

**HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES  
MAY 28, 2020**

A regular meeting of the Hopewell Township Planning Board was conducted through a Zoom videoconferencing application and was recorded through the application, commencing at 7:00 p.m. on Thursday, May 28, 2020.

Mr. Kiss, Vice Chairman, called the meeting to order at 7:04 p.m. He stated that notice of revisions to the conduct of this meeting as an electronic meeting only was posted on the Township website ([www.hopewelltp.org](http://www.hopewelltp.org)) and had been forwarded to the Official Newspapers (Hopewell Valley News, The Times of Trenton, The Trentonian and the Hopewell Express) in compliance with the Municipal Land Use Law and the Open Public Meetings Act, as well as Executive Order 103 issued by Governor Murphy on March 9, 2020, declaring a state of emergency and public health emergency in the State of New Jersey.

Members present: Paul Kiss, Vice Chairman, Jack Belmont, Kevin Kuchinski, Kristin McLaughlin, Rex Parker, Leigh Ann Peterson, Russell Swanson, Vanessa Sandom and Glenn Paul. Also present: Frank Banisch, Planner, Banisch Associates, Mark Kataryniak, PE, Community Development Director/Township Engineer, Frank Linnus, Esq. and Jaimie Laird, Recording Secretary. Absent: Milind Khare and Karen Murphy.

**Announcements**

Mr. Kataryniak presented general information with respect to how the meeting would be conducted. Mr. Linnus added that an orderly proceeding in compliance with the Municipal Land Use Law (MLUL) would include roll call votes on all agenda items. With respect to applications, witnesses would be sworn at one time; testimony would be presented by the witnesses and would be followed by questions from the Board and then questions from the public. At the conclusion of the public hearing the Board would take public comment on the application.

**Resolution Referred by Township Committee**

Resolution Authorizing and Directing the Hopewell Township Planning Board to undertake an investigation of certain property in the Township identified as the BMS Site (Block 46, Lot 8.01) to determine whether the property constitutes a Redevelopment Area pursuant to the New Jersey Local Redevelopment and Housing Law

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

Mr. Linnus explained that pursuant to the requirements of N.J.S.A. 40A:12A-6, the Hopewell Township Committee adopted Resolution No. 20-102, authorizing and directing the Planning Board to undertake an investigation of the site specifically described as Block 46, Lot 8.01 to determine whether the proposed area constitutes a non-condemnation area in need of redevelopment in accordance with criteria set forth in N.J.S.A. 40A:12A-5.

**Public Hearing - Review of Preliminary Investigation Report for Designation of a Non-Condemnation Area in Need of Redevelopment**

Block 46, Lot 8.01 - Bristol-Myers Squibb (BMS) Site

Mr. Linnus stated the purpose of tonight's public hearing results from Township Committee Resolution No. 20-102. He explained that notice of the public hearing was in order, thus conferring on the Board jurisdiction to take action with respect to the matter. Mr. Banisch, Township Planner, was directed to prepare a Preliminary Investigation Report, which would be the subject of his testimony tonight.

Mr. Linnus further explained that this is the first step in a process which includes the Planning Board's decision to recommend or not recommend the area as a non-condemnation area in need of redevelopment. The Board's determination will be returned to the Township Committee, who will make the final determination with respect to redevelopment area status. Should the area be so designated, the Township Committee will decide whether they or the Planning Board will prepare a redevelopment plan for the area. If the plan is initiated by the governing body, it will be referred to the Planning Board for review, comment or recommendations. The Board's comments would be returned to the Township Committee who will then present the plan for a public hearing. In the event the plan is adopted, any redeveloper (applicant) will have an opportunity to present an application to the Planning Board for site plan approval.

Mr. Linnus reminded the Board that Mr. Banisch was sworn in at the beginning of the year. Mr. Banisch confirmed that he is still a licensed planner in the State of NJ and the Board accepted his professional qualifications.

Mr. Banisch stated that he did prepare the report he would be reviewing this evening entitled, "Preliminary Investigation Report for Designation of a Non-Condemnation Area in Need of

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

Redevelopment, Block 46, Lot 8.01, Hopewell Township, Mercer County, New Jersey, dated March 15, 2020," entered into evidence as Exhibit A-1, on file in the Community Development Office and available on the Planning Board page of the Township website under the heading "Planning Board Reports" via the following link:

<https://www.hopewelltpw.org/291/Planning-Board>

Mr. Banisch explained that the Local Redevelopment and Housing Law (LRHL), P.L. 1992 C. 79 (C40A:12A-1 et seq.) provides strong tools for use by municipalities to remedy deterioration and improve the productivity of underproductive lands. It also permits the inclusion of lands and buildings that do not exhibit the qualifying criteria when their inclusion in an area in need of redevelopment can promote a more effective redevelopment strategy. Municipalities can acquire property, clear sites, install infrastructure and other site improvements, and enter partnerships with public and private entities to achieve redevelopment goals. He noted that the report does not recommend any plan or strategy for use or reuse of, or modifications to, the property. If the Township Committee concludes that the subject property constitutes a non-condemnation area in need of redevelopment, it will be within their purview to direct the preparation of a redevelopment plan or plans.

Mr. Banisch stated that Lot 8.01 in Block 46 is a 433-acre parcel consisting of farm fields to the east and south, a research and development campus to the north and a fringe of woodlands extending from the Stony Brook stream corridor on the west around the northern limits of the parcel-in-question (PQ). Access is provided via two primary access driveways, one from Titus Mill Road and the other from Pennington-Rocky Hill Road. The PQ was identified on an aerial photo contained in Exhibit A-1, labeled as Figure 1.

Mr. Banisch explained that when talking about the property, areas are generally referred to as "inside the loop road" and "outside the loop road." He noted that inside the loop road occurs in the upper portion of the property where the buildings and pond are located, as the developer built-up the campus, which was originally the Mobile facility and then ultimately became the BMS Campus. The loop road areas have generally been treated differently in the past. The General Development Plan (GDP) has provided for substantial additional development inside the loop road and provisions, including triggers tied to building permit issuance, provided for the

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

potential preservation of farmland through easements outside the loop road.

The GDP approved for this site provided for development over a 20-year period (2005-2025) and provided a high level of attention to details regarding traffic and fiscal impacts and providing for water needs while protecting the environment, including wetlands, riparian corridors and other areas sensitive natural resources; stormwater management was a particular focus of the GDP. The GDP map, labeled as Figure 2 in the report, was reviewed by Mr. Banisch.

The PQ currently includes the BMS research and development complex. The campus includes chemistry, biology and biotechnology research and development facilities, along with a biological clinical supply manufacturing facility, warehouse space, an automated sample repository and corporate offices. As a single-user facility those were all elements that BMS conducted from this parcel.

Mr. Banisch noted that the BMS buildings are highly valuable buildings that hopefully, in the after-life of BMS, can be the subject of tenancies that are appropriate to use the high-technology and bioscience capabilities that they offer; nonetheless, the abandonment of these buildings by BMS means that the buildings will no longer function in the coordinated way that they have in the past. The site is served by a central utility package, which is one of the reasons a single-user campus such as this is difficult to market to multiple users. The utility package ties together facilities that ordinarily could be broken out separately for leasing purposes. There are limitations to how a single-user facility such as this can be adapted for multiple users.

Mr. Banisch reviewed the existing land uses surrounding the site as depicted on Figure 3 of his report.

Mr. Banisch explained that the report contains the Statutory Criteria for Evaluation of whether the study area may be determined to be an area in need of redevelopment. He noted that The New Jersey redevelopment statute was revised in June 2019 to include an explicit reference to the evolving status of aging shopping centers, office complexes and other "stranded assets." Recognizing that the municipalities that host such facilities are sometimes incapable of reversing a downward trend, the Legislature enacted changes to the law that provide that an area in need finding can be authorized

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

where the "discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes." Thus, buildings previously used for retail purposes, shopping malls and office parks were added, so that discontinuance of use or abandonment of those stranded assets is now expressly within the statute.

It was noted that on December 13, 2016, BMS issued a press release informing Hopewell Township and the State that it intends to "initiate a phased permanent closure of the entire Hopewell, New Jersey site by mid-2020. This includes its primary facility on Pennington-Rocky Hill Rd (the previous Exxon/Mobil facility) and the facility on Carter Rd (the previous Lexicon/ATT building). There are currently 1,259 BMS employees at the Hopewell and Carter Road sites. Many of these roles at the sites will be transitioning to other central New Jersey sites and Massachusetts."

Mr. Banisch presented the following facts:

- As a result of this announcement of closing, the BMS campus qualifies for a designation of an area in need of redevelopment according to the explicit terms of N.J.S.A. 40A:12A-5b. Additionally, per N.J.S.A. 40A:12A-5h, designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. The State Development and Redevelopment Plan (SDRP), includes this parcel within PA-3 (Planning Area-3), the Fringe Planning Area. According to the State Plan, "development within the Fringe Planning Area should be concentrated in or adjacent to existing Centers or in planned new Centers. The character, location and magnitude of new development should be based on the capacities of the natural and built systems..."
- The State Plan policy on "Redevelopment" in PA-3 is to "Encourage appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers, or in ways that support Center-based development, to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a broad range of uses, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile."

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

- The BMS property is well situated to redevelop in line with the concepts outlined in the State Plan. The Fair Share Plan provides for an inclusionary residential neighborhood of roughly 250 homes as part of the site redevelopment. These dwellings, combined with the non-residential uses that can develop at BMS, provide a potential for mixed use, center-type development, as envisioned in the SDRP.
- An Area in Need of Redevelopment designation must be based upon a demonstration that at least one of the statutory requirements of the LRHL is satisfied or that a parcel is otherwise necessary for the effective redevelopment of the area in need of redevelopment.
- This parcel occupies a strategic location in the Township, close to Pennington and is a likely candidate for redevelopment, given the stated intentions of BMS to close the facility this year.

Mr. Banisch explained the Preliminary Investigation Report has reviewed the conditions on the BMS property and the statutory criteria for designating an area in need of redevelopment and recommends that the subject property be designated as a non-condemnation area in need of redevelopment because it qualifies for designation according to N.J.S.A. 40A:12A-5(b). The preliminary investigation is not designed to recommend any specific reuse alternatives for this area, since such recommendations can only be outlined in a redevelopment plan. Subsequent to the memorialization of a Planning Board resolution adopting the recommendations from the hearing in this matter, the governing body may adopt a resolution designating the area in question as an area in need of redevelopment. Following any redevelopment area designation by governing body resolution, the governing body will direct the preparation of a redevelopment plan setting out the goals and objectives for these areas and outlining the actions to be taken to accomplish the plan.

Mr. Kataryniak introduced a series of ten (10) slides, which were entered into evidence as Exhibit A-2. He noted that there were a series of easements secured on the property, particularly outside the ring road that pertain to flood hazard areas, riparian areas and wetland areas, which preserve portions of areas outside the ring road. The lands are encumbered with a series of restrictive covenants. The

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

existing GDP contains a series of square footage thresholds tied to building permits triggering additional open space preservation and certain off-site improvements.

Mr. Kiss asked for questions from the public.

Allison Yiacas, 277 Westcott Boulevard, had questions regarding the redevelopment process, which were explained by Mr. Linnus. She also questioned the intent of the current owner. Mr. Kataryniak explained that any property owner may work within the rules that exist, seeking a development application through the Planning Board or seek a use variance through the Zoning Board for development other than the ordinance allows. If a redevelopment plan exists and the property owner does not wish to develop the property in compliance with the plan then they must request an amendment to the plan from the Township Committee.

James Battagliese, 111 Howard Way, asked who owns the property. Mr. Kataryniak stated Lincoln Equities Group is the current owner.

Josh Byard and Carrie Cummings, 22 Elm Ridge Road, asked the next step should the Planning Board not recommend the property as an area in need of redevelopment. Mr. Linnus explained that the governing body could then choose to conduct their own investigation or if not, the regulations that stand today would remain.

Michele Immordino, 279 Westcott Boulevard, questioned why the property would be considered for redevelopment when there is a new owner and they are not requesting any changes at this time. Mr. Banisch stated that the Board has been directed by the governing body to conduct the redevelopment investigation.

James Clarke, 115 Palmer Road, questioned how the Board could conduct the investigation if the new owner has not discussed their intent with respect to development at the property.

Dan Rollo, 3 East Acres Drive, wished to confirm that a redevelopment plan would give the town more control over how the site is developed. Mr. Banisch stated the plan provides an opportunity for the governing body to have greater control over the development of the property; a major advantage to the municipality is more control over the use and development of the property as the details would be contained in a separate ordinance specifically modeled after the redevelopment plan.

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

Todd Brant, 8 Overlook Road, wished to confirm that subsection (b) of the redevelopment criteria was the appropriate criterion to consider. Mr. Banisch confirmed that the first portion of subsection (b) was the appropriate criterion.

Sheila Fields, 225 Hopewell-Princeton Road, asked what were the pros and cons with respect to a redevelopment designation. It was noted that was not the discussion at this time.

Board members asked what the new owner could do under the current GDP. Mr. Banisch explained that the current GDP allows for 2.8 million sq. ft. of development; additional development would also require additional preservation easements. The uses would be consistent with the regulations currently outlined in the RO-1 zoning ordinance. If the owner did not wish to develop the property consistent with the existing GDP they could initiate a GDP amendment or another request before the Planning Board; the GDP is not a blue print for development. Should a redevelopment plan be adopted, the property owner would have to adhere to that plan; if they do not wish to adhere to the plan they would initiate a request to the Township Committee for changes.

Mr. Kiss asked for comments from the public.

Mr. Clarke was concerned that the town did not know the intentions of the new owners.

Jonathan Frush, 41 West Shore Drive, felt a redevelopment designation was premature without having conversations with the new owners.

At the conclusion of the hearing, the Board pursuant to law made the following findings of fact and conclusions:

1. The site is known as the BMS campus and is situated approximately one mile northeast of Pennington Borough along Pennington-Rocky Hill Road. The character of land uses in the vicinity of the PQ is as set forth in Figure 3 - "Land Use Land Cover" and shows to the northwest, agricultural lands in cultivation; to the southwest, single family dwellings; to the north, primarily woodlands (the Watershed Institute) and farmland; to the east, single family homes across Pennington-Rocky Hill Road; and to the south, farmland east of Pennington-Rocky Hill Road and single-family neighborhoods west of Pennington-Rocky Hill Road.

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

2. The BMS campus houses a network of interconnected facilities with a central power plant and includes many buildings housing systems and features desirable for a pharmaceutical manufacturer. However, BMS has announced the closing of its campus on Pennington-Rocky Hill Road in Hopewell and, as part of a company-wide reshuffling of office space, is also closing buildings in Forrestal Center, in Bloomsbury and on Carter Road in Lawrence.

3. BMS has announced that it will be moving employees to other locations by 2020 and expanding its facilities in New Brunswick and on Princeton Pike in Lawrence.

4. BMS has sold the property and over the last six months has been phasing out its operations with an anticipated vacation date of July 2020.

5. Real estate professionals are attempting to market the facilities to any number of potential users, including some who can capitalize on the labs and other high-tech spaces. However, the prospects for a single-user to replace BMS are not hopeful. This is a challenge, in part, because the central utility system serving the campus is not easily converted for multiple users.

6. The New Jersey redevelopment statute was revised in June 2019 to include an explicit reference to the evolving status of aging shopping centers, office complexes and other stranded assets.

7. In recognition that municipalities that host such facilities are sometimes incapable of reversing a downward trend, the Legislature enacted changes to the law that provide that an area in need finding can be authorized in the event of a "discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing or industrial purposes," all as set forth in N.J.S.A. 40A:12A-5b.

8. On December 13, 2016, BMS issued a press release informing Hopewell Township and the State that it intends to "initiate a phased permanent closure of the entire Hopewell, New Jersey site by mid-2020. This includes its primary facility on Pennington-Rocky Hill Road (the previous Exxon/Mobil facility) and the facility on Carter Road (the previous Lexicon/ATT building).

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

9. As a result of this announcement of closing, the BMS campus qualifies for a designation of an area in need of redevelopment according to the explicit terms of N.J.S.A. 40A:12A-5b.

10. Additionally, as per N.J.S.A. 40A:12A-5h, designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. The SDRP includes this parcel within PA-3, the Fringe Planning Area.

11. The BMS property is well situated to redevelop in line with the concepts outlined in the State Plan. In addition, the Township's Fair Share Plan provides for an inclusionary residential neighborhood of roughly 250 homes as part of the site redevelopment. These dwellings, combined with the non-residential uses that can develop at BMS, provide a potential for mixed use, center-type development, as envisioned in the SDRP.

12. This parcel occupies a strategic location in the Township, close to Pennington, and is a likely candidate for redevelopment given the stated intentions of BMS to close the facility this year.

13. This preliminary investigation is not designed to recommend any specific reuse alternatives for this area, since such recommendations can only be outlined in a redevelopment plan.

14. The Board specifically finds and concludes that although the site qualifies as a non-condemnation area in need of redevelopment in accordance with state law as set forth hereinabove, the Board recommends that the following issues be addressed in any redevelopment plan arising out of this determination:

- The redevelopment plan should result in the preservation of at least the area currently in preservation.
- If practicable, the preservation and open space areas on the site should be increased.

Based on the foregoing findings of fact and conclusions, Mr. Belmont moved and Mr. Parker seconded a motion determining that the study area, Block 46, Lot 8.01, qualifies as an area

HOPEWELL TOWNSHIP  
PLANNING BOARD MINUTES

in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5. It was voted on and passed.

Roll Call Vote:

Ayes: Belmont, Kiss, Kuchinski, McLaughlin, Parker,  
Swanson, Sandom  
Nays: Peterson, Paul  
Abstain: None  
Absent: Khare, Murphy  
Not Voting: None

Mr. Kiss moved and Mr. Belmont seconded a motion directing the Board Attorney prepare a resolution memorializing the action taken. It was voted on and passed.

Roll Call Vote:

Ayes: Belmont, Kiss, Kuchinski, McLaughlin, Parker,  
Swanson, Sandom  
Nays: None  
Abstain: None  
Absent: Khare, Murphy  
Not Voting: Peterson, Paul

Mr. Kiss asked for question or comments from the public with respect to items not on the agenda. There was no public comment.

There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

  
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Jaimie Laird  
Recording Secretary

The audio recording of this meeting may be accessed here:  
<https://www.hopewelltwp.org/DocumentCenter/View/4871/May-28-2020-Planning-Board-m4a>