist in its activities in
2 such areas as it deems appropriate. The membership of the
3 committees shall be determined by the authority. If appointed, the
4 historical preservation committee and the environmental committee
5 shall for all intents and purposes be the exclusive “historic
6 preservation commission,” as established pursuant to section 21 of
7 P.L.1985, c.516 (C.40:55D-107), and the “environmental
8 commission,” as established pursuant to P.L.1968, c.245
9 (C.40:56A-1 et seq.), for all land use matters and approvals within
10 the project area;
- 11 v. To provide that any revenues collected shall be available to
12 the authority for use in furtherance of any of the purposes of this
13 act;
- 14 w. Pursuant to an adopted cash management plan, to invest any
15 funds held in reserve or sinking funds, or any funds not required for
16 immediate disbursement, in property or securities in which
17 governmental units may legally invest funds subject to their control;
- 18 x. To enter into mortgages as mortgagee;
- 19 y. To apply for, receive, and accept from any federal, State, or
20 other public or private source, grants or loans for, or in aid of, the
21 authority's authorized purposes;
- 22 z. To consent to the modification of any contract, mortgage, or
23 other instrument entered into by it or on its behalf;
- 24 aa. To pay or compromise any claim arising on, or because of
25 any agreement, mortgage, or instrument;
- 26 bb. To acquire or contract to acquire from any person, firm, or
27 corporation, public or private, by contribution, gift, grant, bequest,
28 devise, purchase, or otherwise, real or personal property or any
29 interest therein, including such property as it may deem necessary
30 or proper, although temporarily not required for such purposes, in
31 the project area or in any area outside the project area designated by
32 the authority as necessary for carrying out the relocation of the
33 businesses displaced from the project area as a result of the closure
34 of Fort Monmouth or other acquisitions needed to carry out the
35 master plan;
- 36 cc. To subordinate, waive, sell, assign or release any right, title,
37 claim, lien or demand however acquired, including any equity or
38 right of redemption, foreclosure, sell or assign any mortgage held
39 by it, or any interest in real or personal property; and to purchase at
40 any sale, upon such terms and at such prices as it determines to be
41 reasonable, and take title to the property, real, personal, or mixed,
42 so acquired and similarly sell, exchange, assign, convey or
43 otherwise dispose of any property;
- 44 dd. To complete, administer, operate, obtain, and pay for
45 insurance on, and maintain, renovate, repair, modernize, lease or
46 otherwise deal with any property;

1 ee. To retain attorneys, planners, engineers, architects,
2 managers, financial experts, and other types of consultants as may
3 be necessary;

4 ff. To arrange or contract with any public agency, to the extent
5 that it is within the scope of that agency's functions, to cause the
6 services customarily provided by that agency to be rendered for the
7 benefit of the occupants of the project area, and have that agency
8 provide and maintain parks, recreation centers, schools, sewerage,
9 transportation, water and other municipal facilities adjacent to or in
10 connection with the project area;

11 gg. To conduct examinations and investigations, hear testimony
12 and take proof, under oath at public or private hearings of any
13 material matter, compel witnesses and the production of books and
14 papers and issue commissions for the examination of witnesses who
15 are out of State, unable to attend, or excused from attendance; and
16 to authorize a committee designated by it consisting of one or more
17 members, or counsel, or any officer or employee to conduct the
18 examination or investigation, in which case it may authorize in its
19 name the committee, counsel, officer or employee to administer
20 oaths, take affidavits and issue subpoenas or commissions;

21 hh. To make and enter into all contracts and agreements
22 necessary or incidental to the performance of the duties authorized
23 in this act;

24 ii. After thorough evaluation and investigation, to bring an
25 action on behalf of a tenant within the project area to collect or
26 enforce any violation of subsection g. or h. of section 11 of the
27 "Law Against Discrimination," P.L.1945, c. 169 (C.10:5-12);

28 jj. To designate members or employees, who shall be
29 knowledgeable of federal and State discrimination laws, and who
30 shall be available during all normal business hours, to evaluate a
31 complaint made by a tenant within the project area pursuant to
32 section 11 of the "Law Against Discrimination," P.L.1945, c. 169
33 (C.10:5-12);

34 kk. To adopt, pursuant to the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
36 necessary to implement this act; and

37 ll. To do all things necessary or convenient to carry out its
38 purposes and exercise the powers given and granted in this act.
39

40 10. All property of the authority or EDA shall be exempt from
41 levy and sale by virtue of an execution and no execution or other
42 judicial process shall issue against the same nor shall any judgment
43 against the authority or EDA be a charge or lien upon its property;
44 provided, that nothing herein contained shall apply to or limit the
45 rights of the holder of any bonds to pursue any remedy for the
46 enforcement of any pledge or lien given by the authority or EDA on
47 or with respect to any project or any revenues or other moneys.

1 11. a. The authority and the EDA shall not be required to pay
2 any taxes or assessments upon or in respect of a project or any
3 property or moneys of the authority and the EDA, and the authority
4 and EDA, their projects, property, and moneys, their transfer and
5 the income therefrom, including any profit made on the sale thereof,
6 shall at all times be free from taxation of every kind by the State
7 except for transfer, inheritance, and estate taxes and by any political
8 subdivision of the State; provided, that any person occupying a
9 project whether as lessee, vendee or otherwise shall, as long as title
10 thereto shall remain in the authority or EDA, pay to the political
11 subdivision in which such project is located a payment in lieu of
12 taxes which shall equal the taxes on real and personal property,
13 whether for municipal, county, fire, or school purposes, as
14 applicable, including water and sewer service charges or
15 assessments, which such person would have been required to pay
16 had it been the owner of such property during the period for which
17 such payment is made and neither the authority nor the EDA nor
18 their projects, property, money or bonds and notes shall be
19 obligated, liable or subject to lien of any kind for the enforcement,
20 collection or payment thereof. If and to the extent provided by
21 contract, the authority or EDA may agree to cooperate with such
22 person occupying a project, in connection with any administrative
23 or judicial proceedings for determining the validity or amount of
24 such payments and may agree to appoint or designate and reserve
25 the right in and for such person to take all action which the
26 authority may lawfully take in respect of such payments and all
27 matters relating thereto, provided such person shall bear and pay all
28 costs and expenses of the authority thereby incurred at the request
29 of such person or by reason of any such action taken by such person
30 in behalf of the authority. If such person occupying a project has
31 paid the amounts in lieu of taxes required by this section to be paid,
32 such person shall not be required to pay any such taxes as to which
33 a payment in lieu thereof has been made to the State or to any
34 political subdivision, any other statute to the contrary
35 notwithstanding.

36 b. Except as provided in subsection a. of this section, a host
37 municipality is authorized to assess and collect taxes on real and
38 personal property within the project area as provided by law for
39 municipal, county, fire, or school purposes, as applicable.
40

41 12. Each worker employed on any project to which the authority
42 is a party, shall be paid not less than the prevailing wage rate for the
43 worker's craft or trade, as determined by the Commissioner of
44 Labor and Workforce Development pursuant to P.L1963, c. 150
45 (C.34:11-56.25 et seq.).
46

47 13. a. All purchases, contracts, or agreements made pursuant to
48 this act shall be made or awarded directly by the authority, except

1 as otherwise provided in this act, only after public advertisement for
2 bids therefor in the manner provided by the authority and
3 notwithstanding the provisions of any other laws to the contrary.

4 b. Any purchase, contract, or agreement may be made,
5 negotiated, or awarded by the authority without public bid or
6 advertising under the following circumstances:

7 (1) When the aggregate amount involved does not exceed the
8 amount set forth in, or the amount calculated by the Governor
9 pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);

10 (2) To acquire subject matter which is described in section 4 of
11 P.L.1954, c.48 (C.52:34- 9);

12 (3) To make a purchase or award or make a contract or
13 agreement under the circumstances described in section 5 of
14 P.L.1954, c.48 (C.52:34-10);

15 (4) When the contract to be entered into is for the furnishing or
16 performing of services of a professional or technical nature,
17 including legal services, provided that the contract shall be made or
18 awarded directly by the authority;

19 (5) When the authority has advertised for bids and has received
20 no bids in response to its advertisement, or received no responsive
21 bids. Any purchase, contract, or agreement may then be negotiated
22 and may be awarded to any contractor or supplier determined to be
23 responsible, as "responsible" is defined in section 2 of P.L.1971,
24 c.198 (C.40A:11-2), provided that the terms, conditions,
25 restrictions, and specifications set forth in the negotiated contract or
26 agreement are not substantially different from those which were the
27 subject of competitive bidding;

28 (6) When a purchase is to be made through or by the Director of
29 the Division of Purchase and Property pursuant to section 1 of
30 P.L.1959, c.40 (C.52:27B-56.1), or through a contract made by any
31 of the following: the New Jersey Sports and Exposition Authority
32 established under section 4 of P.L.1971, c.137 (C.5:10-4); the New
33 Jersey Meadowlands Commission established under section 5 of
34 P.L.1968, c.404 (C.13:17-5); the New Jersey Turnpike Authority
35 established under section 3 of P.L.1948, c.454 (C.27:23-3); the New
36 Jersey Water Supply Authority established under section 4 of
37 P.L.1981, c.293 (C.58:1B-4); the Port Authority of New York and
38 New Jersey established under R.S.32:1-4; the Delaware River Port
39 Authority established under R.S.32:3-2; or the Higher Education
40 Student Assistance Authority established under N.J.S.18A:71A-3.

41

42 14. a. Upon the acceptance by the federal government of the
43 revitalization plan adopted by the predecessor authority pursuant to
44 section 14 of P.L.2006, c.16 (C.52:27I-14), the EDA is hereby
45 designated as master redeveloper for any property acquired by or
46 conveyed to the authority. The authority and EDA shall enter into a
47 master redevelopment agreement detailing the terms and conditions of
48 the master redeveloper relationship, including, but not limited to, the

1 tasks and scope of powers and authorities delegated to the EDA as
2 master redeveloper, which may include the power and authority to
3 perform all acts and do all things that the authority is empowered to do
4 pursuant to this act, except for the powers enumerated in subsections
5 b., c., o., q., r., s., t., u., gg., ii., jj., kk. and ll. of section 9 of this act
6 and the ability to adopt or amend the plan or the development and
7 design guidelines and land use regulations adopted by the authority as
8 provided in this act. In addition to such delegated power and
9 authority, in order to carry out and effectuate the purposes of this act
10 and the terms of the plan, the master redeveloper may do and perform
11 any acts and things authorized by the "New Jersey Economic
12 Development Authority Act," P.L.1974, c.80 (C.34:1B-1 et seq.)
13 necessary or convenient to carry out the purposes of this act.

14 b. No municipality shall modify or change the drawings, plans,
15 or specifications for the construction, reconstruction, rehabilitation,
16 alteration, or improvement of any project of the authority, or of the
17 EDA, or the construction, plumbing, heating, lighting, or other
18 mechanical branch of work necessary to complete the work in
19 question, or require that any person, firm or corporation employed
20 on any such work shall perform the work in any other or different
21 manner than that provided by the drawings, plans, and
22 specifications, or require that any person, firm or corporation obtain
23 any other or additional authority, approval, permit, or certificate
24 from the municipality in relation to the work being done, and the
25 doing of the work by any person, firm, or corporation in accordance
26 with the terms of the drawings, plans, specifications, or contracts
27 shall not subject the person, firm, or corporation to any liability or
28 penalty, civil or criminal, other than as may be stated in the
29 contracts or incidental to the proper enforcement thereof; nor shall
30 any municipality require the authority, the EDA, or any person,
31 firm, partnership or corporation which leases or purchases the
32 project for lease or purchase to a State agency, to obtain any other
33 or additional authority, approval, permit, certificate, or certificate of
34 occupancy from the municipality as a condition of owning, using,
35 maintaining, operating, or occupying any project acquired,
36 constructed, reconstructed, rehabilitated, altered, or improved by
37 the authority or by the EDA. Notwithstanding the provisions of
38 subsections b. and d. of section 15 of this act, municipal site plan
39 approval and municipal subdivision approval shall not be required
40 for any project undertaken by the authority or the EDA, but the
41 project shall require the affirmative vote of seven members of the
42 authority. The foregoing provisions shall not preclude any
43 municipality from exercising the right of inspection for the purpose
44 of requiring compliance by any project with local requirements for
45 operation and maintenance affecting the health, safety, and welfare
46 of the occupants thereof, provided that the compliance does not
47 require changes, modifications or additions to the original
48 construction of the project.

1 15. a. The authority shall propose and adopt development and
2 design guidelines and land use regulations consistent with and in
3 furtherance of the plan. Provisions may be made by the authority
4 for the waiver, according to definite criteria, of strict compliance
5 with the standards promulgated, where necessary to alleviate
6 hardship. The plan and the development and design guidelines and
7 land use regulations adopted by the authority shall supersede the
8 master plans, the zoning and land use ordinances and regulations,
9 and the zoning maps of the host municipalities adopted pursuant to
10 the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et
11 seq.) insofar as the same may pertain to the project area, except
12 with respect to the procedures to be followed for submitting and
13 processing applications for subdivision or site plan approvals.

14 b. Applications for subdivision approval, site plan approval,
15 and redevelopment within the project area shall utilize the
16 development and design guidelines and land use regulations
17 adopted by the authority, and shall be submitted to the planning
18 board of the host municipality in which the project parcel is located
19 for review and approval, and where required by law to the county
20 planning board. The procedures for the approval of subdivisions
21 and site plans within the project area shall be the procedures
22 adopted by such host municipality pursuant to the “Municipal Land
23 Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.) (including, but not
24 limited to, notice provisions and the payment of application fees
25 and the posting of escrow deposits, if any). The authority shall by
26 regulation provide for mandatory conceptual review by or on behalf
27 of the authority; provided, however, that unless accompanied by a
28 request for a variance to be granted by the authority pursuant to
29 subsection e. of this section, any such mandatory conceptual review
30 shall be completed within 45 days of the authority’s receipt of the
31 application, or within such later time period if agreed to by the
32 applicant.

33 c. Whenever an application pursuant to subsection b. of this
34 section is filed with a planning board, a copy of the application
35 shall be submitted simultaneously to the authority, and notice of all
36 public hearings in connection therewith shall be provided to the
37 authority. The authority shall be deemed an interested party
38 entitled to notice of all applications for properties within the project
39 area or within 200 feet of the project area’s boundaries, irrespective
40 of whether the authority owns the portion of the project area within
41 200 feet.

42 d. In connection with subdivision and site plan approval, the
43 planning boards shall have the authority to grant variances from the
44 requirements of the development and design guidelines and land use
45 regulations adopted by the authority to the extent such variances are
46 permitted pursuant to subsection c. of section 57 of P.L.1975, c.291
47 (C.40:55D-70).

1 e. (1) The provisions of subsection d. of section 57 of
2 P.L.1975, c.291 (C.40:55D-70) notwithstanding and except as
3 provided in paragraph (2) of this subsection, the authority shall
4 have sole and exclusive jurisdiction to grant for special reasons
5 shown, a variance from the requirements of the master plan,
6 development and design guidelines or land use regulations adopted
7 by the authority to permit: (a) a use or principal structure in a
8 district restricted against such use or principal structure, (b) a
9 continuation or an expansion of a nonconforming use, (c) deviation
10 from a specification or standard pursuant to land use regulations
11 adopted by the authority pertaining solely to a conditional use, (d)
12 an increase in the permitted floor area ratio as established by the
13 land use regulations adopted by the authority, (e) an increase in the
14 permitted density as established by the land use regulations adopted
15 by the authority or (f) a height of a principal structure which
16 exceeds by 10 feet or 10 percent the maximum height permitted in
17 the district for a principal structure. Such variances shall not be
18 granted unless the applicant demonstrates to the satisfaction of the
19 authority that special reasons exist for the granting of such variance,
20 that the granting of the requested variance will not substantially
21 impair the intent and purpose of the plan, and that the variance can
22 be granted without substantial detriment to the public good.
23 Application for such a variance shall be submitted together with or
24 prior to an application for mandatory conceptual review pursuant to
25 subsection b. of this section, and the authority shall approve or deny
26 the application within 120 days of a complete submission unless the
27 applicant agrees to extend the time. In lieu of granting a variance,
28 the authority in its discretion may require the adoption of a plan
29 amendment.

30 (2) Variances granted pursuant to subparagraphs (a) through (f)
31 of paragraph (1) of this subsection shall require the affirmative vote
32 of seven members of the authority, except that variances granted
33 pursuant to subparagraph (e) shall be heard and recommended by
34 the zoning boards of the host municipalities to the authority for its
35 action on the variance request.

36 f. Notwithstanding any other provision of this act or law to the
37 contrary, the host municipalities shall not designate the project area
38 or any portion thereof as an area in need of redevelopment or an
39 area in need of rehabilitation, or adopt a redevelopment plan for any
40 property within the project area pursuant to the "Local
41 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1
42 et al.) without the consent of the authority.

43
44 16. Prior to the adoption of any amendment to the plan, the
45 authority shall transmit a copy of the proposed plan amendment to
46 the governing body of each host municipality. Within 45 days after
47 referral, each governing body may transmit to the authority a report
48 containing its recommendation concerning the proposed plan

1 amendment. The authority, when considering the adoption of the
2 plan amendment shall review all reports received from the host
3 municipalities and may accept or not accept any recommendations
4 of the host municipalities; provided, however, that the authority
5 shall record in its minutes its reasons for not accepting any such
6 recommendations.

7
8 17. a. If the authority or the EDA, as master redeveloper, shall
9 find it necessary in connection with the undertaking of any of its
10 projects to change the location of any portion of any public
11 highway, or road, it may contract with any government agency, or
12 public or private corporation which may have jurisdiction over the
13 public highway or road to cause the public highway or road to be
14 constructed at such location as the authority or the EDA, as master
15 redeveloper, shall deem most favorable. The cost of the
16 reconstruction and any damage incurred in changing the location of
17 the highway shall be ascertained and paid by the authority or the
18 EDA, as applicable, as a part of the cost of the project. Any public
19 highway affected by the construction of any project may be vacated
20 or relocated by the authority or the EDA, as master redeveloper, in
21 the manner now provided by law for the vacation or relocation of
22 public roads, and any damages awarded on account thereof shall be
23 paid by the authority or the EDA, as applicable, as a part of the cost
24 of the project. In all undertakings authorized by this subsection, the
25 authority or the EDA, as master redeveloper, shall consult and
26 obtain the approval of the Commissioner of Transportation.

27 b. In addition to the foregoing powers, the authority or the
28 EDA, as master redeveloper and their respective authorized agents
29 and, in with respect to EDA, its employees, may enter upon any
30 lands, waters, and premises for the purpose of making surveys,
31 soundings, drillings and examinations as it may deem necessary or
32 convenient for the purposes of this act, all in accordance with due
33 process of law, and this entry shall not be deemed a trespass nor
34 shall an entry for this purpose be deemed an entry under any
35 condemnation proceedings which may be then pending. The
36 authority or the EDA, as applicable, shall make reimbursement for
37 any actual damages resulting to the lands, waters, and premises as a
38 result of these activities.

39 c. The authority or the EDA, as master redeveloper, shall also
40 have power to make regulations, based on the appropriate national
41 model code, for the installation, construction, maintenance, repair,
42 renewal, relocation, and removal of tracks, pipes, mains, conduits,
43 cables, wires, towers, poles and other equipment and appliances,
44 herein called "public utility facilities," of any public utility as
45 defined in R.S.48:2-13, in, on, along, over or under any project.
46 Whenever the authority or the EDA, as master redeveloper, shall
47 determine that it is necessary that any public utility facilities which
48 now are, or hereafter may be, located in, on, along, over or under

1 any project shall be relocated in the project, or should be removed
2 from the project, the public utility owning or operating the facilities
3 shall relocate or remove the same in accordance with the order of
4 the authority or the EDA, as master redeveloper. The cost and
5 expenses of the relocation or removal, including the cost of
6 installing the facilities in a new location, or new locations, and the
7 cost of any lands, or any rights or interests in lands, and any other
8 rights, acquired to accomplish the relocation or removal, shall be
9 ascertained and paid by the authority or the EDA, as applicable, as a
10 part of the cost of the project. In case of any relocation or removal
11 of facilities, as aforesaid, the public utility owning or operating the
12 same, its successors or assigns, may maintain and operate the
13 facilities, with the necessary appurtenances, in the new location or
14 new locations, for as long a period, and upon the same terms and
15 conditions, as it had the right to maintain and operate the facilities
16 in their former location or locations. In all undertakings authorized
17 by this subsection the authority or the EDA, as master redeveloper,
18 shall consult with the affected utilities in an attempt to come to
19 agreement on the proposed undertaking. If the authority or the
20 EDA, as master redeveloper, are not able to come to an agreement
21 on such undertakings, the authority or the EDA, as master
22 redeveloper, shall petition the Board of Public Utilities to obtain
23 approval for such undertakings. The provisions of this subsection
24 shall not affect the Board of Public Utilities' jurisdiction over any
25 public utility as defined in R.S.48:2-13.

26

27 18. The authority is directed to prepare and complete a business
28 plan which comprises all issues related to the closure, conversion,
29 revitalization, and future use of Fort Monmouth. Further, this
30 business plan shall: include a validation review of any extant
31 studies on the perceived economic impact of this project on the
32 State, the county, and the boroughs of Eatontown, Oceanport and
33 Tinton Falls; refine existing market analyses and develop an
34 absorption schedule; develop a short and long term job creation
35 schedule; include a detailed fiscal analysis that considers cash flow,
36 annual revenue and costs, cumulative revenue and costs, off-site
37 infrastructure costs, and product absorption by year; include an
38 investment and financing strategy that includes grants, local
39 funding options such as the tax allocation district, bonds, taxation,
40 licensing, permitting and fees, and private investment; include a
41 determination of fair market value of property by parcel and overall,
42 and propose an appropriate and feasible strategy for using available
43 BRAC transfer tools.

44

45 19. All redevelopment within the project area shall be
46 implemented pursuant to a redevelopment agreement between the
47 authority and the redeveloper, or the authority and the EDA as
48 master redeveloper, or between the EDA as master redeveloper and

1 the redeveloper, as the case may be. All redevelopment agreements
2 from or between the authority or the master redeveloper and to or
3 with a redeveloper shall contain, without being limited to, the
4 following provisions: a. a provision limiting the use of the property
5 to the uses permitted pursuant to the plan; b. a provision requiring
6 the redeveloper to commence and complete the project within a
7 period of time that the authority or the master redeveloper fixes as
8 reasonable; c. any lease to a redeveloper may provide that all
9 improvements shall become the property of the authority; and d.
10 such other covenants, provisions, and continuing controls as may be
11 deemed necessary to effectuate the purposes of this act.

12

13 20. a. For the purposes of this section:

14 “Affected municipality” means a municipality that is located
15 within, in whole or in part, a Fort Monmouth special improvement
16 district established pursuant to subsection b. of this section.

17 “Fort Monmouth special improvement district” means an area
18 within the project area designated by resolution of the authority as
19 an area in which a special assessment on property within the project
20 area shall be imposed for the purposes of promoting the economic
21 and general welfare of the project area. The resolution shall
22 exempt residential properties, residential portions of mixed use
23 properties, or parcels with any number of residential units located
24 within the Fort Monmouth special improvement district from
25 special assessment. The resolution may exempt vacant properties
26 within the Fort Monmouth special improvement district from
27 special assessment.

28 b. A Fort Monmouth special improvement district resolution
29 may be adopted if the authority finds: (1) that an area within the
30 project area, as described by lot and block numbers and by street
31 addresses in the enabling resolution, would benefit from being
32 designated as a Fort Monmouth special improvement district; (2)
33 that the authority would provide administrative and other services
34 to benefit the businesses, employees, residents and consumers in the
35 Fort Monmouth special improvement district; (3) that a special
36 assessment shall be imposed and collected by the affected
37 municipality or municipalities with the regular property tax
38 payment or payment in lieu of taxes or otherwise, and that all or a
39 portion of these payments shall be transferred to the authority to
40 effectuate the purposes of this act and to exercise the powers given
41 to it by resolution; and (4) that it is in the best interest of the public
42 to create a Fort Monmouth special improvement district. If the
43 authority determines that the imposition and collection of the
44 special assessment will involve annual costs to an affected
45 municipality in addition to the initial cost of the imposition and
46 collection of the regular property tax payment or payment in lieu of
47 taxes or otherwise, and that such annual costs relate to property tax
48 payment imposition and collection activities peculiar to the Fort

1 Monmouth special improvement district, and distinguished from
2 property tax payment imposition and collection activities normally
3 provided by the municipality outside of the Fort Monmouth special
4 improvement district, the authority shall provide that the property
5 tax payment imposition and collection activities of the affected
6 municipality be conducted pursuant to the provisions of this act and
7 provide that a portion of the funds generated from the proceeds of
8 the collection of the special assessment be retained by the affected
9 municipality to cover the costs of the property tax payment
10 imposition and collection activities of the affected municipality
11 conducted pursuant to the provisions of this act.

12 c. The authority may, by resolution, authorize the
13 commencement of studies and the development of preliminary plans
14 and specifications relating to the creation and maintenance of a Fort
15 Monmouth special improvement district, including, whenever
16 possible, estimates of construction and maintenance, and costs and
17 estimates of potential gross benefit assessment. These studies and
18 plans may include criteria to regulate the construction and alteration
19 of facades of buildings and structures in a manner which promotes
20 unified or compatible design.

21 d. Upon review of the reports and recommendations submitted,
22 a resolution may be adopted authorizing and directing the
23 establishment and maintenance of a Fort Monmouth special
24 improvement district. In addition to other requirements for the
25 consideration and adoption of resolutions, at least 10 days prior to
26 the date fixed for a public hearing thereon, a copy of the proposed
27 resolution and notice of the date, time, and place of the hearing
28 shall be mailed to the owners of the lots or parcels of land abutting
29 or included in the Fort Monmouth special improvement district
30 proposed by the resolution.

31 e. A Fort Monmouth special improvement district resolution
32 may provide that a Fort Monmouth special improvement district
33 shall be deemed a local improvement in accordance with this act
34 and the provisions of chapter 56 of Title 40 of the Revised Statutes,
35 R.S.40:56-1 et seq.; that all costs of development, construction, and
36 acquisition relating to the provision of improvements for a Fort
37 Monmouth special improvement district, as the case may be, shall
38 be financed by the authority and assessed by the affected
39 municipality or municipalities, as the case may be, to properties
40 especially benefited thereby as provided generally by R.S.40:56-1
41 et seq., and the resolution shall list and describe, by lot and block
42 numbers and by street addresses, all properties to be assessed for
43 the Fort Monmouth special improvement district improvements.
44 The affected municipality or municipalities, as the case may be,
45 may provide by ordinance or parallel ordinance for one or more
46 special assessments within the Fort Monmouth special improvement
47 district in accordance with chapter 56 of Title 40 of the Revised
48 Statutes, R.S.40:56-1 et seq.; provided that the special assessment

1 carried out pursuant to this section shall be deemed an assessment
2 for benefits and shall be as nearly as may be in proportion to and
3 not in excess of the peculiar benefit, advantage, or increase in value
4 which the respective lots and parcels of real estate shall be deemed
5 to receive by reason of such improvement.

6 f. If the authority determines that the improvements will
7 involve annual costs to an affected municipality, in addition to the
8 initial cost of constructing and making the improvements, and that
9 such annual costs relate to maintenance services peculiar to the Fort
10 Monmouth special improvement district, and distinguished from
11 maintenance services normally provided by the municipality outside
12 of the Fort Monmouth special improvement district, and will
13 provide benefits primarily to property included in the district, rather
14 than to the municipality as a whole, the resolution shall provide that
15 the improvements and facilities thereof shall be operated and
16 maintained pursuant to the provisions of this act and the
17 municipality shall be authorized to provide that the costs thereof be
18 assessed or taxed to benefited properties or businesses pursuant to
19 the provisions of section 16 of P.L.1972, c.134 (C.40:56-80). At
20 any time after the Fort Monmouth special improvement district
21 resolution has been adopted or lands have been acquired or
22 improved for a Fort Monmouth special improvement district, the
23 authority may upon such determination provide, by separate
24 resolution or by amendment to the resolution, that the
25 improvements and facilities thereof shall be so operated and
26 maintained and the costs so assessed to benefited properties or
27 businesses. In any such case, such resolution shall describe the
28 properties to be assessed, or in which any businesses may be
29 contained which may be assessed, for such annual costs, which area
30 may be given the name “(name of Fort Monmouth Special
31 Improvement District) Fort Monmouth Improvement District.”
32

33 21. a. There is established the Fort Monmouth Transportation
34 Planning District which shall consist of those lands which comprise
35 the project area. The authority shall administer and manage the
36 transportation planning district and carry out such additional
37 functions as provided herein.

38 b. In furtherance of the development of a coherent and
39 sustainable transportation system for the project area, the authority
40 shall initiate a joint planning process with participation by: State
41 departments and agencies, corporations, commissions, boards, and
42 authorities; metropolitan planning organizations, and counties and
43 municipalities with jurisdiction in the district; and private
44 representatives. The authority shall oversee the development and
45 updating of a comprehensive, future-oriented district transportation
46 plan.

47 c. The district transportation plan shall establish goals,
48 policies, needs, and improvement priorities for all modes of

1 transportation, including walking and bicycling, within the district
2 and shall be consistent with the revitalization plan. The district
3 transportation plan shall be based on a reasonable assessment of
4 likely future growth reflected in the revitalization plan.

5 d. The district transportation plan shall quantify transportation
6 needs arising from anticipated future traffic passing within or
7 through the district based upon future development anticipated to
8 occur within or through the district, and reflected in the
9 revitalization plan. The district transportation plan shall set forth
10 proposed transportation projects designed to address that future
11 development, prioritized over increments of five years, the
12 allocation of public and private shares of project costs and
13 allowable administrative costs, and the amount, schedule, and
14 collection of development fees. If new developments are proposed
15 in the district which are not considered in the district transportation
16 plan which is currently in effect, that plan shall be reevaluated,
17 notwithstanding the five-year increment provision.

18 e. The district transportation plan shall be in accordance with
19 the State transportation master plan adopted under section 5 of
20 P.L.1966, c.301 (C.27:1A-5), the applicable county master plans
21 adopted under R.S.40:27-2, and the applicable regional
22 transportation plan or plans adopted by a metropolitan planning
23 organization pursuant to 23 C.F.R. s.450.322.

24 f. The district transportation plan shall include a financial
25 element setting forth a statement of projected revenue and expenses,
26 including all project costs. The financial element of the district
27 transportation plan shall identify public and private financial
28 resources which may be available to fund, in whole or in part, those
29 transportation projects set forth in that plan. The financial element
30 shall make recommendations for the types and rates of development
31 fees to be assessed under subsection i. of this section, formulas to
32 govern the assessment of those fees, and the projected annual
33 revenue to be derived therefrom.

34 g. The authority staff shall make copies of the district
35 transportation plan available to the public for inspection no less
36 than 14 days prior to any formal action by the authority to adopt the
37 plan. In addition, the authority staff shall take steps to notify
38 members of the business community and other interested parties of
39 the district transportation plan and shall hold a public hearing
40 thereon after having given public notice of the hearing.

41 h. The authority may, by resolution adopt the district
42 transportation plan as recommended by the staff or with
43 modifications.

44 i. After the adoption of the district transportation plan by the
45 authority pursuant to subsection h. of this section, the authority
46 may, by resolution, provide for the assessment and collection of
47 development fees on developments within the transportation
48 planning district as provided hereunder.

- 1 j. Development fees assessed by the authority shall be based
2 upon the growth and development forecasts contained in the district
3 transportation plan and shall be levied in order to raise only those
4 amounts needed to accomplish the transportation projects set forth
5 in the district transportation plan and allowable administrative
6 costs. Those fees shall be assessed based upon the formula or
7 formulas contained in the resolution adopted pursuant to subsection
8 i. of this section and shall be uniformly applied, with such
9 exceptions as are authorized or required herein.
- 10 k. A formula or formulas adopted by the authority by
11 resolution shall reflect a methodology which relates the use of land
12 to the impact of the proposed development on the transportation
13 system, including, but not limited to: vehicle trips generated by the
14 development; the square footage of an occupied structure; the
15 number of employees regularly employed at the development; or the
16 number of parking spaces located at the development; or any
17 combination thereof.
- 18 l. The resolution may provide for credits against assessed
19 development fees for payments made or expenses incurred which
20 have been determined by the authority to be in furtherance of the
21 district transportation plan, including, but not limited to,
22 contributions to transportation improvements other than those
23 required for safe and efficient highway access to a development,
24 and costs attributable to the promotion of public transit, walking,
25 bicycling, or ridesharing.
- 26 m. The resolution may either exempt or reduce the development
27 fee for specified land uses which have been determined by the
28 authority to have a beneficial, neutral, or comparatively minor
29 adverse impact on the transportation needs of the transportation
30 planning district.
- 31 n. The resolution may provide for a reduced rate of
32 development fees for developers submitting a peak-hour automobile
33 trip reduction plan approved by the authority under standards
34 adopted by the authority. Standards for the approval of peak-hour
35 automobile trip reduction plans may include, but need not be
36 limited to, physical design for improved transit, ridesharing, and
37 pedestrian access; design of developments which include a mix of
38 residential and nonresidential uses; and proximity to potential labor
39 pools.
- 40 o. The assessment of a development fee shall be reasonably
41 related to the impact of the proposed development on the
42 transportation system of the transportation planning district and
43 shall not exceed the development's fair share of the cost of the
44 transportation improvement necessary to accommodate the
45 additional burden on the district's transportation system that is
46 attributable to the proposed development and related allowable
47 administrative costs.

1 p. A resolution shall be sufficiently certain and definitive to
2 enable every person who may be required to pay a fee to know or
3 calculate the limit and extent of the fee which is to be assessed
4 against a specific development.

5 q. Upon the adoption by the authority of a resolution pursuant
6 to subsection i. of this section, no separate assessment for off-site
7 transportation improvements within the transportation planning
8 district shall be made by the State, a county, or municipality except
9 as permitted pursuant to this act.

10 r. A resolution adopted by the authority pursuant to subsection
11 i. of this section shall provide for the establishment of a
12 transportation planning district fund under the control of the
13 authority and administered by the New Jersey Economic
14 Development Authority. All monies collected from development
15 fees shall be deposited into the fund, which shall be invested in an
16 interest-bearing account. Monies deposited in the fund shall be
17 used to defray project costs and allowable administrative costs.

18 s. Every transportation project funded, in whole or in part, by
19 funds from a transportation planning district fund shall be subject to
20 a project agreement to which the relevant entities are parties. The
21 expenditure of funds for this purpose shall not be made from a
22 transportation planning district fund, except by approval of the
23 project budget by the authority and upon certification of the chief
24 fiscal officer of the New Jersey Economic Development Authority
25 that the expenditure is in accordance with a project agreement or is
26 otherwise a project cost and has the approval of the authority.

27 t. Notwithstanding any other law to the contrary, no
28 development fees shall be assessed for any low and moderate
29 income housing units which are constructed pursuant to the "Fair
30 Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) or under court
31 order or settlement.

32 u. (1) The payments due to the authority, whether as a lump
33 sum or as balances due when a series of payments is to be made,
34 shall be enforceable by the authority as a lien on the land and any
35 improvements thereon. The lien shall be recorded by the county
36 officer in the record book of the county office.

37 (2) When the fee is paid in full on the development or portion
38 thereof, the lien on the development or portion thereof, as
39 appropriate, shall be removed. When a series of payments is to be
40 made, failure to make any one payment within 30 days after receipt
41 of a notice of late payment shall constitute a default and shall
42 obligate the person owing the unpaid balance to pay that balance in
43 its entirety.

44 (3) All amounts assessed as a lien pursuant to this section shall
45 be a lien upon the land against which they are assessed in the same
46 manner that taxes are made a lien against land pursuant to Title 54
47 of the Revised Statutes, and the payment thereof shall be enforced
48 within the same time and in the same manner and by the same

1 proceedings as the payment of taxes is otherwise enforced under
2 Title 54 of the Revised Statutes.

3 v. (1) Any fees collected, plus earned interest, not committed
4 to a transportation project under a project agreement entered into
5 under subsection s. of this section within 10 years of the date of
6 collection, or not used for other allowable administrative costs
7 within 10 years of the date of collection, shall be refunded to the
8 fee-payer under a procedure prescribed by the authority; provided,
9 however, that if the fee-payer transfers the development or any
10 portion thereof, the fee-payer shall enter into an agreement with the
11 grantee in such form as shall be provided by the authority which
12 shall indicate who shall be entitled to receive any refund, and that
13 agreement shall be filed with the chief fiscal officer of the EDA.

14 (2) Any person who has been assessed a development fee may
15 request in writing a reconsideration of the assessment and a hearing
16 by an employee so delegated by the authority within 90 days of the
17 receipt of notification of the amount of the assessment on the
18 grounds that the authority or its officers or employees in issuing the
19 assessment did not abide by the provisions of this section or the
20 provisions of the resolution adopted by the authority pursuant to
21 this section.

22 w. A person may appeal to the authority any decision made in
23 connection with the reconsideration of an assessment as authorized
24 pursuant to subsection v. of this section. The authority shall review
25 the record of the hearing and render its decision, which shall
26 constitute an administrative action subject to review by the
27 Appellate Division of the Superior Court. Nothing contained herein
28 shall be construed as limiting the ability of any person so assessed
29 from filing an appeal based upon an agreement to pay or actual
30 payment of the fee.

31 x. For the purposes of this section:

32 "Allowable administrative costs" means expenses incurred by the
33 authority in developing a district transportation plan, including a
34 financial element, and in managing a transportation planning
35 district.

36 "Developer" means the legal or beneficial owner or owners of a
37 lot or of any land proposed to be included in a proposed
38 development, including the holder of an option or contract to
39 purchase, or other person having an enforceable proprietary interest
40 in such land.

41 "Development" means "development" in the meaning of section
42 3.1 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-
43 4).

44 "Development fee" means a fee assessed on a development
45 pursuant to a resolution of the authority adopted under subsection i.
46 of this section.

1 “District” or “transportation planning district” means the Fort
2 Monmouth Transportation Planning District established pursuant to
3 subsection a. of this section.

4 “Project agreement” means an agreement between the authority
5 and a developer providing the terms and conditions under which the
6 developer agrees to perform any work or undertaking necessary for
7 a transportation project.

8 “Project costs” means expenses incurred in the planning, design,
9 engineering and construction of any transportation project, and shall
10 include debt service.

11 “Public highways” means public roads, streets, expressways,
12 freeways, parkways, motorways, and boulevards including bridges,
13 tunnels, overpasses, underpasses, interchanges, rest areas, express
14 bus roadways, bus pullouts and turnarounds, park-ride facilities,
15 traffic circles, grade separations, traffic control devices, the
16 elimination or improvement of crossings of railroads and highways,
17 whether at grade or not at grade, bicycle and pedestrian pathways,
18 pedestrian and bicycle bridges traversing public highways, and any
19 facilities, equipment, property, rights-of-way, easements and
20 interests therein needed for the construction, improvement, and
21 maintenance of highways.

22 “Public transportation project” means, in connection with public
23 transportation service or regional ridesharing programs, passenger
24 stations, shelters and terminals, automobile parking facilities,
25 ferries and ferry facilities including capital projects for ferry
26 terminals, approach roadways, pedestrian accommodations, parking,
27 docks, and other necessary land-side improvements, ramps, track
28 connections, signal systems, power systems, information and
29 communication systems, roadbeds, transit lands or rights-of-way
30 equipment storage and servicing facilities, bridges, grade crossings,
31 rail cars, locomotives, motorbus and other motor vehicles,
32 maintenance and garage facilities, revenue handling equipment and
33 any other equipment, facility or property useful for or related to the
34 provision of public transportation service or regional ridesharing
35 programs.

36 “Transportation project” or “transportation improvement” means,
37 in addition to public highways and public transportation projects,
38 any equipment, facility, or property useful or related to the
39 provision of any ground, waterborne, or air transportation for the
40 movement of people and goods within or through the district,
41 including rail freight infrastructure.

42

43 22. a. The authority may adopt a resolution creating an
44 infrastructure district whenever the authority determines that the
45 improvement of the infrastructure of the property within the
46 infrastructure district will promote the health and general welfare of
47 the residents of the project area, the host municipalities, and the
48 infrastructure district. An infrastructure district created pursuant to

1 this subsection may be comprised of any or all lands which
2 comprise the project area. The authority may create, by separate
3 resolution, more than one infrastructure district.

4 b. (1) If so determined by the authority, the receipts of retail
5 sales, except retail sales of motor vehicles, of alcoholic beverages
6 as defined in the "Alcoholic beverage tax law," R.S.54:41-1 et seq.,
7 of cigarettes as defined in the "Cigarette Tax Act," P.L.1948, c.65
8 (C.54:40A-1 et seq.), of manufacturing machinery, equipment or
9 apparatus, and of energy, made by a certified vendor from a place
10 of business owned or leased and regularly operated by the vendor
11 for the purpose of making retail sales, and which place of business
12 is located within an infrastructure district created pursuant to
13 subsection a. of this section, will be exempt to the extent of 50
14 percent of the tax imposed under the "Sales and Use Tax Act,"
15 P.L.1966, c.30 (C.54:32B-1 et seq.); and the authority for the
16 purpose of increasing public revenue may adopt a resolution to levy
17 and collect, within an infrastructure district created pursuant to
18 subsection a. of this section, a franchise assessment not to exceed
19 an amount equivalent to 50 percent of the tax imposed under the
20 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) and
21 to devote the proceeds from those assessments to purposes as
22 provided in this section.

23 Any vendor having a place of business located within an
24 infrastructure district may apply to the Director of the Division of
25 Taxation in the Department of Treasury for certification pursuant to
26 this paragraph. The director shall certify a vendor if he shall find
27 that the vendor owns or leases and regularly operates a place of
28 business located in an infrastructure district for the purposes of
29 making retail sales, that items are regularly exhibited and offered
30 for retail sale at that location, and that the place of business is not
31 utilized primarily for the purpose of catalogue, Internet or mail
32 order sales. The director may at any time revoke a certification
33 granted pursuant to this paragraph.

34 (2) The rate of the franchise assessment shall be uniform
35 throughout the infrastructure district. The franchise assessment
36 shall apply only within the territorial limits of the infrastructure
37 district and shall be in addition to any other assessments, taxes, and
38 excises.

39 (3) The resolution adopted pursuant to subsection a. of this
40 section shall continue in force and effect until repealed by the
41 authority.

42 (4) No franchise assessment shall be imposed on gross receipts
43 which a municipality or the State is prohibited from taxing under
44 New Jersey law, or the Constitution and laws of the United States of
45 America.

46 (5) Upon adoption, the authority shall immediately transmit a
47 copy of the resolution to the Director of the Division of Local
48 Government Services in the Department of Community Affairs and

1 to the Director of the Division of Taxation in the Department of the
2 Treasury. Every resolution levying a franchise assessment pursuant
3 to this section shall provide for reporting assessments due and for
4 the collection thereof, and all franchise assessments pursuant to
5 such a resolution shall be remitted to the chief financial officer of
6 the EDA. A resolution levying a franchise assessment shall take
7 effect only on the first day of any month in any year. The
8 resolution shall provide for the allocation and distribution of the
9 proceeds of the franchise assessments collected.

10 (6) The resolution shall set forth the person or persons subject to
11 the franchise assessment payment and collection procedures, and
12 any other matters deemed relevant by the authority with the
13 authority having discretion as to the mechanism to be utilized. The
14 resolution shall also contain findings that the imposition of the
15 franchise assessment is necessary because of the substantial risks
16 undertaken to develop an infrastructure district.

17 (7) The resolution shall provide for the collection of the
18 franchise assessment by an officer of the authority who shall be
19 designated in the resolution; shall provide methods for enforcement;
20 shall provide the permitted uses of the franchise assessment; and
21 may provide penalties for the violation of any of the provisions of
22 the resolution. "Permitted uses" may include the provision of loans,
23 grants, or debt service for financing or refinancing the construction,
24 reconstruction, repair, alteration, improvement, and development of
25 any on-site or off-site infrastructure improvements, or parking or
26 transportation facilities, or work that reduces, abates, or prevents
27 environmental pollution, or other improvements that provide a
28 public benefit within or to an infrastructure district.

29 c. For the purposes of effective administration of the franchise
30 assessment, the authority shall have the authority to:

31 (1) Collect the franchise assessment, interest, and penalties
32 imposed by a resolution adopted pursuant to paragraph (1) of
33 subsection b. of this section which shall from the time due be a debt
34 of the person by whom payable to the authority, recoverable in a
35 court of competent jurisdiction in a civil action in the name of the
36 authority to be instituted within three years of the date due.

37 (2) Authorize, as an additional remedy, the chief financial
38 officer of the EDA to issue a certificate to the clerk of the Superior
39 Court that any person is indebted under the resolution in an amount
40 stated in the certificate. Thereupon, the clerk to whom the
41 certificate is issued shall immediately enter upon the record of
42 documented judgments the name of the person, the address of the
43 place of business where the franchise assessment liability was
44 incurred, the amount of the debt so certified, and the date of making
45 of the entry. The making of the entry shall have the same force and
46 effect as the entry of a documented judgment in the office of the
47 clerk, and the chief financial officer of the EDA shall have all the
48 remedies and may take all the proceedings for the collection of the

1 debt which may be had or taken upon the recovery of a judgment in
2 an action, but without prejudice to the person's right of appeal.

3 (3) Provide that, if for any reason the franchise assessment is
4 not paid when due, interest at the rate of 12% per annum on the
5 amount of the franchise assessment due, and an additional penalty
6 of one-half of 1% of the amount of the unpaid assessment for each
7 month or fraction thereof during which the franchise assessment
8 remains unpaid, shall be added and collected. When action is
9 brought for the recovery of any franchise assessment, the person
10 liable therefor shall, in addition, be liable for the reasonable costs of
11 collection and the interest and penalties imposed.

12 Any aggrieved person may, within 90 days of the entry of the
13 decision, order, finding, assessment or action of the chief financial
14 officer of the EDA under this section, file an appeal in the Superior
15 Court, upon payment of the amount stated by the chief financial
16 officer of the EDA to be due. The appeal provided by this section
17 shall be the exclusive remedy available to any person for review of
18 a determination of the chief financial officer of the EDA with
19 respect to a liability for the franchise assessment imposed.

20 For the purposes of this section, "franchise assessment" means
21 an assessment on the amount of the sale price of all tangible
22 property sold by a business, valued in money, whether received in
23 money or otherwise, excluding the cost of transportation if such
24 cost is separately stated in the written contract and in the amount of
25 50 percent of the tax imposed pursuant to the "Sales and Use Tax
26 Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

27
28 23. The following are repealed:
29 Sections 1 through 13 of P.L.2006, c.16 (C.52:27I-1 to 27:I-13);
30 Sections 15 and 16 of P.L.2006, c.16 (C.52:27I-15 and 27:I-16).

31
32 24. This act shall take effect on the 45th day after the date of
33 enactment, except that section 23 shall take effect on the date that
34 the authority assumes all of the powers, rights, assets, and duties of
35 the predecessor authority.

36 37 38 STATEMENT

39
40 This bill establishes the "Monmouth Economic Revitalization
41 Authority" ("the authority") as the successor to the "Fort Monmouth
42 Economic Revitalization Planning Authority" ("the predecessor
43 authority"), which is abolished. The predecessor authority was
44 designated by the federal government as the entity to develop a
45 comprehensive conversion and revitalization plan for the territory
46 encompassed by Fort Monmouth, which facility is to be closed
47 under the federal Base Closure and Realignment law. The
48 predecessor authority submitted the conversion and revitalization

1 plan, entitled the "Fort Monmouth Reuse and Redevelopment Plan,"
2 as well as a homeless assistance submission, on September 4, 2008
3 to the federal government. The new authority has as its purpose the
4 oversight, administration and implementation of the revitalization
5 plan.

6 The membership of the authority, which is allocated in but not of
7 the Department of the Treasury, is to consist of 13 members of
8 which nine are voting members as follows: three members
9 appointed by the Governor for staggered terms with the advice and
10 consent of the Senate; the chief executive officer of the Economic
11 Development Authority ("EDA"), another member of the Executive
12 Branch, ex officio, a resident of Monmouth County ("the county")
13 appointed by the Board of Chosen Freeholders, and the mayors of
14 Eatontown, Oceanport, and Tinton Falls; and four ex officio non-
15 voting members: the Commissioners of Labor and Workforce
16 Development, Environmental Protection, Community Affairs, and
17 Transportation. The authority is to be staffed by an office
18 established by this bill in the EDA and consisting of EDA staff
19 under EDA supervision.

20 The authority is given extensive power to revitalize and
21 redevelop the Fort Monmouth area (the "project area") in
22 implementing the revitalization plan. Among these powers are the
23 powers to:

24 (1) enter into a master redevelopment agreement with the EDA
25 and to delegate certain of its powers to the EDA as master
26 redeveloper;

27 (2) undertake redevelopment projects;

28 (3) adopt development and design guidelines and land use
29 regulations and, if so designated, to adopt the homeless assistance
30 submission required under the federal Base Closure and
31 Realignment law;

32 (4) acquire, including by condemnation, properties within the
33 project area where necessary in connection with the provision of
34 utilities, streets, roads or other infrastructure required for the
35 implementation of the revitalization plan; and

36 (5) consent to a request by a host municipality for, or request
37 that the host municipality consider, the designation of portions of
38 the project area as being in need of redevelopment or rehabilitation
39 in accordance with the "Local Redevelopment and Housing Law,"
40 P.L.1992, c.79 (C.40A:12A-1 et al.).

41 The revitalization plan and the development and design
42 guidelines and land use regulations adopted by the authority will
43 supersede the master plan, zoning and land use ordinances and
44 regulations, and zoning maps of the host municipalities (Eatontown,
45 Oceanport and Tinton Falls) in the project area, except for
46 applications for subdivision or site plan approval, although the
47 applications are to utilize the authority's guidelines and regulations.

1 The authority may act by an affirmative vote of five members on
2 most matters, but an affirmative vote of seven members is required
3 for any action to: 1) revise the revitalization plan or to adopt or
4 revise the development and design guidelines or land use
5 regulations adopted by the authority; 2) enter into a master
6 redevelopment agreement with the EDA; 3) adopt any amendment
7 to the plan pursuant to section 16 of the bill; 4) acquire easements,
8 rights of way, or fee title to properties pursuant to subsection g. of
9 section 9 of the bill; 5) undertake a project by the authority or the
10 EDA; 6) grant a variance from the requirements of the master plan,
11 development and design guidelines or land use regulations adopted
12 by the authority; or 7) consent to the designation of any portion of
13 the project area as an area in need of redevelopment or in need of
14 rehabilitation.

15 The authority is to prepare a business plan which comprises all
16 issues related to the closure, conversion, revitalization and future
17 use of Fort Monmouth and also including analyses and strategies
18 dealing with such matters as the economic impact of the project, job
19 creation, cash flow, investment and financing strategy, etc.

20 All redevelopments within the project area are to be
21 implemented pursuant to a redevelopment agreement between the
22 authority or the redeveloper, or the authority and the EDA as master
23 redeveloper, or between the EDA as master redeveloper and the
24 redeveloper.

25 The bill authorizes the creation of various special purpose
26 districts, namely, special improvement districts, a transportation
27 planning district and infrastructure districts. The special
28 improvement district is an area within the Fort Monmouth area
29 designated by the authority in which a special assessment on
30 property within the district may be imposed for the purposes of
31 promoting the economic and general welfare of the Fort Monmouth
32 area. A special assessment is to be imposed and collected by the
33 affected municipalities and all or a portion of these payments are to
34 be transferred to the authority. The improvements for which the
35 assessments are to be imposed are local improvements under
36 R.S.40:56-1 et seq. Such improvements will be financed by the
37 authority. This district is modeled on the special improvement
38 districts which may be designated by municipalities pursuant to
39 P.L.1972, c.134 (C.40:56-65 et seq.).

40 The bill establishes the project area as the Fort Monmouth
41 Transportation Planning District. The district, which is modeled on
42 the Hackensack Meadowlands Transportation Planning District
43 established pursuant to P.L.2005, c.102 (C.13:17-95 et seq.),
44 permits the authority to provide for the assessment and collection of
45 development fees on developments within the district. The fees
46 would be used to fund transportation projects and allowable
47 administrative costs within the district.

1 The bill authorizes the authority to create an infrastructure
2 district or districts and, if so determined by the authority, the
3 receipts of certain sales within the district will be exempt to the
4 extent of 50 percent of the State's sales tax and the authority may
5 adopt a franchise assessment not to exceed an amount equivalent to
6 50 percent of the sales tax. This concept is based on a provision of
7 the "Large Site Landfill Reclamation and Improvement Law,"
8 P.L.1995, c.173 (C.40A:12A-50 et seq.), which was used to finance
9 the infrastructure related to Jersey Gardens Mall in Elizabeth. The
10 resolution establishing the infrastructure district shall contain
11 findings that the imposition of the franchise assessment is necessary
12 because of the substantial risks undertaken to develop an
13 infrastructure district. The permitted uses of the franchise
14 assessment include the provision of loans, grants, or debt service for
15 financing or refinancing on-site or off-site infrastructure
16 improvements, parking or transportation facilities, or work that
17 reduces, abates, or prevents environmental pollution, or other
18 improvements that provide a public benefit within or to an
19 infrastructure district.

20 The bill provides for the repeal of certain sections of P.L.2006,
21 c.16 (C.52:27I-1 et seq.) which relate to the predecessor authority.