

## RESOLUTION

CITY OF LINDEN PLANNING BOARD  
APPLICATION NO. SP-1123-20  
AMAZON.COM SERVICES, LLC  
1800 LOWER ROAD

**WHEREAS**, Amazon.com Services LLC, whose address is 410 Terry Avenue North, Seattle, WA 98109 appeared before the City of Linden Planning Board at meeting on July 14<sup>th</sup>, 2020 to seek preliminary and final major site plan approval to repurpose the former Waitex distribution facility into an Amazon fulfillment center.; and

**WHEREAS**, the Applicant has submitted the following items in support of its Application:

- One (1) set of seventeen (17) sheets dated 03/17/2020, entitled "Delivery Station" issued for Planning and Zoning, for the site located at 1800 Lower Road, City of Linden, NJ 07036", prepared by Progressive, AE.
- Traffic Assessment memo dated 04/28/2020 prepared by NV5 Calyx Engineers & Consultants.
- Cover letter from Marilyn Coplan dated 04/02/2020, with Completed Application for Formal Site Plan Approval dated 03/30/2020, including one page "Delivery Station Operational Narrative" and Ownership Disclosure Statement.
- Copy of Rejection Letter from the Linden Zoning Official, dated 02/07/2020.

**WHEREAS**, the subject tract consists of one lot situated at 1800 Lower Road. The parcel proposed for improvement (Lot 55) fronts on Lower Road and Avenue C (a private road). Approximately 15 years ago, the facility was repurposed into the former Waitex distribution facility. Much of the landscaping that was planted along the Avenue C frontage

has died or is in poor condition. The site is 17.99 acres in area and is gently sloping. Regarding environmental constraints, the site appears to be devoid of wetlands, however, is located in close proximity to a flood hazard area. Existing land uses surrounding the subject property include industrial land uses on Lower Road and commercial land uses to the north, i.e., former Walmart and associated commercial stores proximate to Avenue C; and

**WHEREAS,** the Applicant proposes to convert: One (1) two-story masonry commercial building, and Two (2) adjacent one (1) story masonry commercial garages, totaling 311,000 square feet (per Site Plan Application, not identified on the plans), into one facility to be used for Amazon's Delivery Station, all on a 17.99 acre parcel. The subject site is comprised of existing buildings, structures, asphalt paved parking areas, concrete parking area, loading docks, gates and fences. Majority of asphalt paved parking will be milled and resurfaced. Few areas of concrete pavement will be removed, to create concrete docks and parking spaces; and

**WHEREAS,** during a public hearing held virtually on July 14<sup>th</sup>, 2020, the Applicant was represented by Joseph Paparo, Esq. of Porzio, Bromberg and Newman Law Firm. The following witnesses testified on behalf of the applicant:

1. Samantha Mazo, Amazon Operations Representative
2. Jessica Schuman, Amazon Operations Representative
3. Scott Wurl, AIA, a licensed Architect of New Jersey
4. Joshua Manion, PE, a licensed Civil Engineer of New Jersey
5. Joseph Fishinger, Jr., PE. Traffic Engineer of New Jersey

**WHEREAS,** no members of the public expressed their views concerning the Application; and

**WHEREAS,** Reports from the following were incorporated into the record:

Ricciplanning City Planning & Engineering Consultants - dated 07/09/2020

Nicholas Pantina, PE, CME, CPWM, City Engineer - 07/11/2020

Lawrence J. Kolesa, Deputy Fire Chief/Fire Official - dated 04/13/2020

Lee D. Klein, P.E., City Traffic Engineering Consultant - dated 05/01/2020  
and his response to the Applicants Traffic Engineer

Shan Pei Fanchiang, P.E., Pennoni Associates dated 06/15/2020

Jeffrey A. Tandul, Chairman, Linden Shade Tree Commission dated 07/14/  
2020.

**WHEREAS,** the Applicants witnesses presented the following exhibit in support of  
the Application: A-1 - Floor Plan; and

**WHEREAS,** the Planning Board find the following facts:

1. Warehouse and Distribution facilities are principal permitted uses in the LI District.
2. No sign variances are required for the proposed site signage and the existing non-conforming signs are not being enlarged.
3. The Applicant has entered into a seven (7) year lease with the Owner with options to extend the term.
4. The Applicant has amended its application to not use tractor trailers to deliver packages to the site and shall use Overnite Box Trucks to deliver the packages where they will be delivered and sorted the next morning beginning at 9:30 AM by a third party delivery service in box trucks, springer vans or passenger vehicles.
5. Approximately 20 delivery vehicles will be released for delivery in ten (10) minute



intervals and shall confine the area of delivery to a 45 minute drive time of the warehouse radius.

6. The Applicant provided testimony from all those persons listed herein above. Mr. Mazo and Ms. Schumer provided logistical information and the technical aspects of the operation including delivery drivers would not be arriving during rush hour and agreed to restrict using only box trucks, sprinter vans and passenger vehicles.

7. Scott Wurl, the Architect, using A-1 - the floor plan, testified regarding where the vehicles enter, are loaded and exit in ten minute intervals.

8. Joshua Manion, the Project Engineer described the existing site conditions and proposed improvements needed for Amazon's occupancy. He showed where the various parking areas were to be located, restriping, resurfacing of parking areas, landscaping and proposed use of the Jersey Dividers, During questioning, he and the Applicant's attorney agreed that they would work with the City Planner, Engineer, Traffic Engineer and Shade Tree Commission to replace the Jersey Dividers with fencing and provide additional landscaping.

9. Joseph Fishinger, Jr., the Applicant's Traffic Engineer testified regarding his traffic report, the City Traffic Engineer Lee Klein's response dated May 2, 2020 and finally Mr. Klein's additional comments to which he had no objection and that he was willing to work with Mr. Klein and the Planning Board concerning additional signage, as well as doing an after study concerning traffic flow and delivery of materials to and from the site to be

reviewed by the Traffic Engineer and the Linden police report within six months of the opening of the facility.

**WHEREAS**, this Resolution incorporates, by reference all discussion, presentation and testimony taken at the meeting on July 14<sup>th</sup>, 2020 ; and

**WHEREAS**, after presentation, discussion and careful consideration of the facts as set forth in the application and the plans submitted, it is recited in this Resolution that the Planning Board of the City of Linden approves this application subject to any and all conditions set forth herein below; and

### **CONCLUSIONS**

1. The Application will not cause a substantial detriment to the intent and purpose of the Municipal Land Use Act as set forth in N.J.S.A. 40:55D-1 et seq., the City's Zoning and Land Development Ordinances and the City of Linden Master Plan Land Use Element Amendment.

2. The Application for preliminary and final major site plan approval can be granted without substantial detriment to the public good.

**NOW, THEREFORE, BE IT RESOLVED** that the Application for preliminary and final major site plan approval is hereby granted subject to the following conditions:

1. The Applicant shall comply with all comments and recommendations set forth in the Planning Board Planner's report dated July 9, 2020, as modified or otherwise addressed

in the record, as well as those recommendations which were stipulated on the record, to the reasonable satisfaction of the Planning Board Planner.

2. The Applicant shall comply with all comments and recommendations set forth in the City Engineer's report dated July 11, 2020, as modified or otherwise addressed in the record, as well as those recommendations which were stipulated on the record, to the reasonable satisfaction of the City Engineer.

3. The Applicant shall comply with all comments and recommendations set forth in the City Traffic Engineer's report dated May 1, 2020, and his reply memo in response to Applicant's Planner, as modified or otherwise addressed in the record, as well as those recommendations which were stipulated on the record, to the reasonable satisfaction of the City Traffic Engineer.

4. The Applicant shall comply with the directives contained in the City Fire Official's report date April 13, 202 to the reasonable satisfaction of the City Fire Official.

5. The Applicant shall comply with all comments and recommendations set forth in the Shade Tree Commission's report dated July 14, 2020 and the Planner and Traffic Engineer's conditions and recommendations concerning plantings, as modified or otherwise addressed in the record, as well as those recommendations which were stipulated on the record, to the reasonable satisfaction of the Shade Tree Commission.

6. Upon the facility having been in operation for a period of six (6) months, Amazon.com Services, LLC shall prepare a traffic study for the Planning Board, which shall



include, but not limited to, traffic counts, traffic flow, traffic patterns, turns in and out of the facility which study shall be reviewed by the Traffic Engineer and Linden Police Department to determine what adjustments are necessary.

7. The Applicant shall amend its site plan by removing the Jersey Concrete barriers and replacing them with a wrought iron or picket type fence, as well as curb stops in accordance with the stipulation made by the Applicant on pages 33 and 34 of the July 19<sup>th</sup> transcript to the reasonable satisfaction of the City's Traffic Engineer.

8. Concrete vertical curb shall be installed along the entire frontage of Lower Road (City Construction Details for Curb & Roadway Restoration provided). Depressed curb shall be implemented at all proposed driveway openings vs. the currently proposed radius driveway curbing. Additionally, concrete driveway aprons shall also be installed at all driveways along Lower Road.

9. Where applicable, the Applicant shall apply for a Land Disturbance Permit and provide an inspection escrow fee, and any applicable performance guarantees and maintenance bonds in accordance with City Ordinances, the Development Agreement and applicable law.

10. In the event Amazon.com Services, LLC no longer occupies and uses the property, any new user will be required to file a proper Application with the Planning Board.

11. Payment by the applicant of all current and past due property taxes prior to any work done on the project.

12. All necessary approvals, if any, including, but not limited to, the following:

- a) Linden/Roselle Sewerage Authority requirements
- b) Fire/Safety Department requirements
- c) EPA/DEP approvals
- d) Municipal utilities' requirements
- e) State agencies' requirements
- f) Somerset/Union Soil Conservation District requirements
- h) Permits for curbs
- I) Sewer extension permit

13. Compliance with all municipal, county, state and federal rules, regulations and statutes.

14. The Applicant shall post sufficient funds with the City to satisfy any deficiencies in its developer's escrow account.

15. Upon the satisfaction of the City Engineer, City Planner, Traffic Engineer, Fire Official, Shade Tree Commission and Planning Board Attorney, revisions and or modifications to supporting plans and documents may be required. Upon receipt and review of said revisions (if required), in compliance with any resolutions, final plans will be endorsed by the Planning Board.

I hereby certify that the above Resolution was duly adopted by the Planning Board of the City of Linden at its meeting on July 14<sup>th</sup>, 2020.

Motion was by: Armand Fiorletti  
Seconded by: Barry Javick  
Ayes: 9  
Nays: 0  
Abstentions: 0

---

, Secretary

---

Joseph La Placa, Chairman