

**CITY OF SUMMIT PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION  
UNION COUNTY, NEW JERSEY**

**MATTER OF:** Celgene Corporation  
(General Development Plan Amendment Approval)

**APPROVED:** June 24, 2019

**APPLICATION:** #PB 19-247

**MEMORIALIZED:** July 22, 2019

**WHEREAS**, Celgene Corporation (“Applicant”) has requested an amendment of its General Development Plan (“GDP”) approval pursuant to the New Jersey Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-45 et seq., and §4.3-17D of the Development Regulations Ordinance of the City of Summit (“DRO”) for property known and designated as 556 Morris Avenue, Lots 1, 72, 93, and 94, Block 701 on the Tax Maps of the City of Summit in the PROD Zone District (“Property”); and

**WHEREAS**, Applicant received GDP approval by Resolution dated March 27, 2006, application #PB-05-149; and

**WHEREAS**, Applicant received approval for an amendment to the GDP by Resolution dated July 23, 2007, application #PB-07-165; and

**WHEREAS**, Applicant received approval for an amendment to the GDP by Resolution dated January 25, 2010, application #PB-09-178; and

**WHEREAS**, Applicant received approval for an amendment to the GDP by Resolution dated July 22, 2013, application #PB-13-203; and

**WHEREAS**, Applicant received approval for an amendment to the GDP by Resolution dated February 25, 2019, application #PB-18-244; and

**WHEREAS**, a public hearing was held before the Planning Board of the City of Summit (“Board”) on June 24, 2019 with regard to the application bearing #PB-19-247; and

**WHEREAS**, the Board heard the testimony of the Applicant, its witnesses, and by the public, as well as receiving comment from the Board’s own professionals; and

**WHEREAS**, the Applicant, appearing through Samantha T. Alfonso, Esq., filed an Affidavit of Proof that Notice of Hearing was given as required by law; and

**WHEREAS**, a complete application has been filed, the fees required by ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised;

**NOW, THEREFORE, BE IT RESOLVED** that the Board makes the following findings of fact and conclusions of law with regard to the application.

**FINDINGS OF FACT**

1. The Applicant provided adequate notice of the application and the hearing in accordance with the Municipal Land Use Law.

2. The Property consists of 90.09 acres and is located in the City's Planned Research Office Development ("PROD") Zone District. The current plan proposes 13 buildings and off-street parking areas.

3. Applicant plans improvements and upgrades to the Property over a five (5) year period, 2018 - 2023.

4. The proposed improvements will be consistent with the purposes and requirements of the PROD Zone District as set forth in the City's Master Plan and DRO.

5. Prior to making application for approval from the Board for the aforesaid improvements, §4.3-17 of the DRO requires Applicants to submit a comprehensive General Development Plan to the Board outlining the intended uses in the entire PROD Zone District, as well as the phasing of any development together with any on-site, off-site and off-tract improvements needed to support such phases. This application proposes an amendment of its previously approved GDP consistent with these requirements.

6. Applicant's GDP is depicted on plans prepared by Jacobs, entitled "Celgene West Campus General Development Plan Amendment" consisting of a binder with appendices and supplemental attachments dated November 2018 with Amendment One dated April 19, 2019.

7. Through the City's Department of Community Services, various administrative agencies of the City have reviewed the Applicant's GDP and have issued comments with regard to the GDP as follows: City Zoning Officer, Ms. Christa Anderson, by correspondence dated June 7, 2019; City Director/Fire Chief, Eric Evers, which are the same as the prior reports submitted in the prior application, dated December 11, 2018; Planning Board Engineer, Mr. Andrew R. Hipolit, by correspondence dated May 30, 2019 regarding General Development Plan amendments and June 20, 2019 regarding traffic comments involving the General Development Plan amendment; Construction Official, Mr. Gary Lewis, by correspondence dated May 16, 2019; City Police Chief, Mr. Robert Weck, noting no objections; City Forester, Mr. John Linson, by correspondence dated May 30, 2019; City Health Department, Mr. George Kornias, by correspondence dated June 3, 2019; Historic Preservation Committee, Mr. Tom Conway, by correspondence dated June 4, 2019; Planning Board Planner, Mr. Joseph Burgis, by correspondence dated June 7, 2019; City Environmental Commission, Mr. Richard Bell, by correspondence dated May 23, 2019;

8. The Board heard the testimony of Janos Angeli, Applicant's Senior Director of Engineering, Construction, and Carbon Management and an authorized representative of the Applicant.

9. Mr. Angeli indicated that the proposed amendments included the demolition of a building located on the south central portion of the site between buildings S9 and S11 and additionally, the construction of Building S16. This will replace proposed Building S6EXP. Building S-16 will be located on the north central portion of the site. It will be utilized for purposes of office

space and warehouse. Additionally, the Applicant will be constructing Building S6C, which is a modular chiller building for utility use located along the easterly façade of existing Building S6. The Applicant will also construct Building S6D, a modular chemical storage building for warehouse use, to be located near the northwesterly corner of existing Building S6. Finally, the Applicant proposes to expand the width of the existing roadway north of XS6 from one-way to two-way traffic.

10. Mr. Angeli further advised the Planning Board that the projected planned occupancy of 3,705 employees as represented in the February 22, 2013 amendment has been decreased to 3,339 employees per the December 2018 amendment. It will ultimately be decreased to 2,967 employees in the year 2023 pursuant to the current GDP amendment.

11. The Applicant's representative further indicated that there were changes that had been made to the 2013 plan since the December 2018 GDP amendment. They include a building coverage footprint increase of 89 square feet; a building square footage total reduction of 95,493 square feet; a parking requirement by code will be reduced by 148 spaces; the planned occupancy headcount is reduced by 372 spaces; the parking provided will be reduced by 17 spaces; lot coverage will decrease 0.13 percent; building coverage increase of 0.01 percent and a floor area ratio decrease of 2.43 percent.

Mr. Angeli indicated that demolition was anticipated to begin in 2019 and completed during the calendar year.

12. The Applicant's representative testified that they will conduct sound monitoring and dust control measures during demolition and will comply with all standards for demolition noise and construction as set forth in the DRO.

13. Mr. Angeli testified that the expansion of the roadway from one-way to two-way traffic will not have an impact on internal traffic circulation. He also noted that internal pedestrian

walkways will continue to be maintained for the convenience of the employees and guests to the site. Mr. Angeli also indicated that the number of employees that currently use mass transit or alternative transportation is approximately 2 percent and that the total vacancy related to parking needs is approximately 17 percent when taking into account travel, vacation and sick time.

14. Mr. Andrew Hipolit advised the Board in regard to his report of May 30, 2019. He also indicated that the traffic concerns would be deferred to site plan.

15. Mr. Joseph Burgis, the City Planner, testified in accordance with his report of June 7, 2019. He noted that he was generally satisfied with the plan. He commented that the site plan application will require a complete lighting plan for the site and must demonstrate compliance with the City's lighting requirements.

16. The meeting was opened to the public and members of the public expressed concern with regard to the amount of noise and dust impact that the demolition will have along with the construction. Mr. Angeli responded that they would be conducting noise monitoring samples throughout the process and would have dust control procedures in place throughout the entire process. He anticipated that the demolition would be a 20 week process subject to weather.

17. The Applicant's representatives testified that they will continue to use the Passaic Avenue entrance for construction vehicles.

18. The City Zoning Officer's report of June 7, 2019 noted that the net change in parking requirements is indicated to be a reduction of 148 spaces as shown on Sheet 30, Section 4.8. However, the parking summary data chart has not been revised to reflect the parking demand analysis for the café areas in Building S11 that should be based on one (1) space per 1,000 square feet as noted in the Findings of Fact No. 30 in the previous Resolution. The Applicant will comply with the report of the City Planner and provide the data as part of a condition of approval.

19. The Applicant shall supplement its plan to reflect in the parking summary data chart the parking demand analysis for the café areas in Building S11 based upon one (1) space per 1,000 square feet as noted in Findings of Fact No. 30 in the previous Resolution.

20. The Construction Official, Mr. Gary Lewis, noted in his report that all construction proposed would be subject to New Jersey nonresidential affordable housing development fees. The Applicant will comply with the report of the Construction Official.

21. This approval is subject to the requirements of the New Jersey nonresidential affordable housing fees of the City of Summit.

22. The Applicant will observe and comply with the report of the City Engineer concerning his general comments.

23. The Applicant will observe and comply with the report of the City Planner as to his comments regarding approval.

#### **CONCLUSIONS OF LAW**

Based upon the foregoing findings, the Board makes the following conclusions of law:

1. Applicant has shown by testimony, exhibits and other evidence that the Applicant's request for General Development Plan Approval can be granted pursuant to the MLUL, N.J.S.A. 40:55D-45 et seq.

2. Applicant's proposed construction through 2023 as presented is acceptable to the Board. Applicant further understands and acknowledges that any substantial modifications in timing, variation in physical features or amendments to the GDP are subject to the review and approval of the Board pursuant to the MLUL, N.J.S.A. 40:55D-45.4, 45.5 and 45.6.

**NOW, THEREFORE, BE IT RESOLVED**, having reviewed the application and considered the impact of the proposal on the City and its residents, and having determined whether the proposal is in furtherance of the purposes of the MLUL, the DRO, and the laws of

the City and whether the proposal is conducive to the orderly development of the Property and the PROD Zone District in which it is located, the Board concludes that good cause has been shown to grant General Development Plan approval to the Applicant.

**BE IT FURTHER RESOLVED** that the Board hereby memorializes the approval of the application subject to the following conditions:

1. Applicant shall submit proof of payment of all real estate taxes applicable to the Property. This approval is subject to that payment.

2. The General Development Plan approval shall be in accordance with the Celgene West Campus General Development Plan Amendment prepared by Jacobs of Philadelphia, Pennsylvania dated November of 2018 and amended April 19, 2019.

3. Applicant shall submit a copy of this Resolution with accompanying documentation to verify the satisfaction of each condition stated herein to the Department of City Services. Said documentation shall be numbered to indicate compliance with these conditions.

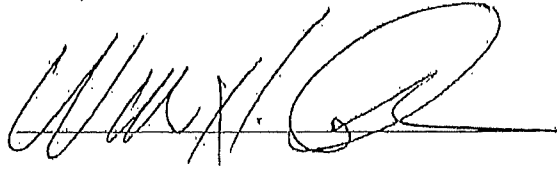
4. Applicant shall pay in a timely manner all outstanding and future fees and escrows charged in connection with the review of this application prior and subsequent to the approval of this application.

5. Applicant shall be bound by all testimony, exhibits and representations made or submitted to the Board as set forth in the transcript of the hearing on the dates referred to above.

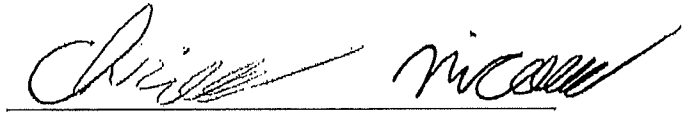
6. Applicant obtain the approval of all other necessary appropriate governmental agencies and comply with all governmental regulations, except those specifically waived or modified in this Resolution.

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the Union County Local Source at the Applicant's expense and to send a certified copy of this Resolution to the Applicant, the City

Clerk, the City Engineer and City Assessor and make same available to all other interested parties.

A handwritten signature in black ink, appearing to be 'W.M. R.', written over a horizontal line.

I hereby certify this to be a true and accurate copy of a resolution adopted by the City of Summit Planning Board, Union County, New Jersey, at a public meeting held on 7/22, 2019.

A handwritten signature in black ink, appearing to be 'R. R. R.', written over a horizontal line.

The Vote on the Resolution to  
approve this Memorialization  
was as follows:

Yes:

No:

Abstain: