

PLANNING BOARD AGENDA

Monday, April 27, 2020 – 7:30 PM

All meetings of the Planning Board are open to the public, and public comments are welcome on specific site presentations after each such presentation, with the length of the comments at the discretion of the Planning Board chairperson.

For the duration of the Coronavirus Health Emergency, City Hall is closed to the public and meetings are held with participants at remote locations, connected by conferencing software provided by zoom.us. Members of the public are invited to view meetings live using the Zoom client, which also allows them to "raise a hand" and contribute with voice and video when they are invited to do so during public portions of the meeting.

TO JOIN A LIVE MEETING: Members of the public and other participants use the same procedure:

1. If you are joining from a smartphone or tablet, install the Zoom app using the App Store and join **meeting number 995-7697-2853**
2. If you are joining from a desktop or laptop computer with a web browser, open <https://zoom.us/j/99576972853>

In the alternative, if you cannot join the live meeting remotely for any reason you may contact Chris Nicola the Planning and Zoning Boards Administrative Officer at 908-273-6407 or via email at cnicola@cityofsummit.org.

When you join a meeting, your microphone will be off (muted) and your camera (if you have one) will not send video to other participants. If you are a speaking participant a moderator will enable your mic and permit you to enable your video.

TIPS: Controls appear at the bottom of the Zoom window. Open MEETING PARTICPANTS and CHAT. You can use these controls to attract attention, ask a question, or send a text message to other participants.

Recordings of zoom meetings will be available the next day on the City's YouTube channel <https://www.youtube.com/channel/UCQM0aiqWmAIMUTU35kswMdQ>

1. CALL TO ORDER

2. ADEQUATE NOTICE STATEMENT

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL:

Mr. Anderson	Mr. Parella
Ms. Balson Alvarez	Mr. Zucker
Mr. Brinkerhoff	Mr. Fiore (Alt. 1)
Mr. Drummond	Mr. Formichelli (Alt. 2)
Mr. DiLauri	Mr. Warner, Bd. Attorney
Councilmember Little	Mr. Nicola Bd. Secretary
Ms. McNeil	

5. MINUTES

- a. February 24, 2020

6. Public Hearing

- a. Cardone Contracting Inc. *(Carried to 5/18/2020)*
83 Maple Street
BL: 3202 L: 2
PB-19-251 – Minor Subdivision with (c) – variance for lot width

- b. Beechwood at Summit, LLC *(Carried to 5/18/2020)*
43 Woodland Avenue
BL: 1905 L: 2
PB-19-250 - Major site plan with (c) – variances to construct 70 parking spaces

7. COUNCIL REFERRAL

- a. ORDINANCE No. 20-3211– AN ORDINANCE AMENDING THE CODE, CHAPTER XXXV, DEVELOPMENT REGULATIONS ORDINANCE, ARTICLE XIII – ZONING REGULATIONS, SECTION 35-13.17, PLANNED RESEARCH OFFICE DEVELOPMENT ZONE

8. ADJOURN

NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING BOARD
MONDAY, MAY 18, 2020

THE CITY OF SUMMIT

N E W J E R S E Y

CITY HALL 512 SPRINGFIELD AVENUE SUMMIT, NJ 07901
www.cityofsummit.org

Rosemary Licatese
City Clerk
Secy. to Mayor & Council
(908) 273-6400
rlicatese@cityofsummit.org

Nicole Sarna
Deputy City Clerk
(908) 273-6400
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nsarna@cityofsummit.org

April 15, 2020

VIA ELECTRONIC COMMUNICATION

wanderson@cityofsummit.org

Mr. William Anderson
Chairman
Summit Planning Board
512 Springfield Avenue
Summit, NJ 07901

Re: Introduction of Ordinance No. 20-3211

AN ORDINANCE AMENDING THE CODE, CHAPTER XXXV, DEVELOPMENT REGULATIONS ORDINANCE, ARTICLE XIII – ZONING REGULATIONS, SECTION 35-13.17, PLANNED RESEARCH OFFICE DEVELOPMENT ZONE

Dear Mr. Anderson:

At the April 14, 2020 meeting of Summit Common Council, the above referenced ordinance was introduced.

Pursuant to N.J.S.A. 40:55D the above mentioned and hereto attached is being sent to the Planning Board for its formal comments.

The hearing for this ordinance is scheduled for Tuesday evening, May 12, 2020.

Sincerely,



Rosemary Licatese

rpl

Enclosures

c: P. Cascais, DCS Director
C. Nicola, Land Use Secretary
C. Anderson, Zoning Officer

Pending

Ordinance #:	20-3211
Introduction Date:	4/14/2020
Hearing Date:	5/12/2020
Passage Date:	
Effective Date:	

AN ORDINANCE AMENDING THE CODE, CHAPTER XXXV, DEVELOPMENT REGULATIONS ORDINANCE, ARTICLE XIII – ZONING REGULATIONS, SECTION 35-13.17, PLANNED RESEARCH OFFICE DEVELOPMENT ZONE *(allow research and development of chimeric antigen receptor T-cells therapies as a permitted use in PROD Zone)*

Ordinance Summary: This ordinance amends Chapter XXXV – Development Regulations of The General Ordinances of The City of Summit, Article XIII, Zoning Regulations, Section 35-13.17, Planned Research Office Development Zone, to allow for the research and development of chimeric antigen receptor t-cells therapies as a permitted use in the Planned Research Office Development (“PROD”) Zone.

WHEREAS, the City’s zoning ordinance currently permits scientific, testing, analytical, research and product development laboratories in the PROD Zone; and

WHEREAS, the City finds the clinical development and commercial production and processing of treatments involving chimeric antigen receptor T-Cells (CAR-T) therapies and biotherapeutic therapies for sale and delivery to hospitals, medical facilities, and medical professionals to be consistent with the purpose of the PROD Zone.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, as follows:

Section 1. That CHAPTER XXXV, ARTICLE XIII, Zoning Regulations, Section 35-13.17, Planned Research Office Development Zone, be and it is hereby amended and supplemented to read as follows:

A. Purpose. The PROD Zone is intended to permit a specialized range of uses which will strengthen the local economy by expanding job opportunities and diversifying the City's tax base in a manner which is consistent with the overall character of the City and compatible with surrounding uses and facilities. The zone is intended to accommodate offices, scientific and applied research facilities, and uses dedicated to the development and application of technology and production techniques. The nature, scale, and function of such uses shall be limited and regulated to ensure that they pose no significant or unusual risk to the public health, safety, and welfare, generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances; emit no harmful radiation or pollution of the air, water, or ground; and pose a minimum of traffic, fire, and other safety hazards. The design and development of land and facilities in the zone will be

regulated to create a well-planned environment with attractive buildings and structures, well-landscaped buffer and yard areas, and screened access and storage facilities. To achieve these objectives, the zone requires the integrated planning of large tracts of land while permitting phased development to minimize disruptions and instability for existing nearby residents.

B. Permitted Uses.

PRINCIPAL USES:

1. Scientific, testing, analytical, research and product development laboratories exclusively devoted to research, design, and testing or experimentation, including processing or fabricating that is clearly incidental to the principal uses, and, except as set forth in Section 1.e. and 1.f. below, specifically excluding the manufacturing, distribution, packaging or fabricating on the premises of materials or finished products for sale to the general public.
 - a. Administrative, corporate, research and general offices.
 - b. Computer centers, data processing and communications.
 - c. Pharmaceutical research and development operations which include discovery through clinical trials.
 - d. Pilot Plants.
 - e. Research and Development – including the clinical ~~and commercial~~ development and processing needs for the delivery of treatments involving chimeric antigen receptor T-Cells (CAR-T) therapies and biotherapeutic therapies, ~~excluding patient treatment visits at the facility except for discovery through clinical trial as permitted herein~~ (targeted therapies that are processed and designed specifically for each individual patient for their exclusive use).
 - f. Commercial Production and Processing -- the commercial production and processing of CAR-T and biotherapeutic therapies for sale and delivery to hospitals, medical facilities and medical professionals authorized to administer the CAR-T and biotherapeutic therapies to the intended individual patients. Patient treatment visits at the facility are not permitted, except for discovery through clinical trials as permitted herein.

Section 2. SEVERABILITY.

If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 3. INCONSISTENCY.

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication according to law.

(Latest additions are indicated by underline, deletions by strikethroughs)

Dated:

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on

Approved:

Mayor

City Clerk

DEMPSEY, DEMPSEY & SHEEHAN
Attorneys at Law
387 Springfield Avenue
Summit, New Jersey 07901
Tel. (908)-277-0388
Fax (908)-277-1483

April 20, 2020

Chairman and Members of the Planning Board of the City of Summit
City Hall
512 Springfield Avenue
Summit, New Jersey 07901
Attn.: Chris Nicola, Secretary

**Re: Master Plan Consistency Review
Introduced Ordinance ID# 7106
Supplemental Traffic Report**

Dear Mr. Chairman and Members of the Board,

As part of the Master Plan consistency review of introduced ordinance ID# 7106, scheduled for April 27, 2020, enclosed please receive a copy of the supplemental traffic report in connection with the above referenced matter.

As may be recalled, the Planning Board conducted a preliminary review of the amendment on February 24, 2020, and referred the matter to the Common Council for consideration and introduction.

At the time of the filing of the request, and in response to the inquiry of Common Council President Fox, BMS directed its traffic engineer to investigate the effect, if any, the CAR-T program would have upon local traffic. Mr. Alan Lothian, P.E., has concluded his study; the report is attached.

Christopher Nicola, Land Use Assistant

April 20, 2020

Page 2

In summary, Mr. Lothian concludes that the CAR-T program's effect on local traffic is consistent with the estimates under the approved General Development Plans and its effect on local traffic will be well within the capacity of local infrastructure:

"A conservative traffic impact study was prepared, and approved, as part of the December 2018 prior amended approval of the GDP for the West Campus. The trips associated with the increase in employee population are accounted for in the anticipated growth of the Campus as identified;" and

"We have concluded that the CAR-T operation is consistent with the intent of the PROD Zone District and will not create any significant traffic impacts."

Our office is available to discuss or respond to any questions or comments with regard to this matter or the enclosed Traffic Report in e-person or in writing, as you may direct.

Sincerely,
DEMPSEY, DEMPSEY & SHEEHAN

By:  FOR

James G. Webber, Esq.

cc: Michael Duffy, Bristol-Myers Squibb
Loren Wagner, P.E., Bristol-Myers Squibb
Angela Haddock, Esq.

20 April 2020

City of Summit
Planning Board
512 Springfield Avenue
Summit, NJ 07901

**Re: Traffic Statement for
BMS Summit West Campus
CAR-T Operation
Langan Project No.: 100132307**

Dear Board Members:

Langan Engineering & Environmental Services has prepared this traffic statement to identify the impacts of the existing and future CAR-T (Chimeric Antigen Receptor T-Cell Therapy) operation as part of the overall Planned Research Office Development (PROD) Zone District that encompasses the Bristol-Meyers Squibb (BMS) Summit West Campus located at 556 Morris Avenue. Specifically, we performed the following tasks:

- Reviewed the development proposal,
- Identified population growth, and
- Qualitatively assessed traffic impact compared to the approved Traffic Impact Study.

We have concluded that the existing and future CAR-T operation is consistent with the approved General Development Plan (GDP) for the PROD Zone District and will not have any significant traffic impact.

DEVELOPMENT PROPOSAL

The overall project site (BMS Summit West Campus) is identified on the City of Summit tax map as Block 701, Lot 1. The existing CAR-T operation is currently active on the Campus and serving approximately 12 patients per week. Each patient requires 1 delivery and 1 pick-up at this time, which equates to 24 delivery trips per week (just over 3 trips per day, on average).

During the coming years it is anticipated that the CAR-T operation will ramp up to a maximum of 1,000 employees, and is anticipated to serve approximately 125 patients per week by 2023. The overall non-CAR-T will grow to approximately 1,750 employees over the same timeframe. This level of operation is consistent with the amended General Development Plan (GDP) for the overall Campus, approved June 24, 2019. The projected planned occupancy of the overall Campus in the approved amended GDP was 2,967 employees, 217 more than what is currently anticipated.

A conservative traffic impact study was prepared, and approved, as part of the December 2018 prior amended approval of the GDP for the West Campus. The trips associated with the increase in employee population are accounted for in the anticipated growth of the Campus as identified

in that traffic impact study. The projected planned occupancy analyzed in the traffic impact study was 3,339 employees, significantly higher than the currently anticipated 2,750 employees.

The anticipated increase in CAR-T patients from 12 to 125 per week will only result in an increase in delivery trips from just over 3 trips per day to just under 36 trips per day. In general, the 36 delivery trips will occur primarily during off-peak hours and will be equivalent to less than one trip every 15 minutes, on average, throughout the day. The delivery trips are accounted for in the conservative estimated increase in trip generation used to analyze the future condition in the traffic impact study.

There is no anticipated change in access for the overall Campus. The primary access for the CAR-T operation will be the employee and service access points along Passaic Avenue, specifically for delivery vehicles. Alternate employee/visitor access is provided at the Morris Avenue access point.

We anticipate that the parking supply for the overall Campus will continue to adequately accommodate the parking demands for the future population growth on the Campus.

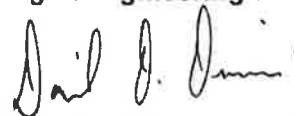
Based on our review, we believe convenient access, efficient circulation and adequate parking will be provided, consistent with the approved amended GDP for the overall Campus.

CONCLUSION

We have concluded that the CAR-T operation is consistent with the intent of the PROD Zone District and will not create any significant traffic impacts. In addition, the site will continue to be subject to the conditions of approval for the amended GDP.

Should you have any questions or comments concerning this traffic statement, please do not hesitate to contact our office.

Sincerely,
Langan Engineering and Environmental Services, Inc.



Daniel D. Disario, P.E., PTOE
Principal



Alan W. Lothian, P.E.
Senior Project Manager

**PLANNING BOARD
CITY OF SUMMIT**

RESOLUTION ON MASTER PLAN CONSISTENCY REVIEW OF THE
PROPOSED AMENDMENTS TO CHAPTER XXXV, ARTICLE XIII, ZONING
REGULATIONS, SECTION 35-13.17, TO ALLOW RESEARCH AND
DEVELOPMENT OF CHIMERIC ANTIGEN RECEPTOR T-CELLS AS A
PERMITTED USE IN THE PLANNED RESEARCH OFFICE DEVELOPMENT
ZONE

WHEREAS, on April 14, 2020, at a duly noticed and constituted public meeting, the Common Council of the City of Summit (the "Common Council") introduced, on first reading, proposed Ordinance 20-3211, which amends Chapter XXXV, Article XIII, Section 35-13.17 of the Zoning Regulations to allow for the research and development of chimeric antigen receptor t-cell therapies in the Planned Research Office Development Zone (the "Proposed Ordinance"); and

WHEREAS, after introduction, the Common Council referred the Proposed Ordinance (attached hereto as **Exhibit A**) to the Planning Board of the City of Summit (the "Planning Board") for Master Plan consistency review pursuant to N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

WHEREAS, on April 27, 2020, at a duly noticed and constituted public meeting, the Planning Board considered the April 23, 2020 review memorandum prepared by the Board Planner (attached hereto as **Exhibit B**), the testimony of the Board Planner, and any comments from members of the public and determined that the Proposed Ordinance is not inconsistent with the City of Summit's Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Summit, County of Union, as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board hereby finds and determines that the Proposed Ordinance, which is attached hereto as **Exhibit A**, is not inconsistent with the City of Summit's Master Plan.

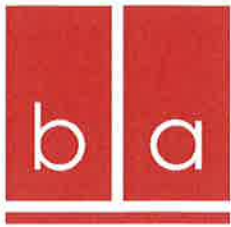
Section 3. The Secretary of the Planning Board shall forward a copy of this Resolution to the Common Council. This Resolution shall serve as the report to the Common Council in accordance with N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64.

Section 4. This Resolution shall take effect immediately.

**I hereby certify that this is a true copy of a resolution of
the City of Summit Planning Board duly adopted at a
regular public meeting held on April 27, 2020.**

Christopher Nicola, Secretary

City of Summit Planning Board



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA

B U R G I S
ASSOCIATES, INC.

To: City of Summit Planning Board
From: Joseph H. Burgis, PP, AICP & Thomas Behrens, PP, AICP
Subject: Master Plan Consistency Review
PROD Zone Amendment
Date: April 23, 2020
BA#: 3683.06

Introduction

In accordance with N.J.S.A. 40:55D-26 of the Municipal Land Use Law (MLUL), the City Common Council has requested the Planning Board to review proposed Ordinance No. 20-3211 for consistency with the City's Master Plan. Specifically, the MLUL sets forth the role of the Planning Board in the ordinance implementation process as follows:

"Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed regulation, revision or amendment, which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate."

This analysis is intended to assist the Board in its review of Ordinance No. 20-3211 which proposes to amend Chapter 35, Development Regulations Ordinance ("DRO"), to amend the PROD Planned Research Office Development Zone regulations as detailed herein.

Planning Analysis

The PROD Zone comprises approximately 90 acres in the northwest area of the City with frontages on Passaic Avenue, River Road, Morris Avenue, Lincoln Avenue and Madison Avenue. The former Celgene now Bristol Myers Squibb West Campus is developed with facilities for administrative and research activities, including 14 buildings, campus green, structured and surface parking areas and landscaped areas. Surrounding land uses consist of the Passaic River and industrial uses to the north, commercial properties to the east on Morris Avenue and single-family development to the east, south and west. The following aerial image provides a general overview of the subject site and surrounding development pattern.

IMAGE #1 AERIAL PHOTOGRAPH



Source: Google Maps, dated April 23, 2020. Note: lot lines are approximate.

In 2017, the PROD Zone was amended to permit the research and development as well as the commercial production and processing of CAR-T (chimeric antigen receptor T-cell) therapies and biotherapeutic therapies. At that time, the Planning Board determined those amendments and uses to be consistent with the Summit Master Plan and purpose of the PROD Zone as stated in the DRO, which remains the same in the City's new DRO adopted in December 2019. In addition, the amended general development plan ("GDP") for the West Campus and site plan approval for building S16 intended to produce the kits necessary for the CAR-T treatments were approved by the Planning Board in 2019.

The latest PROD Zone amendments essentially aim to clarify that CAR-T and biotherapeutic therapies can be sold and delivered to *"hospitals, medical facilities and medical professionals authorized to administer the CAR-T and biotherapeutic therapies"* which are integral to making those therapies available. The PROD Zone regulations will continue to prohibit patient treatments except for clinical trials. In addition, the various permitted therapies will continue to cater to the individual. The traffic study and information provided by Bristol Myers Squibb indicates that the proposed ordinance amendments may generate a limited traffic increase from vans used to transport the therapies and related materials. Such vehicle traffic is expected to become more efficient over time with potential scaling of the CAR-T therapy.

The proposed PROD Zone amendments are consistent with the following Master Plan goals and objectives:

1. Recognize and manage the City's position as a regional center – as transportation, employment, shopping and entertainment destination.
2. Balance growth and development opportunities with the established pattern of development and existing infrastructure.
3. Reinforce the City as a desirable location for office, research and other employment uses within its existing pattern of development.
4. Encourage a balanced development pattern, which will protect and enhance long term economic and social interest of present and future residents in order to maintain and improve the City's overall quality of life.
5. To recognize the City's role as a regional center without impacting quality of life of its residents.
6. To maintain the City's employment base.
7. To plan for continued economic viability by strengthening the tax base through the encouragement of continued private investment and tax-producing uses which are consistent with community needs, desires, existing development and environmental concerns.

Summary

It is our opinion that the proposed ordinance amendments are substantially consistent with the City's Land Use Plan. In addition, the proposed amendments are consistent with the intent and purpose of the PROD Zone designed to create opportunities for research and development in Summit. Again, the language pertaining to therapies already approved as permitted uses in the PROD Zone is being refined to address the extent to which they may be distributed and sold.