



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • NOVEMBER 12, 2024

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 10, 2024 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Board Policy

- It is Board Policy that no application will be opened after 9:30 P.M.
- No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. Roll Call

VI. Board Business

1. Report of Pending Applications

VII. Old Business

1. PR-24-17 35 Wyandotte Ave
2. PR-24-18 27 Vreeland Place

VIII. New Business

1. PB2024-06 Netflix
Avenue of Memories
Block 110, P/O Lot 1
Block 110, Lot 4
Block 105, Lots 1-3
Block 109, Lots 1-2
DFD 12/12/2024

Application for Major Site Plan of Phase IA with variance and design waivers for property known as Zone 7 of the Mega Parcel (29.4 Ac) located in the Oceanport Green Tech Campus District. All existing structures are to be razed except for the current FMERA office and McAfee Center. Applicant proposes to construct four (4) Sound Stages totaling 128,355 SF, Mill Building (61,800 SF), and a storage/warehouse building (11,824 SF). The FMERA office (9,696 SF) and McAfee Center (91,595 SF) buildings are to be renovated. Site improvements include new parking lots, access drives, site lighting, stormwater management systems and landscaping.

Variance: Height of Signage, 10' permitted, 12' proposed

IX. Petitions from the Public

Chairman Whitson opened the meeting to Petitions from the Public. As no one else from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

X. Adjournment

As there was no further business, the meeting was adjourned at 8:23 pm on a motion by _____ which was seconded by _____ and _____ approved by _____ the _____ Board.

Respectfully

submitted,

Jeanne
Board Secretary

Smith



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 3403)

Meeting: 11/12/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3403

7.1

PR-24-17 35 Wyandotte Ave

Prepared By: _____
Kevin E. Kennedy, Esq.

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF FRANK BUONO
35 WYANDOTTE AVENUE
BLOCK 19, LOT 14.01
APPLICATION NO.: PB2024-03
APPROVED OCTOBER 22, 2024
MEMORIALIZED NOVEMBER 12, 2024**

Introduction

WHEREAS, Frank Buono has made Application to the Oceanport Planning Board for the property designated as Block 19, Lot 14.01, commonly known as 35 Wyandotte Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to install several improvements to an existing single-family home.

Public Hearings

WHEREAS, the Board held Public Hearings on June 5, 2024, September 24, 2024, and October 22, 2024, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

Evidence / Exhibits

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Land Development Application, introduced into Evidence as A-1;*
- *As-Built Survey, prepared by InSite Surveying, last revised October 2, 2023, introduced into Evidence as A-2;*
- *Plot Plan, prepared by InSite Surveying, LLC, last revised March 22, 2024, introduced into Evidence as A-3;*
- *Architectural Plans, prepared by Brian Fitzgerald, Architect, last revised January 30, 2024, introduced into Evidence A-4;*

- *Colliers Engineering & Design Review Memorandum, dated June 13, 2024, introduced into evidence as A-5;*
- *Series of Photographs of the subject property, dated June 20, 2024, collectively introduced into evidence as A-6;*
- *Plot Plan, prepared by InSite Surveying, LLC last revised August 23, 2024, consisting of 1 sheet, introduced into Evidence as A-7;*
- *Architectural Plans, prepared by Brian Fitzgerald, Architect, last revised August 27, 2024, consisting of 6 sheets, introduced into Evidence A-8;*
- *Colliers Engineering & Design Review Memorandum, dated September 9, 2024, introduced into evidence as A-9;*
- *Aerial Exhibit, prepared by InSite Engineering, LLC, dated September 19, 2024, introduced into Evidence as A-10;*
- *Neighborhood Aerial Exhibit, prepared by InSite Engineering, LLC, dated September 19, 2024, introduced into Evidence as A-11;*
- *Plot Plan, prepared by InSite Engineering, LLC, last revised October 9, 2024, consisting of 2 sheets; introduced into Evidence as A-12;*
- *Colliers Engineering & Design Review Memorandum, dated October 15, 2024, introduced into evidence as A-13;*
- *Aerial Exhibit, dated October 22, 2024, introduced into Evidence as A-14;*
- *Aerial Exhibit, prepared by InSite Engineering, LLC, dated October 22, 2024, introduced into Evidence as A-15;*
- *Backyard Patio Plan, prepared by Brian Fitzgerald, dated June 25, 2024 – September 16, 2024, consisting of 5 sheet, introduced into Evidence as A-16;*
- *Communication from InSite Engineering to the Board Secretary, dated October 10, 2024, introduced into Evidence as A-17;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

Witnesses

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Frank Buono, Applicant;
- Brian Fitzgerald, Architect;
- Robert Hudak, Professional Planner;
- Robert Witek III, Esq., appearing.

WHEREAS, William H.R. White, III, P.E., P.P., CME, the Board Engineer, and John Mele, P.E., the Conflict Engineer, were also sworn with regard to any testimony and information they would provide in connection with the subject Application; and

Testimony and Other Evidence Presented on Behalf of the Applicant

WHEREAS, testimony and other evidence presented by the Applicant revealed the following:

- The Applicant is the owner of the subject property.
- There is an existing 2 ½ story single-family home on the site, with a concrete walkway and an asphalt driveway.
- In order to increase the amount of living space at the site, and in order to make the home more functional, the Applicant proposes several improvements.
- The Applicant's proposed improvements include the following:
 - a. Construction of a patio addition;
 - b. Installation of an in-ground pool; and
 - c. Construction of an at-grade patio
- Details pertaining to the proposed improvements include the following:

Patio Addition

Size:	Per Plans
Location:	Rear of existing dwelling.
Covered?:	The proposed patio addition will be covered.
Enclosed?:	The proposed patio addition will not be enclosed.

Pool

Type of Pool:	In-ground Pool
Size of Pool:	Approximately 16 ft. x approximately 25 ft.
Location:	Northeast portion of property (Per Plans)
Pool Equipment:	Standard pool equipment, including a pump, filter, and heater.
Pool Equipment Location:	The pool equipment will be located on the eastern portion of the property (per Plans).
Pool Depth:	Per Plans

At-grade Patio

Size:	Per Plans
Location:	Between Pool and covered patio
Materials:	Bluestone

- The Applicant anticipates having the construction / renovation work completed in the very near future.
- The Applicant will be utilizing licensed contractors in connection with the construction / renovation project.

Variance Relief

WHEREAS, the Application, as amended, requires approval for the following Variances:

IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas, 43.3% proposed.

REAR YARD SETBACK: Minimum 25 ft. required; whereas, 12 ft. proposed.

Public Comments

WHEREAS, no members of the public expressed any comments, questions, statements, or objections in connection with the subject Application.

Findings of Fact

NOW, THEREFORE, BE IT RESOLVED, by the members of the Oceanport Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Oceanport Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 35 Wyandotte Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.

3. The subject property contains 12,000 SF (0.275 acres).
4. The subject parcel is located on the north side of Wyandotte Avenue, approximately 420 ft. east of Port Au Peck Avenue.
5. There is an existing 2 ½ story single-family dwelling at the site, with concrete walkway and asphalt driveway.
6. The Applicant proposes to effectuate several improvements to the existing single-family home.
7. Such a proposal requires Bulk Variance relief.
8. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
9. With regard to the Application, and the requested relief, the Board notes the following:
 - The existing single-family home is a permitted use in the Zone.
 - The proposed pool / patio is a permitted accessory use in the Zone.
 - As indicated, the Application requires approval for an Impervious Coverage Variance.
 - The Board is sensitive to Impervious Coverage relief, and the rigorous Variance standards associated therewith. Moreover, the Board has reviewed the requested relief in accordance with Prevailing Variance Standards.
 - The Board Members were concerned about Impervious Coverage-related issues associated with the proposal. Some Board Members were not comfortable with approving a Lot Coverage Variance of 47.6%, as initially proposed (particularly when the maximum allowable Lot Coverage in the Zone is 37%). Some Board Members were concerned about a potentially adverse drainage impact associated with the proposed improvement, as initially proposed. The Board Members reviewed and discussed a number of potential revisions which could be effectuated so that the overall Impervious Coverage could be reduced. Some of the aforesaid ideas included, but were not limited to, a potential reduction in the overall size and scope of the proposal.
 - There was also some concern about some inconsistent plan/testimony concerns associated with the initial proposal.

- There was also a concern that more details should be added to the initially submitted plans.
- There was also a concern about what some Board members thought was excessive about the initial proposal.
- As a result of the aforesaid concerns, the Applicant's representatives arranged for a number of Plan modifications to be effectuated.
- The Plan modifications included the following:
 - The proposed impervious coverage was reduced from 47.6% to 43.3%;
 - The rear yard setback was increased from 8.31 ft to 11 ft, and ultimately to 12 ft.;
 - The proposed rear patio and rear walkways were reduced in size;
 - The proposed rear covered patio was reduced in size.
- In conjunction with the above point, the revised Plans were submitted to, and publicly reviewed by, the Board at the October 22, 2024 meeting.
- The revised plans reflected an impervious coverage of not to exceed 43.3%, in accordance with the aforesaid Board requests / recommendations.
- From a drainage / water run-off standpoint, the revised Plans were much more thorough and acceptable (than the Plans which were initially submitted).
- The Applicant's revised Plans effectuated a number of improvements designed to lessen the impact or otherwise better accommodate the water run-off associated with the proposed improvements.
- With the aforesaid modifications, and reduction in the overall size/scope of the proposal, the Applicant herein will be better able to accommodate / manage / contain water run-off associated with the proposed improvements.
- Under the circumstances, it was appropriate for the first and second Public Hearings to be adjourned so that the Applicant and the Applicant's professionals could more thoroughly focus on, address, satisfy, and improve the drainage deficiencies otherwise associated with the initially presented proposal.
- The Applicant's revised Plans will effectuate a number of drainage-related improvements, all of which have been designed to minimize any adverse impact associated with the proposal.

- From a drainage impact standpoint, the revised Plans (approved herein) are superior to the initially submitted Plans (particularly in conjunction with the conditions of approval as memorialized elsewhere herein).
- The Board appreciates the Applicant's efforts (between the first Public Hearing and the third Public Hearing) to more appropriately consider and address the overall drainage impact of the entire proposal.
- Subject to the conditions contained herein, the overall drainage / storm-water management run-off situation at the site will be significantly improved as a result of the within approval.
- The significant drainage improvements, as aforesaid, will be beneficial for the Applicant's property, the neighboring property, and the community as a whole.
- Subject to the conditions contained herein, the Applicant's drainage improvements will not adversely affect neighboring properties.
- Per the testimony and evidence presented, there are other existing pools in the immediate neighborhood and thus, subject to the conditions contained herein, the installation of a pool at the site will be generally consistent with the character of general development in the area.
- The Applicant considered a number of potential host locations for the pool, and the proposed location is the most appropriate / desirable.
- The pool complies with all Prevailing Setback Requirements.
- As referenced, the Application as presented requires approval for an Impervious Coverage Variance. The relevant calculations in the said regard include the following:

Maximum allowable impervious coverage:	37%
Existing impervious coverage:	@ 29%
Proposed impervious coverage:	not to exceed 43.3%

- The Applicant's witnesses provided sufficient testimony in support of the Application and the requested relief (as ultimately amended).
- Subject to the conditions set forth herein, the grading and drainage testimony / plans / information presented satisfied the preliminary technical concerns of the Board Engineer.
- Per the testimony and evidence presented, and subject to the conditions contained herein, there will be no adverse drainage impacts associated with the within approval.
- Subject to the conditions set forth herein, the subject site can accommodate the Applicant's proposal.

- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the pool setback / location approved herein.
- Per the testimony and evidence presented, the installation of the pool approved herein will not compromise the health and safety of the occupants.
- Subject to the conditions set forth herein, there will be no adverse lighting associated with the placement of the pool in the desired location.
- The pool will be shielded by shrubbery and / or fencing, further ensuring that the proposed installation will not have an adverse impact on adjacent property owners.
- The pool will be appropriately shielded with landscaping/fencing.
- Additionally, notwithstanding the Impervious / Rear Yard Variance relief, the Board notes that the location of the proposed pool/patio is practical, appropriate, and aesthetically pleasing.
- The proposed pool will be attractive, aesthetically pleasing, and upscale, in accordance with prevailing community standards.
- Approval of the within Application will enhance/improve the quality of life for the Applicant.
- The to-be installed pool is specifically designed for residential use.
- Approval of the within Application will not intensify the existing and to-be-continued single-family nature of the home/site.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the pool will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.

- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfied the statutory requirements of N.J.S.A. 40:55D-70(C) Bulk Variance relief.

Based upon the above, and subject to the conditions contained herein, the majority of the Board is of the opinion that the requested relief can be granted without causing substantial detriment to the public good.

Conditions

During the course of the Hearing, the Board has requested, and the Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The within approval shall be deemed void, unless, within 24 months of adoption of the within Resolution, or any agreed upon written extension, the Applicant obtains building permits associated with the within project.
- c. The covered patio approved herein shall not be enclosed, absent further / formal approval of the Oceanport Planning Board. In conjunction herewith, the Applicant shall arrange for the within Resolution (or a memorandum thereof) to be recorded in the Office of the Monmouth County Clerk – and proof of recording shall be submitted to the Board Secretary.
- d. The Applicant shall perpetually maintain / replace / replant landscaping at the site, in accordance the terms and conditions set forth herein.
- e. The Applicant shall arrange for the architectural plans and the plot plan to be coordinated (with regard to the applicable details/Variances, as ultimately amended).
- f. The municipal Plumbing Sub-Code Official shall review / approve the outdoor sink details.
- g. The Applicant shall maintain inlets in accordance with industry standards, and other prevailing Borough requirements.
- h. The Applicant shall submit pipe design specifications to the Board Engineer, or his review and approval.

- i. The Applicant shall, in good faith, work with the Board Engineer so as to add additional inlets to the plans, should the Board Engineer deem the same necessary.
- j. Revised sealed plans shall be submitted to the Board Secretary.
- k. The Applicant shall obtain any plumbing and electrical permits for the outside amenities approved herein.
- l. A drainage plan shall be submitted to the Board Engineer, for his review and approval.
- m. The Applicant shall comply with prevailing Building / Construction Code requirements for the set back between the home and the chimney.
- n. The Applicant shall submit an as-built survey.
- o. There shall be no further intensification / modification to the site, absent further / formal approval of the Oceanport Planning Board.
- p. Upon completion of the improvements, the Applicant's design professional shall submit a Certification confirming that the improvements have been installed in accordance with the testimony presented, in accordance with the approved plans, and in accordance with the terms and conditions of the within Resolution.
- q. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- r. The grading and drainage details shall be reviewed and approved by the Board Engineer.
- s. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - That, the Impervious lot Coverage at the site shall not exceed 43.3%;
 - The inclusion of buffering and landscaping at the site so as to minimize any adverse impacts associated with the proposal (the details of which shall be reviewed and approved by the Board Engineer);
 - The inclusion of compliant pool-fence details;
 - The inclusion of a note confirming that the pool lighting shall comply with Prevailing Requirements;

- Confirmation that the exterior lighting at the site shall only include dark sky light fixtures;
- Confirmation that the pool-compliant fence shall be a fence belonging to the Applicant, and on the Applicant's property. (That is, the Applicant is not permitted to utilize a pool fence which is owned by another third party / neighbor, or located on a neighboring property, etc.);
- Confirmation that the pool equipment shall be located in a zoning-compliant location;
- Confirmation that artificial turf shall be placed between the paver stepping stones;
- Confirmation that the pool equipment details shall be included on the plans;
- Confirmation that the Applicant shall use inlets instead of emitters;
- Confirmation that the landscaping berm shall be raised above the adjacent rear yard;
- Confirmation that there shall be a 4 inch solid PVC pipe for the roof drain, so that tree roots cannot grow into, or otherwise compromise the same;
- Confirmation that the rear setback shall be increased from 8.31 ft. to 12 ft.;
- Confirmation that the patio will line up with the edge of the coping of the pool;
- Confirmation that the drain pipe shall be a solid PVC pipe;
- Confirmation that the planting and landscaping details shall be included on the plans;
- Confirmation that the floor elevation of the covered patio shall be reduced, or, in lieu thereof, a railing added to the same (if the patio is higher than 30");
- Confirmation that the Applicant shall maintain existing drainage patterns on the site;
- Confirmation that the last 10 ft. of each drainage pipe shall be swapped out for perforated stone trench piping (for extra reinforcement);
- Confirmation that the trench details shall be added to the plans;
- Confirmation that the grading slope on the site shall be changed, per the recommendations of the Board Engineer;
- Confirmation that evergreens shall be placed in the rear yard area, 3 - 4 ft. in width, with a minimum planting height of at least 6 - 8 ft.;
- Confirmation that additional yard inlets shall be added to the site, if deemed necessary by the Board Engineer;
- Confirmation that there shall be no cover placed over the grill area;

- Confirmation that the patio shall be constructed with blue stone, and not permeable pavers;
 - Confirmation that one drain shall be placed at the rear of the patio, the details of which will be reviewed and approved by the Board Engineer;
 - Confirmation that two street trees shall be added to the plans (on the Applicant's property); (minimum 3" caliper)
 - Confirmation that the Applicant shall not be utilizing pop-up emitters;
 - Confirmation that the stone pop-up features shall be removed from the municipal right-of-way;
 - Confirmation that a 12 in. yard drain shall be added to the end of each drain line;
 - Confirmation that additional yard drains shall be added to the plans;
 - Confirmation that a trench drain shall be added to the edge of the paver patio;
 - Confirmation that a wood burning fireplace shall not be placed at the site;
 - Confirmation that the fireplace at the site will be a gas fireplace;
 - Confirmation that the patio height shall be 30 in., with no railings;
 - Confirmation that inlets shall be added to the plans;
- t. The Applicant shall, in good faith, consult with the Board Engineer so as to satisfactorily address all grading / drainage concerns of the Board Engineer.
- u. The pool lighting shall comply with Prevailing Municipal Requirements.
- v. The Applicant shall perpetually maintain, replace, replant, landscaping at the site so as to perpetually minimize any adverse impact otherwise associated with the non-conforming proposal approved herein.
- w. The Applicant shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated June 13, 2024 (A-5), September 9, 2024 (A-9), and October 15, 2024 (A- 15).
- x. There shall be no adverse drainage impact on the adjoining properties.
- y. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- z. The Applicant shall arrange for the pool to be fenced in accordance with Prevailing Building / Construction Code Requirements (including, but not limited to, gate details, fence location, etc.)

- aa. The Applicant shall ensure that the location / elevation of the pool equipment shall comply with Prevailing Construction Department Regulations (regarding base flood elevation).
- bb. The Applicant shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties. Additionally, there shall be no overhead lighting associated with the pool. (The Applicant shall also only have downward lighting associated with the pool.)
- cc. The installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with Prevailing Provisions of the Uniform Construction Code.
- dd. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- ee. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. To the extent the Application, or the requested relief, materially changes as a result of such outside approvals, then, in that event, the Applicant shall be required to return to the Board and petition the Board for further amended relief.
- ff. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

Summary of Amended Variance Relief Granted

The Board herein has granted an Impervious Coverage Variance: Maximum 37% allowed; whereas not to exceed 43.3% approved.

The Board herein has also approved a Rear Yard Set Back of 12 ft. (to the proposed covered patio).

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or his agents shall be deemed conditions of the approval granted herein, and any mis-

representations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or their agents/representatives accept any responsibility for the structural design of the proposed improvements, or for any damage which may be caused by the installation.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 22, 2024 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Foster	()	()	()	()	()
Cooper	()	()	()	()	()
Calver	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Gruskos, D. (Alt. #1)	()	()	()	()	()
Padula, L. (Alt. #2)	()	()	()	()	()

This resolution was offered by _____, seconded by _____, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Foster	()	()	()	()	()
Cooper	()	()	()	()	()
Calver	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Gruskos, D. (Alt. #1)	()	()	()	()	()
Padula, L. (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of November 12, 2024.

Jeanne Smith, Secretary

PR-24-17

11/12/24

BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF FRANK BUONO
35 WYANDOTTE AVENUE / BLOCK 19, LOT 14.01
APPROVED OCTOBER 22, 2024
MEMORIALIZED NOVEMBER 12, 2024

STATE OF NEW JERSEY)
) SS:
 COUNTY OF MONMOUTH)

I CERTIFY that on _____, 2024.

FRANK BUONO

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this Document;
- (b) executed this Document as his or her own act; and
- (c) made this Document for **\$1.00** (One and 00/100 Dollar) as the full and actual consideration paid or to be paid.

 Notary Public
 State of New Jersey

 Jeanne Smith, Zoning Officer

 Witness

 Date

PR-24-17
11/12/24

STATE OF NEW JERSEY)
) SS:
COUNTY OF MONMOUTH)

I CERTIFY that on _____, 2024.

JEANNE SMITH

personally came before me and stated to my satisfaction that this person (or if more than one, each persons):

- (a) signed the within Document; and
- (b) executed this Document as Zoning Officer of the Borough of Oceanport.

Notary Public
State of New Jersey

Record & Return to:

Borough of Oceanport
PO Box 370
Oceanport, NJ 07757



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 3404)

Meeting: 11/12/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3404

7.2

PR-24-18 27 Vreeland Place



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 3375)

Meeting: 11/12/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3375

PB2024-06 Netflix

Avenue of Memories
Block 110, P/O Lot 1
Block 110, Lot 4
Block 105, Lots 1-3
Block 109, Lots 1-2
DFD 12/12/2024

Application for Major Site Plan of Phase IA with variance and design waivers for property known as Zone 7 of the Mega Parcel (29.4 Ac) located in the Oceanport Green Tech Campus District. All existing structures are to be razed except for the current FMERA office and McAfee Center. Applicant proposes to construct four (4) Sound Stages totaling 128,355 SF, Mill Building (61,800 SF), and a storage/warehouse building (11,824 SF). The FMERA office (9,696 SF) and McAfee Center (91,595 SF) buildings are to be renovated. Site improvements include new parking lots, access drives, site lighting, stormwater management systems and landscaping.

Variance: Height of Signage, 10' permitted, 12' proposed

101 Crawfords Corner Road
Suite 3400
Holmdel New Jersey 07733
Main: 877 627 3772



November 4, 2024

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
910 Oceanport Way
P.O. Box 370
Oceanport, NJ 07757

Application No. PB2024-05
Review No. 1 – Netflix
Block 110, PO Lot 1
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No.: OPP-0360

Dear Board Members,

Our office has received the following information in support of the above-referenced Application:

- Plans entitled "Site Survey" prepared by Langan Engineering and Environmental Services, LLC, last dated May 8, 2024, consisting of four (4) sheets;
- Report entitled "Traffic Impact Study for Netflix Studios Fort Monmouth Phase 1A" prepared by Langan Engineering and Environmental Services, LLC, dated May 17, 2024;
- Plans entitled "Preliminary and Final Site Plan, Netflix Studios Fort Monmouth Phase 1A" prepared by Langan Engineering and Environmental Services, LLC, last revised June 14, 2024, consisting of eighty four (84) sheets;
- Plans entitled "Netflix Studios Fort Monmouth Phase 1A" prepared by Mancini Duffy Architects, LLC, last revised June 14, 2024, consisting of forty-six (46) sheets;
- Report entitled "Stormwater Management Report for Netflix Studios Phase 1A" prepared by Langan Engineering and Environmental Services, LLC, last revised June 14, 2024; and,
- Mandatory Conceptual Review letter dated July 10, 2024.

The subject property is known as Zone 7 of the Mega Parcel, a 1,281,791 SF (29.4 Ac) parcel located in the Oceanport Green Tech Campus District. The parcel is bounded on the south side by Avenue of Memories, former Wilson Avenue, to the west. Sherrill Avenue to the north and Malterer Avenue and Brewer Avenue to the east. All existing structures are to be razed except for the current FMERA office and McAfee Center. Applicant proposes to construct four (4) Sound Stages totaling 128,355 SF, Mill Building (61,800 SF), and a storage/warehouse building (11,824 SF). The FMERA office (9,696 SF) and McAfee Center (91,595 SF) buildings are to be renovated. Site improvements include new parking lots, access drives, site lighting, stormwater management systems and landscaping.

We offer the following preliminary comments for the Board's consideration:

A. Variances

1. Amendment 20 permits Identification Signs with a height not to exceed ten (10) feet. The application proposes twelve (12) Identification Signs with a height of twelve (12) feet. The signs help to identify the buildings, especially for emergency services as they will share a single address.

The Fort Monmouth Land Use Law permits the granting of a bulk and area-type variance under either of the following situations (NJAC 19:31C-3.21a):

- By reason of the exceptional narrowness, shallowness, or shape of the property; exceptional topographic conditions or physical features uniquely affecting the property; or an extraordinary and exceptional situation uniquely affecting the property or structures lawfully existing thereon, strict application would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer; or
- A determination that the purposes of the Reuse Plan and this subchapter would be advanced by a deviation from the bulk and area requirements of this subchapter and the benefits of the deviation would substantially outweigh any detriment.

B. Design Waivers/Exceptions

1. N.J.A.C. 19:31-3.15(e)(1)(iv) requires all non-residential buildings to provide secure indoor bike racks. The Applicant proposes to provide thirty-six (36) bike racks throughout the development. FMERA has indicated that they believe the Applicant has met with the intent of the requirement which is to reduce automobile traffic within the Fort.
2. N.J.A.C. 19:31C-3.18(b)(2)(a)(1)(B)) requires building facades to have transparent glazing for at least 40% of the ground floor façade area. None of the seven (7) buildings comply with this requirement as demonstrated on the chart below.

Building	Transparency Level			
	Building Elevation			
	North	South	East	West
Sound Stage 1	8%	8%	0%	0%
Sound Stage 2	0%	0%	0%	0%
Sound stages 3 and 4	33%	7%	12%	12%
FMERA Building	22%	25%	24%	21%
McAfee Center	10%	19%	12%	7%
Mill Building	0%	0%	0%	0%
Storage Building	0%	0%	0%	0%

3. The maximum height for free standing lights shall not exceed the maximum height of the principle structure or eighteen (18) feet, whichever is less. The Applicant proposes 25' high fixtures in the Sherrill Avenue right of way. Testimony should be provided for the exceedance.

The Fort Monmouth Land Use Law permits the granting of a design waiver/exception from requirements listed in N.J.A.C. 19:31C-3.10 through 3.12 under either of the following situations (NJAC 19:31C-3.21d):

- The literal enforcement of one or more of the rules in this subchapter is impractical; or
- The literal enforcement of one or more of the rules in this subchapter will exact undue hardship because of peculiar conditions pertaining to the land in question.

C. General Comments

1. There are a few large areas of pavement which there is no proposed parking designated and it is labeled "Base Camp". Please clarify the use of these areas.
2. Safety fencing should be provided around the basins that have a permanent pool of water.
3. The Applicant shall clarify if the area on the south side of Avenue of Memories and adjacent to Large Scale Basin 2 is part of the development. If so, will it be the subject of a future application?
4. The Applicant shall clarify if Monmouth County will be maintaining ownership of Sherrill Avenue and Malterer Avenue.

D. Tree Removal and Replacement Plan

1. Calculations on sheet CD201 need to be checked for accuracy.
 - a. The number of total new replacement trees required is incorrectly calculated. Update plans accordingly.
 - b. The total existing tree diameter to be removed is incorrectly calculated, revise accordingly.
 - c. The total new tree diameter required per trees removed is incorrectly calculated, revise accordingly.
 - d. The total new replacement trees required is incorrectly calculated, revise accordingly.
 - e. Summed rows in Tree Replacement Summary – Phase 1A do not sum correctly, revise accordingly.

2. There is incorrect labelling and quantification of trees in the provided plan and table, respectively.
 - a. Tree #2276 is a tree that is labelled for preservation in the plan but is displayed as removed in the landscape plan. As a tree labelled for preservation, it is not quantified as a preserved tree in the table. Plans and tables to be updated to reflect accurate information (as is, tree #2276 should be listed in trees to be removed table).
3. Applicant should provide rationale for why trees #2301 and #2300 are marked from removal vs removal and replacement.

E. Landscaping

1. Landscaping/street trees within the right of way and those that are in possible conflict with sight triangle boundaries shall be specified to remain clear between 24" and 8' above grade at centerline of roadway (FMERA Land Use 19:31C-3.10 (b) 3i). Plant schedule should be updated accordingly.
2. There are multiple instances where street trees encroach on the defined clear perimeter (25') of streetlights (FMERA Land Use 19:31C-3.14 e3). Plans should be updated accordingly.
3. Mechanical Equipment (e.g. HVAC system) is not screened by attractive fencing and evergreen trees and shrubs (FMERA Land Use 19:31C-3.18 e2). Applicant to provide screening to comply with code requirements and update plan accordingly.
4. Applicant shall apply notations and details on plan to apply fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act when establishing vegetation after land disturbance (FMERA Land Use 19:31C-3.12 dii9(D)).
5. The Applicant shall provide limits of irrigation on plans in addition to details and notations for the proposed intent of the proposed irrigation throughout the entire development project (FMERA Land Use 19:31C-3.16 d1i).
6. The Landscape Plan does not delineate mulch bed lines for planting areas. Any plant bed and/or mulch bed lines shall be mapped and identified. The Applicant should update the plan accordingly and provide a key that identifies these areas with consistency throughout all sheets.
7. The Landscape Plan shall delineate the limit of disturbance clearly showing all areas to be graded and either seeded and/or sodded. The Applicant should review the plan and update accordingly.

8. Plans are missing a hatch legend which keys and differentiates seed mix zones and marsh zones. The Applicant should review the plan and update accordingly. Additionally, seed mix and marsh zone hatch patterns should be keyed to their respective sections in the details for better clarity for review.
9. Applicant needs to review meadow seeding notes to ensure consistency between seed mixes and seed mix sub-notes.
10. Trees located in Filtera systems need to be sized appropriately in the plant schedule. Applicant to provide trees that comply with Filtera's requirements.
11. The landscape schedule calls for 3,999 groundcover deciduous shrub type 1. The Applicant should provide species specific detail for this selection.
12. The landscape schedule calls for 236 Perennial Type 1. The Applicant should provide species specific detail for this selection.
13. The landscape schedule calls for 4,099 Perennial Type 2. The Applicant should provide species specific detail for this selection.
14. The plant schedule calls for plant material that is not published in the Monmouth County recommended species list. The Applicant should review the plant list and specify materials from the list and/or provide documentation justifying a species substitution.
15. There are multiple instances where tree plantings are 5' from utility lines. The Applicant should review the plan to ensure that no conflict exists between planting and utility placement and propose root barrier or approved equal as required.
16. Plan notations indicate Foundation Planting, typ. Applicant to provide foundation planting plan for approval by the township prior to construction.

F. Lighting

1. The Applicant should provide a description of the hours of operation and need for lighting as well as any after-hours security lighting intended. The Applicant should review the lighting plan and update accordingly.
2. As per Amendment 20 Lighting #3, light fixtures in parking lots and base camps may exceed the limit established in the Land Use Ordinance. However, the height of fixtures G and H exceed the maximum permitted by code (streetlight restriction to 18 feet). Fixtures G and H are streetlights mounted at 25'.
3. All exterior lights shall be full cut off fixtures per Amendment 20, Lighting #1. Applicant to confirm conformance to code with their selections.

4. The plan should be updated to include specific locations for luminaire point-by-point data. Point location in the form of a symbol or cross hair should mark the location where the data is collected.
5. Please identify the lighting levels for the Isolux footcandle templates and provide a legend designating line types.
6. Footcandle data point layout should extend at least ten (10) feet beyond the property line along its entirety and terminate where zeros begin to occur. Applicant should update the plan accordingly.
7. There are several instances where lighting fixtures conflict with utilities, easements, curbs, and sidewalks. Conflicts shall be reviewed, and plans updated accordingly.
8. All fixtures should be reviewed for compliance with the recommended EPA values based on the proposed mounting and pole selections. Depending on fixture mounting type there may be unacceptable pole selection.

G. Traffic and Circulation

1. The traffic report is focused on Phase 1A. Testimony shall be provided as to the anticipate impact at full build out.
2. The Applicant stated that traffic volumes from six (6) developments, previously approved and/or pending approval were considered as part of the No-Build condition.

We take no exception to the adjacent development volumes included within the No-Build condition. However, the Applicant shall confirm whether any adjacent developments propose any improvements and/or traffic signal mitigation at any of the intersections analyzed within the study. Ensure to utilize proposed improvements associated with Parcel C along Tinton Avenue.

3. Further testimony shall be provided for the development of the site generated trips. For instance, are the site generated trips based on other production studios? The Applicant provides a detailed explanation regarding the operations of the Studio; however, it is unclear if these assumptions are based on other locations.
4. Trip distribution estimates were determined utilizing a journey-to-work model. Applicant shall provide Journey-to-Work model data.
5. The Preliminary and Final Major Site Plan, dated June 20, 2024, states the parking requirement for the project equates to 415 spaces. The Applicant proposes to provide 546 spaces, thus satisfying the Ordinance requirement.

We take no exception to the proposed parking supply; however, the Applicant shall provide a parking assessment section in the Traffic Impact Study, in accordance with the proposed site plans. Additionally, the Applicant shall provide a parking matrix that details the time-of-day parking demand based on the anticipated operations of the site to ensure the parking supply is sufficient to meet the anticipated demand.

6. The Applicant shall clarify the protective measure to prohibit vehicles accidentally entering detention basins that are surrounded by pavement or located adjacent to the street.

G. Stormwater Management

1. The proposed improvements will disturb approximately 46.73 acres and adds more than ¼ acres of new regulated motor vehicle surface; therefore, the project is classified as a major development per N.J.A.C. 7:8 and is subject to the Green Infrastructure Standards (N.J.A.C. 7:8-5.3), Ground Water Recharge Standards (N.J.A.C. 7:8-5.4), Stormwater (SW) Runoff Quality Standards (N.J.A.C. 7:8-5.5), and SW Runoff Quantity Standards (N.J.A.C. 7:8-5.6) as applicable.
 - a. The Green Infrastructure Standards (N.J.A.C. 7:8-5.3) are met by utilizing BMPs from Table 5-1 or from Table 5-2 and/or an alternative stormwater management measure approved in accordance with N.J.A.C. 7:8-5.2(g) by demonstrating compliance with the following comments 1(b) through 1(d) the standards shall be met.
 - b. The stormwater management report indicates that groundwater recharge requirements do not apply to projects within the urban redevelopment area. However, in accordance with N.J.A.C. 7:8, "Urban Redevelopment Area" is defined as previously developed portions of areas delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1). The majority of the site is undeveloped grass and is subject to the groundwater recharge requirement. The Applicant shall revise the SWM Report to address how the project meets the minimum design and performance standards for groundwater recharge per N.J.A.C. 7:8-5.4. The following requirements must be met for undeveloped portions of the site:
 - Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected two-year storm, as defined and determined pursuant to N.J.A.C. 7:85.7(d), is infiltrated.
 - c. To demonstrate compliance with Stormwater (SW) Runoff Quality Standards (N.J.A.C. 7:8-5.5) the following requirements must be met:

- TSS Removal Required is averaged across the entire site and not individual watersheds;
 - TSS Removal Required vs TSS Removal Proposed plans shall be provided so that the acreage-removal rate under proposed conditions exceeds or meets the acreage-removal rate under Required conditions;
 - Since more than one (1) acre of land will be disturbed, the project is a “major development” and must therefore meet all standards of the Stormwater Management rules. An 80% TSS removal rate would apply to the additional new pavement. For the existing pavement, if water quality is provided under existing conditions, the required TSS removal rate is the greater of the TSS removal rate of the existing stormwater treatment system, or 50% TSS. Therefore, the calculations should be revised to remove the 0% TSS. If mill and overlay is proposed denote the areas in the Water Quality Averaging Plans and exclude it from the overall required calculation. For more information see: https://dep.nj.gov/stormwater/sw_rule_faqs/#redevelopment;
 - Provide revised water quality design storm calculations using the Delmarva Unit Hydrograph, as the site is located in the coastal plain, to ensure orifices are set at or above the water quality storm elevation.
- d. The Stormwater Runoff Quantity Standards per N.J.A.C. 7:8-5.6 are applicable. The Applicant is proposing to meet the stormwater quantity requirement per N.J.A.C. 7:8-5.6(b)1 and 3 by proposing to match Hydrographs and reduce the post-construction peak runoff rates for the 2-, 10-, and 100-year storm events to 50, 75 and 80%, respectively, of the pre-construction peak runoff rates. The following requirements must be met:
- Account for the current and future water quantity reductions in POA 1 due to basin discharge reductions need to be met at POA 1 per N.J.A.C. 7:8-5.6(b)3.
 - Provide volumes for POA 3 per N.J.A.C. 7:8-5.6(b)1.
2. A groundwater mounding analysis per N.J.A.C. 7:8-5.2(h) is not required due to proposed BMPs having underdrains.
3. Revise the stormwater management report and appendices for the following:
- a. Design Methodology and Hydraflow Routing for time of concentration the minimum time of concentration should be calculated and utilized per Chapter 5 Page 27 of the NJ Stormwater Best Management Practices Manual.
 - b. Existing runoff discharges and proposed watershed areas for Watershed 1 and 3. Since, watershed 1 has basin discharge it is subject to N.J.A.C. 7:8-5.6(b)3.

- c. Stormwater Quality Standards the required calculations shall be revised per aforementioned comment 1.c.
- d. Groundwater Recharge Design shall be revised per aforementioned comment 1.b.
- e. Provide a summary of dam classifications, proposed forebay, flood storage, etc. in the report body.
 - Revise Emergency Spillway calculations as necessary.
- f. Provide basin bottom elevation, first stage orifice, maximum water surface elevation of the water quality storm and future 100-year storm, and tributary area inflowing to the basin in the routing summary section of the report.
- g. Provide minimum grade of the pervious pavement, maximum water surface elevation of the water quality storm and future 100-year storm, first stage orifice, maximum surface slope, and 3:1 ratio of pervious pavement calculations under the pervious pavement section of the report.
- h. Provide the minimum and proposed inflow drainage area to each standard extended detention constructed wetlands, the length to width ratio, volume of the water quality design storm, as well as the volume of each design component of the pretreatment zone, semi-wet zone, high marsh zone, low marsh zone, and pool zone.
- i. Provide sediment basin calculations.
- j. Revise the time of concentration calculations for the following:
 - To be consistent with the drainage area maps.
 - Under present conditions short grass shall be used when there are no swales present.
- k. The Hydraflow Hydrograph Report calculations should be revised for:
 - Hydrograph type shall be revised to Delmarva Unit Hydrograph as the site is located in a Coastal Plain.
 - Existing and proposed areas to be consistent with the calculations on prior sheets (i.e. Ex East Campus 1 Imp. is 3.11 acres vs 3.12 acres).
 - Provide POA-3 Volume calculations.

- Provide water quality calculations for all large scale basins and constructed wetlands.
 - Tailwaters from Wampum Brook and Husky Brook should be accounted for in the design for applicable basins.
 - Provide alternate BMP approvals from NJ DEP.
- l. Revise scour hole calculations to utilize the 2-year tailwater of the basin when $TW > 0.20Do$.
 - m. Demonstrate compliance with Point Discharge Stability and Downstream Stability Analysis per The Standards for Soil Erosion and Sediment Control in New Jersey Table 21-1.
 - n. Provide the O&M as a separate document.
 - o. Provide Aerator Calculations.
 - p. The stormwater management report is subject to further review.
4. Revise the existing, proposed, and catchment drainage area maps for the following:
 - a. The Proposed Drainage Map there is unaccounted drainage area going to large-scale basin 2.
 - b. Provide soil names and hydrological soil groups lines on the existing and proposed maps.
 - c. On the catchment area map make the linework distinguishable from the other linework.
 - d. For the existing and proposed drainage maps add the area, CN values, and areas as well as time of concentrations for impervious and pervious areas.
 - e. Revise the existing and proposed drainage map for all disturbed areas.
 - f. Provide additional labeling for existing contours outside the drainage area limits.
 - g. Display all test pits on the proposed map for the basins with infiltration rates.
 - h. The Drainage area maps are subject to further review.
 5. Update storm sewer calculations for the following:
 - a. Provide pipe name, Manning's n, and pipe material description.

- b. That the pipes have adequate slope, 0.5% minimum in paved areas and 1.0% minimum in grassed areas, the current proposed design has very flat slopes where construction would be most likely infeasible.
 - c. Revise all pipes calculations to be consistent with the Proposed Drainage Area Map and Grading and Drainage Plan information for all structures, slope, length, inverts, grate elevations, and size.
 - d. Utilize the 2-year tailwater in the storm pipe calculations.
 - e. Storm sewer calculations are subject to further review.
6. The stormwater conveyance system shall be revised for the following:
- a. Provide bypass inlet for Filterra's and have the pipe come out perpendicular to the frame as shown in the detail.
 - b. That the pipes have adequate slope, 0.5% minimum in paved areas and 1.0% minimum in grassed areas.
 - c. Match crowns where feasible.
 - Ensure inverts out are not set above the inverts in (i.e, MH-212).
 - d. Provide minimum cover per ADS N-12 HDPE pipe specifications and for the ERCP refer to American Concrete Pipe Association of NJ Minimum Allowable Earth Cover Table.
 - e. Provide an outlet control, such as an overflow inlet with weirs or orifices, for Pervious Pavement per NJ BMP chapter 9.6.
 - f. Please review the following discharge locations:
 - Northwest Pipe Connection (Ex MH-100) – there is no current existing condition where it makes the discharge location infeasible. Provide support calculations that demonstrate that the existing pipe has capacity.
 - North Pipe Connection (Ex. MH-401) – the plan proposes to discharge a 36" pipe in the existing 24" pipe. Upon inspection the pipe system north of Sherrill Avenue is crushed and does not allow a feasible discharge.
 - South Pipe Connections (Ex. MH – 400 and MH-402) – The outlet pipe is only 18" and the improvements propose to connect a 15" pipe, 18" pipe and 30" pipe. The existing pipe runs through a capped landfill. It is recommended to reroute the pipes to discharge through the proposed box culvert.

- Southwest Pipe Connection (Ex-CB-201) – there is no current existing condition where it makes the discharge location infeasible. Provide support calculations that demonstrate that the existing pipe has capacity.
- g. The stormwater conveyance system is subject to further review.
7. Revise the O&M for the following:
- a. Provide a separate document as it must be filed at the County.
 - b. Revise the responsible party's section to comply with N.J.A.C. 7:8-5.8(b)-(h).
 - c. Provide a designated inspectors list that lists inspectors, designated contractor, professional engineer, and officers with space to add addresses and phone numbers when they are determined.
 - d. Revise section 4.2 to add maintenance requirements for all proposed BMPs per NJ BMP.
 - e. Provide an inspection schedule for all proposed BMPs.
 - f. Provide a Maintenance Tools and Equipment section.
 - g. Provide a Maintenance Cost section.
 - h. Provide an inspection log and checklist.
 - i. Clearly indicate in the manual that the owner is responsible for the annual reporting by March 1st for the previous year. The Inspection reports and maintenance log shall be submitted to the Borough Clerk annually.
 - j. The O&M is subject to further review.
8. Revise the geotechnical report for:
- a. Revise the Test Pit Location Plan (Phase 1A):
 - To show the infiltration area instead of the top contour and porous pavement areas.
 - Illustrate the HSG Soil names with the runoff class draining classifications.
 - b. Provide adequate testing per NJ BMP Chapter 12 for all basins, porous pavement areas, and constructed wetlands.

- c. The geotechnical report is subject to further review.
9. Revise the Grading and Drainage Plan for the following:
- a. Provide top of curb and bottom of curb spot elevations on curb radii and corners.
 - b. Provide high point spot elevations.
 - c. Provide oversized structures where applicable.
 - d. Provide grade shots at curb ramps.
 - e. Provide inverts of the underdrains and roof connections.
 - f. Label all structures (i.e., downstream of CB-164).
 - g. Provide emergency spillways with 10-foot-wide berms per chapter 17 of The Standards for Soil Erosion and Sediment Control In New Jersey.
 - h. Depict the emergency spillway for Large Scale Basin 2 and Basin 6.
 - i. Provide safety ledges in basins or constructed wetlands with permanent pools in compliance with ordinance section 328-8.E.
 - j. Show spot shots for ADA spaces and ADA Paths.
 - k. Call out existing grates that are to be reset.
 - l. Clarify pipe material (i.e., downstream of CB-137).
 - m. Revise storm sewer from running underneath the guard post (i.e., downstream of CB-409).
 - n. Provide 2' x 10' culvert invert in/out information.
 - o. Provide adequate separation between storm, sewer, and water with the minimum being 6 inches with a concrete encasement.
 - p. Revise rock chute callout to be consistent with the calculations.
 - q. Depict existing utilities, i.e., where doghouse manholes are proposed.
 - r. Specify catch basin's type i.e., 'B', 'A', Modified 'B', 'E', etc.
 - s. Provide the future 100-year WSE of all basins, constructed wetlands, etc.

- t. Adjust MH-104 to be in the grassed area.
 - u. Callout grass swale and aerator per the detail sheet.
 - v. Provide conduit outlet protection for HW-100, 101, 111, 200-202, and Flood storage area.
 - w. The grading on the north, west and south sides of the existing FMERA building will direct runoff into the building should the system exceed capacity or get clogged. Overland relief should be provided.
 - x. Add Spot grades to the emergency spillways to better define the grading.
 - y. Outlet structures should have wingwalls and set into the slope for a more aesthetic appearance.
 - z. Review of the Grading and Drainage Plan is subject to further review.
10. Revise Profiles for the following:
- a. Provide separation dimensions at utility crossings.
 - b. Provide names of pipe.
 - c. Depict concrete encasement where applicable.
 - d. Depict water and privacy fence footings in profiles.
 - e. Display approximate location of water and fire water on sanitary and storm profiles.
 - f. Number the fire water loop.
 - g. Profiles are subject to further review.
11. Revise Utility sheets for the following:
- a. Add proposed storm labels.
 - b. Provide sanitary cleanouts within first 3' of the building per NJ Plumbing Code Chapter 5, figure 5.4.6A.
 - c. Provide 1.04% slope for 6" sanitary laterals per NJ Plumbing Code.
 - d. Provide a 0.1' drop between invert in and out through sewer structures.

- e. Display alignments and call out the numbered fire water loop, domestic water services, and hydrant lateral profiles.
- f. Callout concrete encasements and concrete thrust blocks on the plans.
- g. Provide testimony on separation of utilities with proposed manholes and trees (i.e., OCS-107).
- h. Provide testimony on longevity of pipes directly under the box culvert.
- i. The Utility sheets are subject to further review.

12. Revise Detail sheets for the following:

- a. Revise the Basin's Outlet Control Structure to coordinate with the grading and drainage plans and specify weir heights.
- b. Provide outlet control detail for Pervious Asphalt.
- c. Revise oversized outlet control structure to specify inflow and outflow pipes.
- d. Revise Pervious Asphalt Detail to be consistent with Chapter 9.6 of the NJ BMP.
- e. The details are subject for further review.

13. Revise the architectural plans for the following:

- a. Provide roof leader locations.

H. Miscellaneous

- 1. The Applicant shall be required to provide an electronic version (AutoCAD format) of the boundary survey.
- 2. A Tax Map Revision Fee of \$250.00 shall be paid to the Borough should the Application be approved (Ordinance 204.10).
- 3. The street addresses shall be approved by the appropriate Borough Official.

I. Additional Agency Approvals

- 1. This Application is subject, but not limited to, the following outside agency approvals or letter of no jurisdiction:

- a. NJDEP;
- b. Monmouth County;
- c. Oceanport Fire Marshal;
- d. Two River Water Reclamation Authority;
- e. New Jersey American Water;
- f. Freehold Soil Conservation District;
- g. New Jersey Natural Gas; and,
- h. JCP&L/FMERA.

Should you have any questions or require any additional information, please do not hesitate to contact me directly.

Sincerely,

Colliers Engineering & Design, Inc.



William H.R. White, III, P.E., P.P., CME, CFM, CPWM
Oceanport Planning Board Engineer and Planner

WHW/hlo

cc: Kevin Kennedy, Esq. (via email)
Lisa A. John-Basta, Esq. (via email)
Christopher Cirrotti, P.E. (via email)
Karl Pehnke, P.E. (via email)
Ed Herrman, P.E. (via email)

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OCEANPORT PLANNING BOARD LAND USE DEVELOPMENT APPLICATION

FOR OFFICIAL USE ONLY

Date Filed: _____	Application # _____
Application Fee: _____	Location (Address): _____
Escrow Fee: _____	Block: _____ Lot: _____
Date Deemed Complete: _____	Zone District: _____

Application is hereby made for:

☐ SUBDIVISION ☐ Concept Plan ☐ Minor ☐ Preliminary Major ☐ Final Major	☒ SITE PLAN ☐ Concept Plan ☐ Minor ☒ Preliminary Major ☒ Final Major (Single & 2-Family Exempt)	☒ VARIANCE/APEAL ☒ Bulk Variance(s) ☐ Use Variance(s) ☐ Interpretation ☐ Appeal of Administrative Officer
☐ INFORMAL HEARING ☐ SPECIAL MEETING	☐ AMENDED APPROVAL ☐ EXTENSION/RE-APPROVAL	☐ CONDITIONAL USE ☐ CERTIFICATE OF PRE-EXISTING, NON-CONFORMING USE

SUBDIVISION: Total number of lots: _____

SITE PLANS: Total Area of Site: 1,281,791 sq. ft. / 29.4 acres

Total Area of all floors of buildings: 303,275 sq. ft.

Total number of parking spaces provided: 546

☒ **ATTACH COMPLETED CHECKLIST FOR DETERMINATION OF COMPLETENESS**

I. APPLICANT:

Name: Netflix, Inc.

Address: 5808 W. Sunset Boulevard, Los Angeles, CA 90028

Telephone Number: 323-806-9275

Email Address: smakunga@netflix.com

(by providing an email address you agree to receive communications from the Board and its representatives by this format).

II. The Applicant is a: Corporation ☒ Partnership ☐
 Individual ☐ Other (please specify)

III. If the applicant is a Corporation or a Partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the Corporation or Partnership using the provided form.

IV. The relationship of the Applicant to the property in question is:

Owner _____ Lessee _____ Contract Purchaser X Other (*please specify*) _____V. **OWNER:**

Name: Fort Monmouth Economic Revitalization Authority ("FMERA")
 Address: 502 Brewer Avenue, Oceanport, NJ 07757
 Telephone Number: 732-720-6350
 Email Address: _____

(by providing an email address you agree to receive communications from the Board and its representatives by this format).

VI. **APPLICANT'S ATTORNEY (if any):**

Name: Lisa A. John-Basta (CSG Law)
 Address: 105 Eisenhower Parkway, Roseland, NJ 07068
 Telephone Number: 973-530-2083
 Email Address: Ljohn-basta@csglaw.com

(by providing an email address you agree to receive communications from the Board and its representatives by this format).

VII. **APPLICANT'S ENGINEER/SURVEYOR:**

Name: Christopher Cirrotti (Langan Engineering)
 Address: 300 Kimball Dr, Parsippany, NJ 07054
 Telephone Number: 973-560-4900
 Email Address: Ccirrotti@langan.com

(by providing an email address you agree to receive communications from the Board and its representatives by this format).

VIII. **APPLICANT'S ARCHITECT (if any):**

Name: William Mandara (Mancini Duffy)
 Address: 200 Monmouth St, Suite 380, Red Bank, NJ 07701
 Telephone Number: 732-865-9977
 Email Address: wmandara@manciniduffy.com

(by providing an email address you agree to receive communications from the Board and its representatives by this format).

IX. **Other experts who will submit a report or testify for the Applicant:**

Name/License #: Karl Pehnke NJ License No. 46658
 Address: Langan Engineering 1 University Sq Dr, Princeton NJ 08546
 Phone Number: 609-282-8000
 Email Address: Kpehnke@langan.com

(by providing an email address you agree to receive communications from the Board and its representatives by this format).

X. Description of present use of the premises. Former military base and FMERA offices.

XI. Purpose of application and detailed description of proposed improvements, development, change in use, etc. Attach Rider if additional space is necessary. See attachment.

XII. List the specific zoning regulations for which appeal or variance relief is sought, and the nature and extent of the specific variances. (Ex. Side yard setback of 9', where 10' permitted)
See attachment.

XIII. If the application seeks use variance relief, state the "special reasons" as that term is defined under the Municipal Land Use Law, to justify the granting of use variance relief pursuant to N.J.S.A. 40:55D-70d. Attach Rider if additional space is necessary.
Not applicable.

XIV. State whether the applicant owns or has under contract for purchase, an adjoining property. If so, set forth the block and lot number and street address of the property.

The Applicant is the contract purchaser of adjoining lands commonly referred to as the Mega Parcel in Amendment #20 to the Fort Monmouth Reuse and Redevelopment Plan.

XV. State what efforts have been made to obtain the result you wish to accomplish without violating the Zoning Ordinance (i.e., relocation of planned construction, purchase of additional land, etc.)

See attachment.

XVI. The location of the property is approximately _____ feet from the intersection of
See attachment. _____ and _____.

XVII. Is the subject property located on a:

☒ County Rd _____ State Rd OR ☒ within 200' of a Municipal boundary

XVIII. Are there any existing or proposed deed restrictions, easements, rights-of-way or other
dedications? _____ No ☒ Yes (If yes, attach a copy)

See Preliminary and Final Major Site Plan, Sheet 17 of 84 (Drawing No. CS105 Easement Plan)

FOR SITE PLAN REVIEW ONLY:

1. Acreage of the entire site is:

Attachment

2. Type of Proposal is:

☒ New structure

_____ Expanded Area

_____ Improved Parking Area

☒ Alteration to Structure

_____ Expansion of Structure

_____ Change of Use

☒ Sign

3. The name of the business or activity (if any): Netflix Studios Fort Monmouth

IMPROVEMENTS: List all proposed on site utilities and off-tract improvements:

See attachment.

PLAT SUBMISSION: List maps and other exhibits accompanying this application

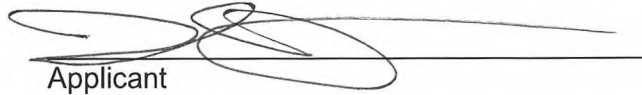
See attachment.

AUTHORIZATION AND VERIFICATION

I certify that the foregoing statement(s), materials submitted and information contained in this application are true. I further certify that I am (a) the individual applicant, or (b) that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or (c) that I am a general partner of the partnership applicant. (If the applicant is a corporation this must be signed by an authorized corporate officer. If applicant is a partnership, this must be signed by a general partner).

05/23/24

Date



Applicant

Date

Applicant

~~Sworn and subscribed to before me this~~

See attached.

~~_____ day of _____, 20 ____.~~
~~Notary Public of New Jersey
(Affix stamp and seal)~~
STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation this must be signed by an authorized corporate officer. If owner is a partnership, this must be signed by a general partner).

Date

Property Owner's Signature

Notary Public of New Jersey

Print Name of Property Owner

Sworn and subscribed to before me this

_____ day of _____, 20 _____.

 Notary Public of New Jersey
(Affix stamp and seal)

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

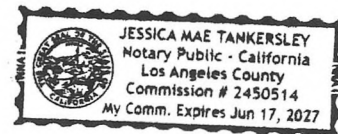
Subscribed and sworn to (or affirmed) before me on

this 23rd day of May, 20 24,

by David Alan Hyman

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature



(Seal)

AUTHORIZATION AND VERIFICATION

I certify that the foregoing statement(s), materials submitted and information contained in this application are true. I further certify that I am (a) the individual applicant, or (b) that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or (c) that I am a general partner of the partnership applicant. (If the applicant is a corporation this must be signed by an authorized corporate officer. If applicant is a partnership, this must be signed by a general partner).

Date

Applicant

Date

Applicant

Sworn and subscribed to before me this

_____ day of _____, 20 ____.

Notary Public of New Jersey
(Affix stamp and seal)

STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation this must be signed by an authorized corporate officer. If owner is a partnership, this must be signed by a general partner).

5/28/2024

Date

Property Owner's Signature

Regina McGrade

Notary Public of New Jersey

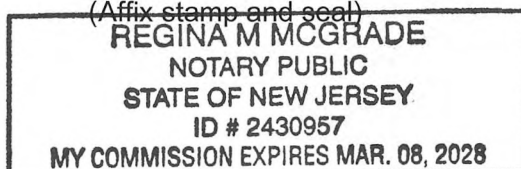
Kara Kopach

Print Name of Property Owner

Sworn and subscribed to before me this

28th day of May, 2024.

Notary Public of New Jersey
(Affix stamp and seal)



NETFLIX, INC.
BOROUGH OF OCEANPORT DEVELOPMENT APPLICATION ATTACHMENT
(Phase 1A)

III. If the applicant is a Corporation or a Partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the Corporation or Partnership using the provided form.

Not one entity or person owns a 10% or greater interest in the Applicant.

XI. Purpose of application and detailed description of proposed improvements, development, change in use, etc.

Overview

Netflix, Inc. (the "Applicant") is proposing to construct Phase 1A of its Motion Picture, Television and Broadcast Studio Campus (the "Studio Campus") on land designated as Block 301, Lot 1.01 and a portion of Lot 1 in the Borough of Eatontown, and on a portion of land designated as Block 110, Lot 1 in the Borough of Oceanport (the "Phase 1A Site" or the "Phase 1A Development").

The development of the Phase 1A Site is controlled by Amendment #20 to the Fort Monmouth Reuse and Redevelopment Plan (the "Reuse Amendment"). The Phase 1A Site is located within several Development Zones of the Mega Parcel. Capitalized terms used but not otherwise defined herein shall have their respective meanings ascribed to such terms in the Reuse Amendment.

Development Zone 7 – McAfee Parcel (Oceanport)

The majority of the Phase 1A Development is proposed within Development Zone 7 – McAfee Parcel. Within Development Zone 7 the Applicant proposes to construct four (4) Sound Stages as follows:

- Sound Stage 1: 22,330 square feet
- Sound Stage 2: 22,470 square feet
- Twin Sound Stages 3 and 4: 83,555 square feet

The Applicant also proposes to construct a 61,800 square foot Mill building, and 11,824 square foot Storage/Warehouse building. It further proposes to renovate the former McAfee Center (Building 600) and FMERA Office building (Building 502) for use as Studio Business & Production and Support Offices, measuring 91,595 square feet and 9,696 square feet, respectively. Additionally, the Applicant intends to install ancillary improvements associated with the buildings and Studio Campus, including but not limited to parking, base camps, lighting, landscaping, and stormwater improvements.

Development Zone 1 – Whale Parcel (Eatontown)

Within Development Zone 1, the Applicant intends to install ancillary improvements associated with the Phase 1A Development and Studio Campus, including but not limited to roadway improvements, and temporary fencing.

Development Zone 3 – Tech A Parcel and Barracks Parcel (Eatontown)

Within Development Zone 3, the Applicant proposes a stormwater basin associated with the Phase 1A Development and Studio Campus.

Development Zone 4 – Bowling Center Parcel (Eatontown)

Within Development Zone 4, the Applicant proposes ancillary improvements associated with the Phase 1A Development and Studio Campus, including but not limited to stormwater improvements, roadway improvements, landscaping, and lighting.

XII. List the specific zoning regulations for which appeal or variance relief is sought, and the nature and the extent of the specific variances (Ex. Side yard setback of 9', where 10' permitted)

The Applicant is requesting variance relief to permit Identification Signs to be located on the Sound Stages at a height of 12 feet whereas the Reuse Amendment permits a maximum sign height of 10 feet for Identification Signs.

XV. State what efforts have been made to obtain the result you wish to accomplish without violating the Zoning Ordinance (i.e., relocation of planned construction, purchase of additional land, etc.)

The Applicant is requesting variance relief to place painted signage on the corners of the proposed Sound Stages to identify their respective stage numbers. The proper identification of the Sound Stages is paramount to public health, life, and safety. Sound Stages, unlike other types of buildings, do not receive a street address or postal address. The Sound Stages are identified by the number that is assigned to it. As such, it is essential that the Sound Stages have appropriately sized Identification Signs for emergency services to readily identify the Sound Stage where every second is critical. Properly sized stage numbers are also necessary for proper wayfinding purposes for employees, visitors, and vendors that will be circulating throughout the Studio Campus. Further, the modest two-foot increase in height is compatible and appropriate for the scale of the Sound Stages and covers less than 2% of the façade face.

The Applicant has performed studies to determine whether Identification Signs at a height of 10 feet would be sufficient to satisfy the needs addressed above and has determined that a minimum of 12 feet is necessary. The Applicant is the owner and/or operator of other studio campuses, and stage numbers at its other studio facilities are typically much larger and measure approximately 30 feet in height, which is in line with industry standards.

XVI. The location of the property is approximately 0 feet from the intersection of Wilson Avenue and Avenue of Memories.

FOR SITE PLAN REVIEW ONLY:

IMPROVEMENTS: List all proposed on site utilities and off-tract Improvements:

Proposed site utilities include new domestic water lines, fire service, sanitary sewer, natural gas service, electric and telecom services, EV charging stations, stormwater drainage including stormwater management basins.

Off-tract improvements include improvements to portions of Avenue of Memories, Malterer Avenue, Sherrill Avenue, and Brewer Lane.

PLAT SUBMISSION: List maps and other exhibits accompanying this application.

- Site Survey, prepared by Langan Engineering and Environmental Services, consisting of 4 sheets, dated March 11, 2024.
 - Preliminary and Final Major Site Plan Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, consisting of 84 sheets, revised through June 14, 2024.
 - Architectural plans for Netflix Studios Fort Monmouth Phase 1A, prepared by Mancini Duffy, consisting of 46 sheets, dated June 14, 2024.
 - Stormwater Management Report for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, revised through June 14, 2024.
 - Traffic Impact Study for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, dated May 17, 2024.
 - Filed New Jersey Department of Environmental Protection Application form for Permits/Authorizations for confirmation of flood hazard area boundaries, floodways and riparian zones.
-

Site Plan Completeness Checklist

55. Statement detailing size of proposed buildings, proposed use, number of tenants, number of employees, anticipated hours of operation, traffic, etc.

The Applicant proposes to construct Phase 1A of its Studio Campus consisting of four (4) Sound Stages as follows:

- Sound Stage 1: 22,330 square feet
- Sound Stage 2: 22,470 square feet
- Twin Sound Stages 3 and 4: 83,555 square feet

The Applicant also proposes to construct a 61,800 square foot Mill building, and 11,824 square foot Storage/Warehouse building. It further proposes to renovate the former McAfee Center (Building 600) and FMERA Office building (Building 502) for use as Studio Business & Production and Support Offices, measuring 91,595 square feet and 9,696 square feet, respectively.

The daily activities at a Studio Campus vary based on the status of active productions. Any given production can be leasing single or multiple Sound Stages and associated Studio Business & Production and Support Office space, Mill/Workshops or other necessary space within the Studio Campus during the production duration.

For planning purposes, a conservative high peak condition for four Sound Stages would be represented by two productions in full active production simultaneously. A diverse group of artistic, technical, and administrative employees supports the operation of a Studio Campus, including those directly affiliated with a production and those affiliated with management of the Studio.

Each production will have its own team of cast members and extras, the film crew to record the visual, the sound crew to record the audio, and the director to manage the Sound Stage. The grip crew maintains the camera equipment and other personnel manage the lighting. Each production employs cosmetologists, for hair and makeup, and costume artists for wardrobe. Off the Sound Stage, each production will have construction crews that design and build the sets in on-site Mill/Workshops. Production teams work in offices editing the product and adding music and special effects.

Studio Campus-affiliated employees will be on site to manage the daily operation of the Studio Campus, including caterers, maintenance, accounting, human resources, transportation coordinators, and security personnel.

The Studio Campus will operate typically from 5:00 AM to 11:00 PM on weekdays, with occasional operation late into the evening and on weekends. Depending on the role in the production or administration, employees and cast will arrive to the Studio Campus between 5:00 AM and 10:00 AM and depart the Studio Campus after 3:00 PM.

Productions often run long into the evening, sometimes keeping employees on the site until after midnight. Industry-wide labor standards require crews have 12 hours off between shifts. Therefore, if a production ends at 10:00 PM, the earliest they will arrive the next day is 10:00 AM. As a result, each morning's report time may vary and get later as the week progresses.

Productions also have “on location” days. On these days, crews for the production are not working on the Studio Campus. It is anticipated that on any given day, up to two productions can be on location. It is also noted that while Sound Stages may be fully leased, filming and production activities may not occur every day and or simultaneously in all Sound Stages.

Please refer to the Traffic Impact Study for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, dated May 17, 2024 for traffic impacts associated with the proposal.



July 10, 2024

Lisa A. John-Basta, Esq.
Chiesa Shahinian & Giantomasi PC
105 Eisenhower Parkway
Roseland, NJ 07068

Re: MCR Application Review-Preliminary and Final Major Site Plan
Netflix Studios (Phase 1A)
Block 301, Lot 1.01 and Portion of Lot 1 (Eatontown); and
Block 110, Portion of Lot 1 (Oceanport)

Dear Ms. John-Basta:

Our office is in receipt of the following in support of the Fort Monmouth Economic Revitalization Authority's Mandatory Conceptual Review ("MCR") pursuant to the Fort Monmouth Land Use Regulations and Development Design Guidelines (the "Land Use Rules") at N.J.A.C. 19:31C-3 and Reuse Plan Amendment #20 ("Plan Amendment #20") for the above referenced development for a Major Site Plan.

A. Items Received on May 22, 2024:

- a. MCR application, dated May 21, 2024;
- b. Environmental Features Checklist, dated May 21, 2024;
- c. Application Fee – Check number 72016;
- d. Escrow Fee – Check number 72017;
- e. Preliminary and Final Site Plan – prepared by Langan Engineering and Environmental Services, consisting of 68 sheets, dated May 17, 2024, containing Demolition Plan, Site Layout & Dimension Plan, Easement Plan, Sight Triangle Plan, Vehicle Circulation Plan, Emergency Service Vehicle Circulation Plan, Signage and Striping Plan, Grading and Drainage Plan, Utility Plan, Secure Perimeter Plan and Details, Landscape Plan and Details, Lighting Plan and Details, Soil Erosion and Sediment Control Plan, Soil Erosion and Sediment Control Details, Soil Decompaction Plan, and Construction Details;
- f. Architectural plans, prepared by Mancini Duffy, consisting of 46 sheets, dated May 21, 2024;
- g. Stormwater Management Report for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, revised through May 20, 2024;
- h. Environmental Impact Statement for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, dated May 17, 2024;
- i. Traffic Impact Study for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, dated May 17, 2024;
- j. Project Electric Load Report based on the National Electric Code (NEC) Electric Service Calculation, Phase 1A;
- k. Water Systems Engineering Report for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, dated May 17, 2024;
- l. Will Serve Letter from New Jersey Natural Gas letter dated February 13, 2023;
- m. Will Serve Letter from Verizon letter dated February 16, 2023;
- n. Will Serve Letter from Jersey Central Power & Light letter dated February 22, 2023;
- o. Will Serve Letter from New Jersey American Water dated March 7, 2023;

- p. Will Serve Letter from Two Rivers Water Reclamation Authority dated March 21, 2023;
- q. Existing Monitoring Well Location Plan – Phase 1A for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, consisting of 1 sheet, dated March 28, 2024;
- r. Existing Nest Location Plan – Phase 1A for Netflix Studios Fort Monmouth Phase 1A, prepared by Langan Engineering and Environmental Services, consisting of 1 sheet, dated March 28, 2024;
- s. Copy of the Eatontown Planning Board Application Forms for Preliminary and Final Major Site Plan approval; and
- t. Copy of the Oceanport Planning Board Application Forms for Preliminary and Final Major Site Plan approval.

The Authority has deemed this application complete on May 24, 2024.

1. Subject Parcel and Applicable Land Use Rules

The Applicant is proposing to construct Phase 1A of its Motion Picture, Television and Broadcast Studio Campus, relying on Plan Amendment #20 to permit an alternative development scenario and allow these uses. As such, the proposed development will involve the following Development Zones (collectively, the “Subject Parcel”) which were established within Plan Amendment #20 and are reflected in Exhibit A “Zone Map”.

Reuse Plan Amendment #20

Plan Amendment #20 permits Motion Picture, Television, and Broadcast Studios as a principal use in all Mega Parcel Development Zones, including **Development Zones 1, 3, 4, and 7**. Under Plan Amendment #20, all Structures and spaces permitted within the Mega Parcel Development Zones to support the Motion Picture, Television and Broadcast Studio use shall be for Studio personnel and Studio visitors only, and not open to the general public except when expressly permitted by the operator of the Studio, e.g., tours, Retail, Studio Experience, Special Events, etc.

Under Plan Amendment #20, accessory uses and structures that support Motion Picture, Television, and Broadcast Studios can be located either in standalone buildings/structures or co-located within the principal structures. These accessory uses and structures are allowed in a Development Zone even if no principal structures are present, subject to the limitations set forth under Plan Amendment #20.

Plan Amendment #20 also permits multiple principal and accessory permitted uses and structures on any individual lot and/or within any of the Mega Parcel Development Zones and can also be co-located within one structure. Any Pre-existing Nonconforming Structures/Buildings, or portion thereof, identified for reuse on the Mega Parcel are exempt from the Maximum Permitted Heights and Development Zone Wide Bulk Standards set forth under Plan Amendment #20.

Plan Amendment #20 mandates a 12-foot-wide, publicly accessible trail system within the Mega Parcel, to be maintained, improved, and extended, except where the trail system connects to sidewalks adjacent to roadways and constructing a 12-foot trail is not possible due to site constraints.

Whale Parcel - Development Zone 1

The **Whale Parcel - Development Zone 1** consists of approximately 117.5 acres of land and 18 buildings, including Mallette Hall (Building 1207) and the Expo Theater (Building 1215). The Development Zone is located in the Borough of Eatontown and borders on State Highway 35 to the west, Lafetra Creek to the north, Avenue of Memories to the south and Wilson Avenue to the east.

The Reuse Plan calls for the westernmost ± 50 acres of the zone (i.e. closest to State Highway 35) to be developed as a lifestyle/mixed-use center. The Reuse Plan envisions the redevelopment of the remaining ± 67 acres of land for R&D and tech campus, auditorium, theater, ball fields, and recreational areas.

Further, the Reuse Plan contemplates the adaptive reuse of the 57,386 square foot Mallette Hall (Building 1207) with its auditorium and outdoor amphitheater for the future municipal complex for the Borough of Eatontown. However, Mallette Hall is no longer envisioned as a municipal complex nor is the Expo Theater envisioned to be reused by a not-for-profit theater or arts group.

Except for a small triangular section of the parcel which lies in the Oceanport Green Tech district, the majority of the **Development Zone 1** falls within the Eatontown Route 35 Lifestyle Tech Center district under the Land Use Rules.

As this parcel was bifurcated by the former municipal boundary, Eatontown and Oceanport adopted ordinances; Eatontown Ordinance 19-2023 on July 26, 2023, and Oceanport Ordinance 1078 on August 17, 2023, respectively, adjusting the common boundary to provide more consistency for redevelopment. Therefore, **Development Zone 1** is now wholly in the Borough of Eatontown.

The parcel falls within **Development Zone 1** under Plan Amendment #20 which permits Mallette Hall and the Expo Theatre to be adaptively reused or demolished, and Motion Picture, Television, and Broadcast Studio is permitted as a principal use.

Wilson Avenue - North

The Reuse Plan called for Wilson Avenue to serve as a connector roadway for Sherrill Avenue and the Avenue of Memories to allow traffic to continue to circulate the site. As such, FMERA dedicated that roadway along with Sherrill Avenue and the Avenue of Memories to Monmouth County in 2016. The County has operated the roadway since then.

Plan Amendment #20 contemplated the vacation of a portion of Wilson Avenue (“Wilson Avenue North”) to allow for the merger of the adjacent properties with the goal of placing this land within **Development Zone 1**. By resolution dated March 14, 2024, by the Monmouth County Board of County Commissioners and recorded in the Monmouth County Clerk’s Office on April 9, 2024, Book OR-9683 Page 6707, Wilson Avenue North was vacated. Thereafter, and subject to the terms set forth under the Road Vacation and Conveyance Agreement (“RVC Agreement”) dated May 31, 2024, as among the Applicant, the Authority and Monmouth County, the Applicant requested, and the County agreed to convey fee title of Wilson Avenue North to the Applicant subject to the terms set forth in the RVC Agreement. By way of a resolution dated March 28, 2024, the Monmouth County Board of County Commissioners agreed to convey title of the Wilson Avenue North to the Applicant via two deeds which shall be held in escrow until such time as the developer has closed on the Mega Parcel as set forth under the Purchase and Sale Agreement and Redevelopment Agreement dated January 13, 2023, as amended, between the Authority and the Applicant. These agreements and Applicant closing on the property will effectively merge Wilson Avenue North with the adjacent properties and place it within **Development Zone 1**.

The Applicant’s proposed development includes plans which reflect the construction of a cul-de-sac and additional roadway modifications impacting Wilson Avenue North and portions of land owned by the Army and FMERA. The design and development of these improvements will be made in conjunction with the County of Monmouth and remain subject to the terms set forth in the RVC Agreement.

Tech A Parcel & Barracks Parcel - Development Zone 3

The **Tech A Parcel & Barracks Parcel – Development Zone 3** consists of ± 9.6 acres of land located in the Borough of Eatontown and is currently improved with six Barracks buildings (Buildings 1102 through 1107), a general-purpose building (Building 563) and a former gas station (Building 699). The parcel is bounded on the

north by Avenue of Memories, on the east by Nicodemus Avenue, on the south by Alexander Avenue & the JCP&L Right of Way, and on the west by Wilson Avenue.

Under the Land Use Rules, approximately ± 4.5 acres of land in the western section of the parcel is located in the Eatontown Route 35 Lifestyle/Tech Center section of the Fort and approximately ± 5 acres of land in the eastern section of the parcel is located in the Oceanport Green Tech Campus section of the Fort.

As this parcel was bifurcated by the former municipal boundary, Eatontown and Oceanport adopted ordinances; Eatontown Ordinance 19-2023 on July 26, 2023, and Oceanport Ordinance 1078 on August 17, 2023, respectively, adjusting the common boundary to provide more consistency for redevelopment. Therefore, **Development Zone 3** is now wholly in the Borough of Eatontown.

Except for Building 699, which may be adaptively reused or demolished, the Reuse Plan calls for the demolition of all the buildings in the parcel and contemplates the redevelopment of the parcel as a green open space.

A prior Reuse Plan Amendment was completed for the site. Per Plan Amendment #9, the Barracks buildings could be adaptively reused or demolished. However, the Applicant is not relying on Plan Amendment #9 for this redevelopment.

Plan Amendment #20 designated this area as **Development Zone 3** which permits demolition of all the buildings in the parcel, and Motion Picture, Television, and Broadcast Studio as a principal use.

Bowling Center Parcel - Development Zone 4

The **Bowling Center Parcel - Development Zone 4** consists of ± 2.5 acres of land and is located in the Eatontown section of Fort Monmouth and contains the Fort Monmouth Bowling Center (Building 689) and Building 682. The **Bowling Center Parcel - Development Zone 4** is bounded by Wilson Avenue to the west, Sherrill Avenue to the north and Avenue of Memories to the south. **Development Zone 7** starts on the eastern boundary of the site, near Messenger Avenue.

The Reuse Plan calls for Building 689 to remain as a commercially operated bowling alley and Building 682 to be demolished. The Land Use Rules places the **Bowling Center Parcel - Development Zone 4** in the State Highway 35 Lifestyle/Tech Center District and the Oceanport Green Tech Campus Development District.

As this parcel was bifurcated by the former municipal boundary, Eatontown and Oceanport adopted ordinances; Eatontown Ordinance 19-2023 on July 26, 2023, and Oceanport Ordinance 1078 on August 17, 2023, respectively, adjusting the common boundary to provide more consistency for redevelopment. Therefore, **Development Zone 4** is now wholly in the Borough of Eatontown.

The parcel falls within **Development Zone 4** under Plan Amendment #20 which permits the demolition of the Fort Monmouth Bowling Center and Building 682 and Motion Picture, Television, and Broadcast Studio as a principal use.

McAfee Parcel – Development Zone 7

The McAfee Parcel consists of ± 29.43 -acres of land and approximately fifteen (15) buildings including, the McAfee Center (Building 600), the FMERA Office (Building 502), warehouses, workshops and additional general-purpose facilities. The **McAfee Parcel – Development Zone 7** is bounded by **Development Zone 4** near Messenger Avenue to the west, Sherrill Avenue to the North, Brewer and Malterer Avenues to the East and Avenue of Memories to the south. Under the Land Use Rules, approximately, ± 3.19 acres of land are in the Eatontown Route 35 Lifestyle Tech Center district, and ± 26.24 acres of land are in the Oceanport Green Tech District.

As this parcel was bifurcated by the former municipal boundary, Eatontown and Oceanport adopted ordinances; Eatontown Ordinance 19-2023 on July 26, 2023, and Oceanport Ordinance 1078 on August 17, 2023, respectively, adjusting the boundary to provide more consistency for redevelopment. Therefore, **Development Zone 7** is now wholly in the Borough of Oceanport.

The Reuse Plan contemplates redevelopment of the McAfee Parcel as a center for tech and R&D uses and envisions the adaptive reuse of the McAfee Center (Building 600), Building 601 and Building 602 for R&D uses. The Reuse Plan also contemplates the demolition of all other buildings that are on the parcel.

Under the Plan Amendment #20, this parcel falls within **Development Zone 7** and permits the McAfee Center and the FMERA Office buildings to be adaptively reused or demolished. Building 601 and 602 are to be demolished. Motion Picture, Television, and Broadcast Studio is permitted as a principal use.

1.1 Historic Preservation

The Subject Parcel is not located within the Fort Monmouth National Register Historic District (“Historic District”).

2. Proposed Development

The redevelopment of the site may occur in phases under a Purchase and Sale Agreement and Redevelopment Agreement dated January 13, 2023, as amended. The Applicant has submitted the application for the Phase 1A at this time and has identified Plan Amendment #20 as the pertinent zoning. The majority of the Phase 1A development is proposed within **McAfee Parcel - Development Zone 7**, which involves the construction of Sound Stages, a Mill Building, a Storage/Warehouse Building, and the adaptive reuse of the McAfee Center and the FMERA Office. The development of McAfee Parcel also includes basecamps, parking, and other associated infrastructure and utilities. The remainder of Phase 1A extends beyond **Development Zone 7** and incorporates **Development Zones 1, 3 & 4** for the rest of the redevelopment.

Please note that while **Development Zone 1 & 3** are partially impacted by Phase 1A, the remainder of their redevelopment is intended to be reviewed under a future MCR.

The proposed development consists of the following:

a. Sound Stages

A Sound Stage is a soundproofed studio space, typically with large doors and high ceilings, that is used for filming and production. Its primary function is to provide an indoor environment for filming in which the lighting, sound, and other considerations can be better controlled than an outdoor filming location.

The Applicant has proposed to construct four (4) Sound Stages with a total of 128,355 square feet. Each Sound Stage will also include a 'backpack' building—a pass-through area attached to the main building intended to facilitate crew movement without disrupting shoots and to house most building utilities.

Sound Stage 1

Sound Stage 1 will be a standalone building of 22,330 square feet, located directly to the east of the McAfee Center. The building includes a backpack on the south of the building.

Sound Stage 2

Sound Stage 2, with an area of 22,470 square feet, will be located on the west side of the McAfee Center and will be physically connected with the McAfee building. The backpack is attached to the eastern side of the Sound Stage building.

Sound Stages 3 & 4 (Twin Sound Stage)

Sound Stages 3 and 4, totaling 83,555 square feet, are designed as a twin studio and will be located just west of the McAfee Center. The building includes a backpack on the south side of Stages 3 and 4 and a 3-story, Studio Business and Production Support Office on the north side of the building.

b. Mill/Workshop Building

A Mill/Workshop Building is a structure used for construction, maintenance, repair, and/or storage of sets, props, costumes/wardrobe, lighting and grip equipment, production vehicles, or other uses and equipment customary and incidental to Motion Picture, Television, and Broadcast Studios.

The proposed development includes a Mill/Workshop building, a 61,800 square foot standalone structure, which will be located south of the McAfee Center. It will support the construction, maintenance, repair, and storage of sets, props, costumes, lighting and grip equipment, and other studio-related uses and equipment.

c. Studio Business and Production Support Office Buildings

A Studio Business and Production Support Office building (SBPSO) is an office building or space including but not limited to individual offices, workstations, conference and meeting rooms, and other ancillary office functions and facilities for administrating, directing, managing and/or conducting the corporate business affairs of the Motion Picture, Television and Broadcast Studio company, as well as for individuals and departments associated with production, including, but not limited to merchandising, marketing, printing, promotion, licensing, sales, leasing, location scouting, accounting, distribution, legal, general commercial, professional, executive, business, and other administrative functions of a production. There may also be space reserved for picture and sound editing, sound production, visual effects, and related activities; hair and make-up; wardrobe and costuming; studio medical staff; animal wranglers; on-set schoolteachers; and other uses customary and incidental to Motion Picture, Television, and Broadcast Studios.

The proposed development includes two (2) SBPSOs.

McAfee Center

The McAfee Center (Building 600), a 91,595 square foot existing building, located in the central section of **McAfee Parcel - Development Zone 7**. The building will be adaptively reused as an SBPSO.

FMERA Office

The FMERA Office (Building 552), a 9,696 square foot existing building which is located at the southeast corner of the site, at the intersection of Avenue of Memories and Brewer Avenue, will also be adaptively reused as an SBPSO.

d. Storage/Warehouse Building

A Storage/Warehouse building measuring 11,824 square feet will be located at the northeast corner of the Phase 1A site, near the intersection of Sherill and Malterer Avenues.

e. Basecamp

Basecamp is a designated area that typically accommodates mobile facilities such as trucks, generators, support vehicles, and tents, essential for production activities. These facilities often include wardrobe, hair and makeup, craft services, and trailers for talent and production staff. Basecamps are strategically located to provide efficient access to filming locations and ensure smooth operations throughout the production.

The Phase 1A site plan indicates three (3) basecamps proposed to the south of the planned Sound Stages.

Basecamp 1

A 34,476 square foot basecamp will be located on the south side of Sound Stage 1.

Basecamp 2

The second basecamp, measuring 25,738 square feet, will be located on the south side of Sound Stage 2.

Basecamp 3

The third basecamp, measuring 59,482 square feet, will be located on the south side of Sound Stages 3 and 4.

f. Perimeter Security Wall

As defined in Plan Amendment #20, Perimeter Security Walls are intended to prohibit access onto the Studio outside of the designated access points.

The site plan shows a Perimeter Security Wall proposed around the Phase 1A site. The cross-section details show that the Perimeter Security Wall will not exceed 10 feet in appearance from adjoining properties or public rights of way. Sheet LS501 shows that the Perimeter Security Wall will feature a combination of finishes, such as concrete wall panels, intermittent projections similar to pilasters, architectural features, and various colors, at intervals of up to 50 feet. The Applicant has indicated that the proposed Perimeter Security Wall is intended to be constructed for permanency.

g. Parking & Loading

The parking has been distributed throughout the site, with a total of 547 parking spaces proposed where 415 is required. Of those, forty-three (43) spaces are designated for the four (4) Soundstages, three hundred four (304) are designated in the Studio Business and Production Support Office Buildings (SBPSO), sixty-two (62) are designated for the Mill/Workshop Building with six (6) designated for the Storage/Warehouse Building. All parking spaces are proposed to be constructed behind the Perimeter Security Wall.

A total of 12 loading spaces have been proposed. Each Sound Stage will have one (1) loading space. The McAfee Center and FMERA Office will each have one (1) loading space as well. Additionally, five (5) loading spaces have been allocated for the Mill/Workshop building, and one (1) loading space will be provided for the Storage/Warehouse building.

Additionally, the site plan also indicates several golf cart parking areas within the Motion Picture, Television and Broadcast Studio Campus.¹

h. Access

The project site will have four (4) access driveways. The main entrance and security gate will be located at the intersection of Avenue of Memories (County Route 537) and Wilson Avenue North.

Additional gated access driveways will be situated at the proposed western end of Sherrill Avenue, along the southeastern frontage of Sherrill Avenue, and along the frontage of Brewer Avenue.

The Applicant has proposed a cul-de-sac at the western end of Sherrill Avenue to facilitate vehicle turning along with one of the gated driveways planned for the development. The proposed cul-de-sac will also incorporate a small portion of the Carve Out Parcel 44, still owned by the Army, which is subject to the terms of the RVC Agreement.

¹ Please note that the Land Use Rules do not include any requirements or standards regarding golf cart parking or operation. FMERA defers to the respective Boroughs and County for the adoption or enforcement of ordinances or standards pertaining to golf cart operation, including travel on public roadways.

i. Concrete Sidewalk (Portion of Multi-Purpose Trail)

The site plan shows an 8-ft wide concrete sidewalk along Avenue of Memories, stretching from its intersections with Wilson Avenue to Brewer Avenue. The 8-ft wide concrete sidewalk is also proposed along Sherrill Avenue from its western end to its intersection with Malterer Avenue and continuing along Malterer Avenue running south to its intersection with Brewer Lane.

j. Landscaping and Trees

The proposed landscape plan shows various types of native vegetation, primarily around stormwater basins. Shade trees are planned along Avenue of Memories, Sherrill Avenue, and the northwestern section of Malterer Avenue. According to the plant schedule provided by the Applicant, a total of two hundred two (202) shade trees with a caliper size of 2½" to 3" inches will be planted throughout the site and along the public right-of-way. Additionally, one hundred one (101) ornamental trees with a height of up to 8-10 feet and ten (10) evergreen trees up to 6-7 feet are also proposed for Phase 1A of the development. Additionally, the landscape plan features various types of shrubs, perennials and ornamental grasses. The landscape plans also show that the areas between the perimeter security wall and external lot lines as landscaped with dense plantings to break up sight lines and create visual interest. The Applicant has submitted cross-section details showing that densely planted landscaping is proposed between the exterior lot lines and the Perimeter Security Wall.

k. Lighting

The lighting plan includes a total of one hundred twenty-eight (128) pole-mounted lights with mounting heights ranging from 12 to 25 feet, positioned throughout the site and along Avenue of Memories and Sherrill Avenue. Additionally, one hundred sixty-three (163) wall-mounted lights with mounting heights ranging from 8 to 25 feet will be installed on existing and proposed new buildings. All lighting is proposed as having an illumination level of ≤ 0.5 footcandles except where driveways/streets intersect with a public street and where lighting levels along external roadways must meet NJDOT criteria. Lighting levels at exterior tract boundary lines abutting residential zones are proposed as ≤ 0.1 footcandles.

l. Signage

The Applicant has proposed following sign types:

Identification Sign

An Identification Sign is a sign giving the name, nature, or other identifying symbol or text identifying the Building/Structure type or the activities occurring within the Building/Structure; the address or other identifying marker for the Building/Structure; or any combination thereof.

The signage plan proposes the following Identification Signs for Sound Stages: four (4) for Twin Sound Stage 3-4 which include Signs A1 & A2 measuring 11'-11" x 12' (143 Square Feet) and A3 & A4 measuring 11'-10" x 12' (142 Square Feet), two (2) for Sound Stage 2 which include A5 & A6 measuring 11'-5" x 12' (137 Square Feet), and two (2) for Sound Stage 1 which include A7 & A8 measuring 7'-1" x 12' (85 Square Feet). For the Mill/Workshop building, nine (9) Identification Signs are proposed including A9, A10, A11 & A12 measuring 7'-3 ½" x 12' (87.5 Square Feet) and D1 measuring 5'-9 ½" x 6'-2" (35.7 Square Feet), D2 measuring 4'-10 ½" x 6'-2" (31.1 Square Feet), D3 measuring 5'-5" x 6'-2" (33.4 Square Feet), D4 measuring 5'-3" x 6'-2" (32.4 Square Feet), and D5 measuring 4'-4" x 6'-2" (26.7 Square Feet).

Studio Wall Sign

A Studio Wall Sign means any sign attached parallel to or erected and confined within the limits of an outside wall of any Building or Structure, which is supported by such wall, Building or Structure. Studio Wall Signs display numbers, letters, symbols, or images and may not be used for advertising/promotional purposes.

The Applicant has proposed one Studio Wall Sign labeled as “BA1” for Twin Sound Stage 3-4. Sign “BA1” is proposed to be 25’ x 3’-6” (87.5 square feet) in size.

Studio Window Sign

A Studio Window Sign means any sign that does not meet the definition of a “Supergraphic Sign”, and that is either attached to, affixed to, leaning against, or otherwise placed within six feet of a window or door on the interior of a Building or Structure in a manner so that the Sign is visible from outside the Building or Structure. Studio Window Sign(s) may also be attached to the exterior of a window or glass pane.

The signage plan proposes the following Studio Window Signs: three (3) signs including BB1 measuring 15’ x 20’ (300 square feet), BB6 measuring 8’-4 ½” x 17’-6 ½” (146.9 square feet) and BB2 [no dimensions provided] (150 square feet) for the McAfee Center (SBPSO) and three (3) signs including signs BB3, BB4 and BB5 measuring 4’-5” x 6’-2” (27.2 square feet) for the FMERA Office (SBPSO).

Supergraphic Sign

A Supergraphic Sign means a large-scale sign that displays numbers, letters, symbols or images, which may be directly attached or supported and attached to a Building or Structure by an adhesive and/or by using stranded cable and eyebolts and/or other similar methods or may be placed on the interior of a Building or Structure and visible from the exterior of the Building or Structure.

The signage plan proposes the following Supergraphic Signs: four (4) signs labeled as E6, E7, E10 & E11 proposed for Twin Sound Stages 3-4, three (3) signs labeled as E8, E12, E13 for Sound Stage 2, three (3) signs labeled as E9, E14 & E15 for Sound Stage 1, and five (5) signs labeled as E1, E2, E3, E4 & E5 for the Mill/Workshop building. All Supergraphic Signs from E1-E15 will be typical and will measure 14’ x 20’ (280 square feet).

3. Requested Relief

Please be advised that an application within the Fort Monmouth project area, pursuant to N.J.A.C. 19:31C-3.20(b)4, may not be deemed complete by the local Planning Board until the Board has received the results of this MCR.

3.1 Variances

Pursuant to N.J.A.C. 19:31C-3.21(a), the local planning board shall have the authority to grant bulk and area-type variances from the requirements set forth within N.J.A.C. 19:31C-3. The Authority staff is also required to review each application to determine whether one or more use-type variances or an amendment to the Reuse Plan may be required. If the Authority staff determines that a use-type variance or an amendment to the Reuse Plan is required, the local planning board shall not have jurisdiction over the subdivision application or site plan application until the Applicant obtains approval from the Authority for the required use-type variance(s) under the Authority’s purview or receives an amendment to the Reuse Plan.

Plan Amendment #20 identified permitted maximum standards for height and FAR in **Development Zones 1, 3, 4, and 7** for a Motion Picture, Television and Broadcast Studio. The maximum requirements for height and FAR and the applicant’s proposed height and FAR are shown in the tables below.

Development Zone	Permitted FAR	Proposed FAR
1	0.50	0.0001
3	0.30	0.00
4	0.30	0.0005
7	0.30	0.24

Building/Structure	Development Zone	Permitted Height per Development Zone Height Requirement Map*	Permitted Height per Building Type	Proposed Height
Sound Stage 1	7	80 feet	70 feet	68.5 feet
Sound Stage 2	7	80 feet	70 feet	68.5 feet
Sound Stage 3 & 4	7	80 feet	70 feet	68.2 feet
SBPSO McAfee Center (Building 600)	7	80 feet	75 feet	52.7 feet
SBPSO FMERA Office (Building 502)	7	35 feet	35 feet	17.1 feet
Mill Building	7	80 feet	35 feet	35 feet
Storage/Warehouse Building	7	35 feet	35 feet	25 feet

* Plan Amendment #20 regulates maximum permitted height within the Mega Parcel Development Zones in two ways: the first is by Structure type or Outdoor Space; and the second is by Height District each of which is described further below. Development Zone Height Requirement maps are provided in Plan Amendment #20. Unless otherwise noted in Plan Amendment #20, the maximum permitted height of a Structure or Outdoor Space shall be the lesser of the maximum permitted height by Structure type/Outdoor Space or the maximum permitted height by Height District.

As indicated in the tables above, the proposed development is in compliance with the use, height, and FAR requirements set forth in the Land Use Rules and Plan Amendment #20. **Therefore, a need for a use-type variance was not identified.**

The following bulk variance is required:²

- a. As per the Amendment, Identification Signs shall not exceed 10 feet in height. However, the Applicant has proposed twelve (12) Identification Signs labeled from AA1 to AA12 with a height of 12 feet. The proposed Identification Signs are intended to clearly identify and differentiate buildings throughout the closed campus, which will not have individual addresses. For the purposes of emergency service response, the increase in scale provides the benefit of increased visibility. The scale of the proposed deviation is minimal. **Therefore, FMERA supports granting a variance from the above-referenced standard.**

² Relating to bulk standards, please note that the following inconsistencies were identified. On sheet CS003, Zoning Data Table **Development Zone 7 – McAfee Parcel** indicates the proposed Max Floor Area Ratio as calculated based on 303,438 SF. The site plan, however, reflects 303,270 SF. Additionally, Sheet CS003 Parking Space Calculations – Development Zone 7 - McAfee Parcel (table) indicates that 546 parking spaces are proposed. The site plan, however, reflects 547 parking spaces. Neither parking space amount adversely impacts the overall compliance of FAR or parking requirements.

3.2 Design Exceptions

Pursuant to N.J.A.C. 19:31C-3.21(d)(1), the local planning board, when acting on site plan and subdivision applications, shall have the power to grant design exceptions from the requirements listed in N.J.A.C. 19:31C-3.10 through 3.12. **There were no design exceptions identified as part of this Application.**

3.3 Design and Development Guideline Deviations

The Applicant deviated from the design and development guidelines listed in N.J.A.C. 19:31C-3.14 through 3.18 as further explained below:

- a. Pursuant to N.J.A.C. 19:31C-3.15(e)(1)(iv), for all non-residential buildings secure indoor bicycle racks should be provided within the garage area or within a separate secure storage room. Pursuant to N.J.A.C. 19:31C-3.15(e)(3), the number of bicycle parking racks in each required area should be based on the expected number of occupants, visitors, and or workers at the building. No indoor bike racks are proposed. The Applicant has, however, proposed a total of thirty-six (36) outdoor bicycle racks to be distributed across different buildings within the campus. **Though the Applicant has not proposed indoor bicycle racks, FMERA believes that the proposed outdoor bicycle racks meet FMERA's intent of reducing auto traffic within and around the Fort area. Therefore, FMERA supports the granting of an exception to allow for this deviation.**
- b. Pursuant to 19:31C-3.18(b)(2)(a)(1)(B), facades for any use should have transparent glazing occupying at least 40 percent (40%) of the ground-floor facade area. The proposed development does not meet these transparency requirements. The proposed transparency levels for each building are tabulated below:

Buildings	Transparency Level			
	North Elevation	South Elevation	East Elevation	West Elevation
1. Sound Stage 1	8%	8%	0%	0%
2. Sound Stage 2	0%	0%	0%	0%
3. Twin Sound Stage 3-4	33%	7%	12%	12%
4. FMERA Building	22%	25%	24%	21%
5. McAfee Center	10%	19%	12%	7%
6. Mill Building	0%	0%	0%	0%
7. Storage Building	0%	0%	0%	0%

The transparency requirements are primarily intended to enhance visual interest in street-facing building facades, improve the pedestrian experience, and enhance area safety by minimizing blank wall areas. The proposed buildings will be enclosed within a secure campus and significantly set back from the adjoining streets. As such, the architectural treatment to the building facades is not expected to have a significant impact on the pedestrian experience and aesthetic of the area. However, the proposed buildings will incorporate different colors, materials, and various types of signage, including Supergraphic and Identification signs, which will contribute to architectural interest in the area. Furthermore, the intended use and soundproofing requirements for Sound Stages make it infeasible to achieve 40% transparency from a practical standpoint. **Therefore, FMERA supports granting an exception to allow for this deviation.**

4. FMERA's Six Criteria for Evaluation

In addition to determining whether use-type variances may be required, in conducting the MCR, the Authority staff may evaluate the application for, and express the Authority's position as to, each of the following six criteria, if and as applicable, to the application under consideration pursuant to N.J.A.C.19:3.20(c)(5)(i) – (vi):

4.1 The need and justification for, and desirability of, any bulk and/or area-type variances requested by the Applicant or that the Authority identifies as being required:

FMERA's Response: The Applicant requires a bulk variance for excessive signage height for the Identification Sign type. The Applicant has proposed a sign height of 12 feet, whereas a maximum height of 10 feet is permitted under Plan Amendment #20. FMERA considers this difference minimal and believes that granting a variance will not detrimentally impact the aesthetic of the proposed development and instead the proposed two-foot increase will provide expanded visibility for emergency responders. **Therefore, FMERA supports granting a variance to allow for this deviation. However, FMERA recommends that the Applicant provide appropriate testimony before the Borough's Planning Board.**

4.2 Adequacy of access to and egress from the subject property, the impact of the proposed project on the existing road-way system within the Fort Monmouth project area boundaries, the relationship of the proposed project to the existing municipal or county roadway system, and the need for roadway improvements, relocations or modifications:

FMERA's Response: The Phase 1A Studio campus will have four (4) access driveways. The main entrance and security gate will be located at the intersection of Avenue of Memories and Wilson Avenue North. Additional gated access driveways will be situated at the western end of Sherrill Avenue, along its southeastern frontage, and on the Brewer Avenue frontage. The Sherrill Avenue driveways are reserved for occasional movement of production equipment, not for daily or general use. Daily activities and traffic will primarily use the main gate on Avenue of Memories. Furthermore, to enhance pedestrian access to the campus and the rest of Fort Monmouth, 8-foot-wide concrete sidewalks are proposed along Avenue of Memories and Sherrill Avenue. A pedestrian gate is also proposed to link the FMERA Office directly to the concrete walkway on Avenue of Memories.^{3 4}

The Applicant also provided a Traffic Assessment in support of the proposed Phase 1A Studio campus development. The study estimates that the proposed development would generate a maximum of 106 peak-hour trips. According to the report, the development of the remainder of the Studio campus across the Mega Parcel and continued area redevelopment activity, traffic flow along these corridors is expected to increase. However, the roadway corridors generally have the capacity to accommodate the traffic from the Studio campus. The report further suggests that the proposed Studio campus will not significantly impact area traffic operations and will generate significantly less traffic than when the Fort Monmouth Base was fully operational. **FMERA recommends that the Applicant provide appropriate testimony before the Borough's Planning Board. As such, FMERA will defer to the Borough's Planner and Engineer for any additional comments and recommendations.**

4.3 Availability and adequacy of water, sewer, electric, gas and telecommunication utilities, potential impacts of the proposed project on the existing utility infrastructure within the Fort Monmouth Project Area, the relationship of the project to the existing municipal or other utility systems, and the need for infrastructure improvements or modifications:

³ Please note that sheets CS 101 and CS 102 identify an 8-foot-wide concrete sidewalk along Avenue of Memories. However, this labeling is missing for the concrete sidewalk along Sherrill Avenue in Sheets CS 103 and CS 104. FMERA recommends that the Applicant update Sheets CS 103 and CS 104 to indicate the 8-foot-wide concrete sidewalk along Sherrill Avenue.

⁴ Additionally, the cross section of Avenue of Memories West Section included in Sheet LP 501 shows an 8-foot-wide multi-use path. The Applicant should revise this cross section to accurately indicate that the 8-foot-wide concrete path along Avenue of Memories is a sidewalk. Further, the Applicant should note that under the Plan Amendment #20, a 12-foot wide publicly accessible trail system shall be maintained, improved, and extended within the boundaries of the Mega Parcel, except when the trail system connects to sidewalks adjacent to roadways where construction of a 12-foot trail is not possible due to other site constraints.

FMERA's Response:

a. Water

The former Army water system owned and operated by FMERA is expected to be fully decommissioned in 2024. FMERA has no existing water service available to the development area.

The Applicant is responsible for coordinating water service to the property through New Jersey American Water (NJAW) as it owns the water mains which now service all Main Post developments.

The MCR plan set depicts both domestic and fire water service connections to NJAW owned and operated 24" water mains along the northern bounds of Avenue of Memories and within the bounds of Irwin Avenue.

Since 2019, domestic water service to the FMERA Office has been supplied by a lateral connected to the NJAW 24" water main in Irwin Avenue. The building has a dedicated NJAW water meter.

In 2024, FMERA installed new 8" fire service lines to the McAfee Center and to Buildings 601 and 603, with a 2" domestic service connection to building 602 teed off the trunk line. The new service line installation included a hotbox, with backflow prevention and a NJAW multi-use meter, located along Avenue of Memories, and a tap to the existing 24" NJAW water main, also along Avenue of Memories. The site plans show Buildings 601- 603 as being demolished, at which time service must be terminated.

The Applicant provided a will serve letter from New Jersey American Water, dated March 7, 2023.

b. Sanitary

The **McAfee Parcel – Development Zone 7** is within the Two Rivers Water Reclamation Authority (TRWRA) service area. TRWRA service to this area is available via a 12" PVC sanitary main along the northern bounds of Sherrill Avenue. The MCR plan set depicts the development connecting to this existing main. The FMERA Office is already connected to the TRWRA system by means of a TRWRA sanitary main in Malterer Avenue.

The Applicant submitted a will serve letter from TRWRA dated March 21, 2023.

The **Bowling Center Parcel - Development Zone 4** portion of the development area is within the Eatontown Sewerage Authority (ESA) service area; however, the MCR plan set does not depict any sewer connection required in that area. Per the plans, the existing buildings are slated for demolition and stormwater basins will be placed on the site.

c. Electric

All former Army buildings within the development area were served by the Army electrical system. FMERA is currently working with Jersey Central Power and Light (JCP&L) to replace the former Army 4160V electric system with a new JCP&L owned and operated 12.5KVA distribution system. The Applicant intends to connect to this new proposed JCP&L grid. The Applicant submitted a will serve letter from JCP&L dated February 22, 2023.

In the interim, FMERA has limited electric service available to the site via overhead 4160V primary lines along Avenue of Memories, Messenger Avenue, Sherrill Avenue, and Irwin Avenue. Until such time as the JCP&L electrical grid is installed and operational, FMERA will provide limited power as needed, on a temporary basis. All power supplied by the FMERA owned electrical grid must be properly metered.

The Applicant is currently working with Jersey Central Power and Light (JCP&L) for permanent power to the development area.

d. Natural Gas

The MCR plan set depicts and references connections to New Jersey Natural Gas (NJNG). The Applicant is responsible for coordinating natural gas service to the property through New Jersey Natural Gas (NJNG).

The Applicant provided a will serve letter from New Jersey Natural Gas dated February 13, 2023.

e. Communications

The Applicant is responsible for coordinating communication services to the property through an available provider. The Applicant provided a will serve letter from Verizon dated February 16, 2023.

f. Stormwater

The MCR plan set indicates that all existing stormwater infrastructure in the development area is being replaced with a new stormwater system, including a series of bioretention basins, large & small-scale basins⁵, and additional green infrastructure. Detailed information was provided via the Stormwater Management Report for Netflix Studios Fort Monmouth Phase 1A prepared by Langan Engineering and Environmental Services, revised through May 20, 2024. The plans show stormwater will be directed to Mill Creek and Parkers Creek to the west.

The Applicant is responsible for maintaining any existing stormwater that traverses the development area until the stormwater can be incorporated into the proposed stormwater plan. **FMERA defers to the Borough's Planner & Engineer for any additional comments and recommendations.**

4.4 The need for and existence or availability of easements in connection with access and utilities⁶:

FMERA's Response:

a. Sanitary Sewer Easements

1. Sanitary Sewer Easement L, AKA FMERA-L (Map Ref. H.)

The easement located, at the northeast corner of **McAfee Parcel - Development Zone 7**, is associated with a sanitary line that carried outfall from the Park Loft, FMERA Office, Fort Athletic Club, and sanitary pump station 752. The completion of the Malterer Avenue sewer main project replaced the old army lines, thereby eliminating the need for the easement. **Therefore, the Sanitary Sewer Easement L may be eliminated.**

2. Sanitary Sewer Easement TRWRA-K

This sanitary easement, located within the bounds of Irwin Avenue, was reserved to transport sanitary outfall from the Tech A parcel south of Avenue of Memories. The installation of the Wilson Avenue

⁵ Please note that any proposed stormwater infrastructure impacting Army carve-outs or their associated remedial actions may be subject to additional review and discussion with FMERA and the Army.

⁶ For easements depicted that have not yet been recorded, the Applicant shall be responsible for recording the easements at closing or at such time as set forth in the Purchase and Sale Agreement and Redevelopment Agreement dated January 13, 2023, as amended, or until such need for an easement has been eliminated.

(South) sanitary main eliminated that need for this easement. **Therefore, the Sanitary Sewer Easement TRWRA-K may be eliminated.**

3. *Sanitary Sewer Easement DB. 9611, PG. 3812*

The easement, located on the northwestern side of Wilson Avenue, protects a sanitary line that is owned and operated by the Two Rivers Water Reclamation Authority. **Therefore, the easement as depicted on the plan must be maintained.**

b. Stormwater Easements

1. *Stormwater Easement O (Map Ref. J)*

The storm line associated with the easement located on the west side of Wilson Avenue in the landfill no longer exists. **Therefore, Stormwater Easement O as depicted on the site plan may be eliminated.**

2. *Stormwater Easements C & C1 and D (Map Ref. J)*

The easements C & C1 and D (Map Ref. J, located at the northwest corner of the **McAfee Parcel-Development Zone 7**, are associated with drainage lines serving Avenue of Memories (C.R. 537), Wilson Avenue (C.R. 537A), and Sherrill Avenue (C.R. 537A). The Grading and Drainage plans indicate that this drainage line is proposed to be utilized by the development. **Therefore, the easements depicted on the site plan must be maintained.**

3. *Stormwater Easements D and D1 (Map Ref. H)*

The Easements D and D1 (Map Ref. H) located on Messenger Avenue, connecting Avenue of Memories (C.R. 537) and Wilson Avenue, are associated with a drainage line that serves Avenue of Memories (C.R. 537). Grading and Drainage plan CG103 indicates that the drainage line is being redirected to the new system as part of the drainage system buildout. **Therefore, Stormwater Easement D and D1 may be eliminated once the new stormwater buildout is complete.**

4. *Stormwater Easement B1 & B2 (Per Map Ref. J)*

The easements located in the **Whale Parcel - Development Zone 1** along the western bounds of Wilson Avenue, are associated with a drainage line that drains Avenue of Memories (C.R. 537), Wilson Avenue (C.R. 537A, Wilson Avenue (South). The Grading and Drainage plans indicate that the drainage line is to be re-utilized. **Therefore, the easement must be maintained.**

5. *Stormwater Easement B (DB 9519, PG3847)*

The easement, located at the southwest corner of Phase 1A is associated with a drainage line that drains Avenue of Memories (C.R. 537), Wilson Avenue (C.R. 537A, Wilson Avenue (South). Grading and Drainage plan CG103 indicates that the drainage line is being redirected to the new system as part of the drainage system buildout. **Therefore, Stormwater Easement B may be eliminated once the new stormwater buildout is complete.**

6. *Stormwater Easement P (Per Map Ref. H)*

The easement located on Irwin Avenue, serves the privately owned “Park Loft”. Grading and Drainage plan CG103 indicates that the drainage line is being redirected to Large Scale Basin 3 as part of the drainage system buildout. **Therefore, Stormwater Easement P may be eliminated once the new stormwater buildout is complete.**

c. Electric and Communication Easements

1. *Electric-F and COMM-B and Electric-F1 and COMM-B1 (Map Ref. H)*

The easements, depicted on the map on Messenger Avenue, are associated with overhead utilities, including Comcast fiber serving NJCU, power to Sherrill Avenue streetlights, remaining active 600 area buildings, and Irwin Avenue streetlights. **With respect to electric, the easement depicted on the site plan must be maintained until such time as a new electrical distribution system is installed by JCP&L and the developments served by this line are then served by the new system. With respect to communications, the communications line within the easement area is protected by a license agreement with Comcast and must remain until such time as the license agreement is terminated.**

2. *Electric Easement E (Map Ref. H)*

The easement, located on the southwest corner of the **McAfee Parcel - Development Zone 7**, is associated with utilities serving Sherrill Avenue streetlights, the remaining active buildings in the 600 area, and Irwin Avenue streetlights. **Therefore, the easement depicted on the site plan must be maintained until such time as a new electrical distribution system is installed by JCP&L and the developments served by this line are then served by the new system.**

3. *Electric Easement G (Map Ref. H)*

The easement depicted on the map on Irwin Avenue is associated with utilities serving Sherrill Avenue streetlights, the remaining active buildings in the 600 area, Irwin Avenue streetlights, and electric to FMERA offices. **Therefore, the easement depicted on the site plan must be maintained until such time as a new electrical distribution system is installed by JCP&L and the developments served by this line are then served by the new system.**

4. *Electric Easement H (Map Ref. H)*

The 25-ft-wide easement, depicted on the map located between Malterer and Irwin Avenues, is associated with FMERA-owned overhead 35KVA distribution lines that serve NJCU and FMERA's North Electrical Substation, as well as FMERA-owned overhead 4160V CKT 2 lines. **Therefore, the easement depicted on the site plan must be maintained until such time as a new electrical distribution system is installed by JCP&L and the developments served by this line are then served by the new system.**

d. Water Main Easements

1. *Water Main Easement NJAW – D (DB. 9519, PG 3658) and NJAW – D (DB 9586, PG 9807)*

The easements, located at the intersection of Messenger Avenue and Avenue of Memories are associated with a 24" water main, owned and operated by New Jersey American Water. **Therefore, the easement depicted on the site plan must be maintained.**

2. *Water Main Easement A1 (DB. 9638, PG 7757)*

The easement, located in the southwest section of the **McAfee Parcel - Development Zone 7** on Avenue of Memories, is associated with a 24" water main that is owned and operated by New Jersey American Water. **Therefore, the easement depicted on the site plan must be maintained.**

3. *Water Main Easement* (DB. 9638, PG 7791)

The easement located in the southern section of the **McAfee Parcel - Development Zone 7** along Avenue of Memories is associated with a 24" water main that is owned and operated by New Jersey American Water. **Therefore, the easement depicted on the site plan must be maintained.**

4. *Water Easement NJAW-J* (Map Ref. K)

The easement located on Irwin Avenue is associated with a 24" water main that is owned and operated by New Jersey American Water. **Therefore, the easement depicted on the site plan must be maintained.**

e. Access Easements

1. *Access Easement Access – C* (Map Ref. H)

The access easement on Brewer Avenue must be maintained as part of the development of Phase 1A to provide privately owned "Park Loft" access between Avenue of Memories and the Park Loft main entrance in perpetuity, unless Brewer Avenue is transferred to the Borough of Oceanport or Monmouth County, at which time the easement may be eliminated.

2. *50'-Wide Access Easement, Access – D* (Map Ref. B & E)

Brewer Lane provides access between Brewer Avenue and Malterer Avenue. The access easement associated with Brewer Lane must be maintained unless Brewer Lane is transferred to the Borough of Oceanport or Monmouth County, at which time the easement may be eliminated.

f. Multipurpose Easements

All previously recorded 12ft-wide Multi-Purpose Easements depicted on CS105 Sheet 14 of 68, dated 5.17.24, serve Monmouth County and must be maintained.

Easements depicted south of Avenue of Memories were not considered in this review and are associated with future phases of development. As such, they will be reviewed during a subsequent MCR review.

4.5 *Architectural and aesthetic review:*

FMERA's Response: FMERA reviewed the proposed architectural plans and elevations of the development. The exterior of the proposed buildings will feature a combination of concrete panels in different colors, aluminum screening, painted signage (Identification Signs), cladding, Supergraphic Signs, and a metal door and window system with various lighting fixtures. FMERA acknowledges that the architectural characteristics of film studios and associated facilities can be influenced by several factors, including but not limited to acoustic considerations, safety requirements, flexibility and adaptability of spaces, and other technical infrastructural arrangements. FMERA believes that the Applicant has taken all these factors into account in the design of the buildings. **Therefore, FMERA has no objections to the proposed architectural design of the studio campus. FMERA also recommends that the Applicant present pertinent graphic illustrations and renderings and provide appropriate testimony to the Borough's Planning Board regarding the architectural style of the proposed buildings.**

4.6 *Any other aspect of the project that, in the opinion of the Authority is relevant to the successful redevelopment of the Fort Monmouth project area, including, but not limited to, the potential impacts of the proposed project on future redevelopment within the Fort Monmouth project area.*

FMERA's Response:

- a. The proposed project aligns with the goals and objectives of Plan Amendment #20.
- b. The Applicant has proposed permeable pavers in the McAfee Center and FMERA Office parking lots. FMERA appreciates the implementation of such green infrastructure measures and believes they will help mitigate stormwater generation. FMERA also encourages expanding the use of permeable pavers to other parking areas wherever feasible.
- c. The Applicant should note that pursuant to N.J.A.C. 19:31C-3.10(j)(2), all outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices, or turned off.
- d. FMERA staff has reviewed the stormwater design and report and believes that the proposed stormwater management system design adequately addresses stormwater quantity, stormwater quality, groundwater recharge, and non-structural measures. The proposed redevelopment will also lead to a significant decrease in the overall stormwater runoff volume and reduction of TSS.

5. Staff Advisory Committee Review

5.1 Historical Preservation Advisory Committee (the "Historical Committee") review

The subject parcel is not located within the Fort Monmouth National Register Historic District ("Historic District"). Therefore, the MCR application is not required to be reviewed by the FMERA's Historical Preservation Staff Advisory Committee (the "Historical Committee") nor the project is subject to the Historic Preservation Design Guidelines (the "Historic Guidelines").

5.2 Environmental Staff Advisory Committee (ESAC) review

Please be advised that pursuant to N.J.A.C. 19:31C-3.20(c)(7) where the application involves open space to be preserved or sensitive environmental features identified in the natural resources inventory, the Authority shall request that the Environmental Staff Advisory Committee ("ESAC") review and comment on the application.

On June 24, 2024, the ESAC reviewed the MCR application. The review by the ESAC included a report provided by FMERA staff. The following environmental requirements were identified and discussed during the ESAC meeting:

1. A "Soil Erosion & Sediment Control Plan" shall be submitted to the Freehold Soil Conservation District (FSCD) for approval. Disturbance of site soils shall not commence until such time an approved Soil Erosion & Sediment Control Plan is secured from FSCD.
2. Netflix shall secure an "Authorization to Discharge 5G3 Construction Activity Stormwater General Permit" from the NJDEP for the redevelopment project.
3. Netflix shall secure an "Individual-Coastal Area Facilities Review Act (CAFRA) permit from the NJDEP for the redevelopment project.
4. Prior to removing any osprey nests located on the Mega Parcel or nests located within a 1,000-feet of the Mega Parcel, Netflix shall secure approval from the NJDEP to install an equal number of nesting platforms on properties located outside of the Fort. The new nesting platforms must be installed prior to the removal of any nests found on the Mega Parcel or within 1,000-feet of the Mega Parcel. In addition, Netflix shall install nest deflecting devices on all active FMERA owned utility poles (for pole designs that support osprey nesting activities) prior to the removal of any nests. Furthermore, FMERA recommends Netflix work with JCP&L to install nest deflecting devices on utility poles owned by JCP&L.

5. Subsequent to the property closing, Netflix will need to secure air permits from the NJDEP for the two boilers and the emergency generator located at Building 600 should they choose to continue operation of said equipment.

The ESAC offered no objection to the proposed development and impact to the subject parcel.

6. Conclusion

If following the completion of the MCR, the application is materially modified or revised, notice of such modifications or revisions shall be provided to the Authority, and the Authority, by written notice to the Planning Board and the Applicant, may require additional or supplemental conceptual review, if the Authority determines that such modifications or revisions materially and negatively alter the assumptions on which the conceptual review was based.

Please also note, per N.J.A.C. 19:31C-3.20(b)(4), that it shall be a condition of each final site plan granted by the Planning Board that the developer shall have entered into a redevelopment agreement with this Authority or EDA as designated redeveloper for the project unless the project is exempt from the requirement or a redevelopment agreement pursuant to N.J.A.C.19:31C-3.24(b). The Applicant executed a redeveloper's agreement with FMERA on January 13, 2023.

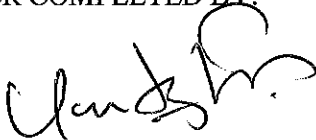
It shall also be noted that the MCR, once the MCR application is completed, does not in any way obviate or supersede site plan approval by the Oceanport or Eatontown Borough Planning Boards or where applicable, the Monmouth County Planning Board as stated within N.J.A.C. 19:31C-3.20(c)(8).

The Authority has completed the MCR based on the plans and documents submitted by the Applicant. The Applicant shall assume full responsibility to verify the site conditions, dimensions and details before commencing the work and assume full liability for any problems that may arise due to possible errors on these plans.

Thank you in advance and should you have any questions, please feel free to contact this office at 732-720-6350.

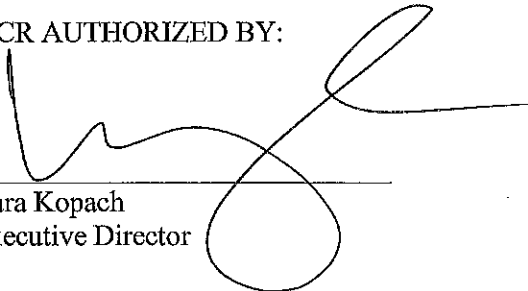
Sincerely,

MCR COMPLETED BY:



Upendra Sapkota, PP, AICP, LEED AP
Senior Officer - Planning & Development

MCR AUTHORIZED BY:



Kara Kopach
Executive Director