



City of Newark Environmental Commission

To: Members of the Newark Central Planning Board
From: Newark Environmental Commission Site Plan Review Committee
Date: September 28, 2020
Re: Advisory Letter on CPB 20-36
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PROJECT: Proposed Warehouse

ADDRESS: 2107-2123 & 2125-2143 McCarter Highway

Block: 829, Lots 10 & 25, North Ward

APPLICANT: B8 McCarter Owner, LLC

Pursuant to the Environmental Justice and Cumulative Impacts Ordinance (6PSF-e) adopted 7/7/16, projects applying for approval from the Central Planning Board or the Zoning Board of Adjustment for a commercial, light manufacturing, or industrial use AND that require one or more environmental permits from the county, state, or federal government are subject to review by the City of Newark Environmental Commission.

Overview

The current iteration of Newark's zoning ordinance (2018) puts all projects under the heading of "warehouse" in the same category. This is a flawed interpretation of the term. Warehouses like the one under review in CPB 20-36 are more properly referred to as "Inter-Modal Warehouse Distribution Centers." It is important to make this distinction because massive projects of this kind are generally found in close proximity to either maritime (Newark, Los Angeles) or inland port (Chicago). The size, scale, and impact of these types of warehouses are a far cry from what one can expect from a single-industry warehouse of a more modest size, where goods are received, stored, and distributed by one or several businesses for use in a specific sector. Warehouse distribution centers are designed to service goods movement to and from the port and beyond to wholesale or retail distribution points. They are part of the large scale economy generated by port shipping. Across the country, warehouses of this type tend to

proliferate in certain areas, which makes good economic sense. However, the cumulative impacts of these warehouses, in terms of air quality and quality of life for communities, are massive and long term. There are parts of the country where studies have been made that illustrate this fact. The Newark Environmental Commission recognizes that it has long been part of the business plan for Newark to increase the number of these warehouses. The future results of this decision should not be underestimated. One need only visit the Inland Empire in southern California, fifty miles inland from the port of Los Angeles (Wilmington/Long Beach) to observe the severe impacts this industry has had. In cases where communities have sued over health impacts, courts have ruled in their favor.

Comments

1. While we appreciate the owner carrying out an Environmental Impact Statement, it is deficient in that the section on Air Quality focuses mainly on air quality during the construction phase. In practice, warehouses of this type have an intense effect on air quality. The statement at C.i.: "After construction, it is anticipated the project will have no adverse impacts to air quality both at the site and within the surrounding region." is simply not accurate.

This facility will result in hundreds of truck trips per week. Diesel generated by the port trucking industry is Newark's greatest source of air pollution. In 2012, the World Health Organization formally recognized diesel as a human carcinogen. Diesel is responsible for 200,000 premature deaths per year. Diesel fine particulate is linked to heart disease and respiratory disease. It is an unfortunate fact that the trucks currently in use in for port drayage in New Jersey and the Northeast region are owner-operated. These truck owners or leasers generally cannot afford new, less-polluting trucks. Despite efforts to improve ban old model trucks from the port, many very old trucks are still in use. As a port city, all of Newark is subjected to this problem. A warehouse cluster in any part of Newark will result in more truck trips and hence more diesel emissions.

2. The applicant is asking for variances in numerous areas, which will result in an extremely dense construction.

- Funds should be paid into the Tree Planting and Preservation Trust Fund to make up for any variance in the number of trees on site. These should be planted at the nearest suitable site to the facility. The Committee recognizes that the Planning Board does not make decisions as to the location of trees planted using funds from the Tree Planting and Preservation Trust Fund. However, the Committee wishes to go on record as **recommending that the City's Department of Engineering plant the trees to be purchased using funds from this project at the closest**

appropriated residential neighborhood, or otherwise in a neighborhood that is lacking tree cover. This will provide some mitigation for neighboring residents whose air quality and quality of life will be impacted by the additional truck traffic the project will bring. The Committee further recommends that any tree planting contract include two years of maintenance and strive to incorporate local contractors and workers.

- The Committee regards the requested variance in impervious surface with concern.
 - **No-idling signs should be posted throughout the property and the tenant should inform drivers that they must shut off their engines while docked at this facility. This is in keeping with New Jersey's State law restricting vehicle idling to 3 minutes (N.J.A.C. 7:27-14, 15).**
 - **To the extent that the tenant of this facility owns its own fleet, that fleet should consist of new model, low-emission vehicles. The use of low-emission fuels should be encouraged.**

3. Across the U.S., intermodal warehouse distribution centers, which this facility is designed to house, are nearly always staffed through temporary placement agencies (TPA). These are dead-end jobs, for which workers earn minimum wage and few benefits, while the agencies discount fees from the workers' wages. To serve Newark as a source of job development, warehouse workers should be directly employed by the companies, eliminating temporary placement agencies (TPAs). Where TPAs are present, the City should carefully scrutinize and regulate them.

- All actors in the logistics supply chain, of which this facility is likely to be part, should be held accountable for labor and safety violations in the warehouses.
- Newark should support the organizing and empowerment of warehouse and other workers in the logistics industry.