

# Stevens & Lee

## Memorandum in Support

Application for Development

Bristol Myers Squibb

556 Morris Avenue, Block 701, Lots 1, 92, 93 & 94 (“property,” “site” or “campus”)

Bristol Myers Squibb (“Applicant” or “BMS”) hereby applies to the Planning Board of the City of Summit (“Board”) for preliminary and final site plan approval for a workplace-bridge (“Bridge”) connecting Buildings S11 and S12 and for a two (2) year extension of its general development plan approval through June of 2025.

### Bridge

The Bridge will not only connect the two buildings for ease of access but will provide a high windowed workspace overlooking the central yard; its construction continues the effort of BMS to update and aesthetically improve the facilities, structures, and buildings on its Summit campus.

The Bridge will contain 7,324 square feet of area, increasing the floor area ratio on the campus by just under 0.2% to 33.5%, well within the permitted F.A.R. of 65%. (Given the demolition of the S2 building at the Morris Avenue entrance, the campus total floor area has been reduced by 21,400 square feet or an additional 0.5%).

As for the effect on off-street parking, the Bridge creates a net increase in parking demand of only nine (9) spaces. Specifically, the office parking requirement is 1 space for every 333 square feet. The Bridge is proposed to be 7,324 square feet in area. 7,324 divided by 333 creates a requirement of 22 off-street parking spaces. However, the demolition of Building S2 reduces the parking demand by 13 spaces. Thus, the increase in parking demand is nine (9) spaces. The entire campus has 3,650 off-street parking spaces available (including 500 banked spaces). The current parking regulations require 2,184 spaces leaving an excess of 1,466 spaces on the campus.

### Extension of General Development Plan Approval

### Background

The Board granted the Applicant’s predecessor in title to the property, Celgene Corporation (“Celgene”) general development plan approval (“GDP Approval”) in 2006. Celgene developed the campus in accordance with the GDP Approval and sought a series of amendments to it, the most recent being on June 24, 2019, memorialized on July 22, 2019, in the resolution of memorialization entitled “City of Summit Planning Board Resolution of Memorialization Union County, New Jersey Matter of: Celgene Corporation (General Development Plan Approval) Approved: June 24, 2019 Application: #PB 19-247 Memorialized: July 22, 2019.”

BMS acquired Celgene in November of 2019 and hence the property. BMS has also done some development of the property in accordance with the GDP Approval. However, the GDP Approval expires in 2023. BMS has only recently acquired Celgene and the property and is still determining what program BMS is going to adopt for the Property. Therefore, BMS is seeking a two-year extension of the GDP Approval through June of 2025 to develop a comprehensive program for the site.

#### Argument

N.J.S.A. 40:55D-45.4 of the New Jersey Municipal Land Use Law governs the extension of the GDP Approval. N.J.S.A. 40:55D-45.4 provides, in relevant part, that in granting an extension of the GDP Approval, the Board shall:

take into consideration prevailing economic and market conditions, anticipated and actual needs for . . . nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development.

As set forth above, BMS is utilizing the site in accordance with the GDP Approval but needs to prepare a comprehensive development plan for the site for which it will then seek approval. Prevailing market and economic conditions, of course, drive this. BMS has a need for this site that cannot be met elsewhere in the City or in the region. Finally, adequate water, sewer and road facilities all exist to accommodate the development of the site in accordance with the GDP.

Accordingly, BMS seeks a two-year extension of the GDP Approval from the Board.