

CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB 14 -18

Application Number 391-18

Resolution granting Use Variance for multiple uses on property and Bulk Variances for minimum parking and waiver of buffer area between business and residential.

Metaline Products Company, Inc.
101 N. Feltus Street
Block 71 Lots 18 & 19
B-1 Building Zone
City of South Amboy

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance the within Application has been submitted to the City of South Amboy Planning Board (the "Board") by Metaline Products Company, Inc. (the "Applicant") for Use Variance for multiple uses on property and Bulk Variances for minimum parking and waiver of buffer area between business and residential as to premises located 101 N. Feltus Street, also known as Block 71, Lots 18 & 19 located on the Tax Map of the City of South Amboy (the "Application"); and

WHEREAS, the Application reviewed by the Board consisted of those plans and documents as identified in the reports prepared by Angelo J. Valetutto, P.E. , P.P. the consultant to the Planning Board dated May 15, 2018 and June 22, 2018; and

WHEREAS, the Application was certified as complete and public hearings with respect to the Application were held by the Board on May 23, 2018 and June 27, 2018 as per public notice and personal notice pursuant to NJSA 40:55D-12 ; and

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Use Variance B-1 Zone	One Use of Property	Multiple Offices
<u>Bulk Variance</u> Minimum Parking	1/300 SF (42 spaces)	8 spaces

Waiver

**Buffer Between
Business and Residential**

10 Ft.

4 Ft.

WHEREAS, at the aforesaid public hearing, the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering Inc.

May 15, 2018

AJV Engineering Inc.

June 22, 2018

WHEREAS, The Board, after carefully considering the evidence presented to it by or on behalf of the Applicant and upon the advice and recommendations of the advisory municipal personnel, and consultants (including, without limitation, those set forth in the aforesaid Planning Reports), makes the following findings of facts:

FINDINGS OF FACT

1. The Applicant was represented by Thomas E. Downs IV, Esq.
2. Mr. Downs represented that the Premises were originally a cigar factory built sometime around the turn of the 1900s and ultimately purchased by the Zilincar Family in 1949.
3. Metaline Products Company, Inc. (the "Applicant") is a family owned business.
4. Mr. Downs further represented that the business of the Applicant is the manufacture of purchase displays.
5. Mr. Downs then presented August Zilincar III who is the CEO of the Applicant.
6. Mr. Zilincar testified as follows, as to the Applicant:
 - (a) There presently is no manufacturing done on the Premises.
 - (b) There are presently eight (8) employees on site.
 - (c) Applicant's offices are on the second floor and a display area for its products on the first floor;
 - (d) The proposed tenant, Pro Staff Professional Solutions ("Pro Staff") for the first floor was not present, but the witness testified that there would be eight to ten employees;

- (e) Applicant's area is utilized strictly for sales and offices and showroom on the first floor.
- (f) The first floor consists of shared use with Applicant using the showroom on the left side and Pro Staff on the right side.
- (g) Pro Staff has already occupied the Premises.

7. Mr. Downs then presented Mr. Michael T. Carr, as a licensed professional engineer, surveyor and professional planner whose qualifications were accepted by the Board. Mr. Carr testified as follows:

- (a) The existing building remains the same.
- (b) The parking lot on the David Street frontage consists of eight (8) spaces.
- (c) Setback remains as it had been historically.
- (d) There is no negative impact on the adjoining residential property as they will be provided necessary landscaping, necessary buffering.
- (e) Lighting will be shielded from the residential uses.
- (f) The change in use from manufacturing to office is a decrease in intensity for this use in the area.
- (g) There is a reduction in total staff which historically was 30 employees.
- (h) There is a reduction or elimination of noise which was present during the manufacturing process.
- (i) The Planning Reports of AJV Engineering, Inc. were accepted subject to some adjustments and modification subject to the approval of the Board consultant.
- (j) The Applicant understands that the total occupancy load for the building would be 18 to 20.

8. Mr. Downs then presented Mr. Roy L. Quackenbush, Architect. Mr. Quackenbush presented his credentials as a licensed architect which were accepted by the Board.

9. Mr. Quackenbush testified as follows:

- (a) The building was in need of repair prior to the proposed change in use to offices.
- (b) The manufacturing process is being removed from the building and changed to proposed office use for Applicant and Pro Staff.

10. The meeting was opened to the public for comment and questions.

11. Mary Jo Hurtlein discussed her concern with regard to the buffer between Applicant's property and her property Block 71 Lot 17 which was indicated to be 4ft. 6 in depth.

12. At the continuation of the hearing on June 27, 2018, Mr. Downs presented Daralee Campoli, Director of Operations of Pro Staff Professional Solutions.

13. Ms. Campoli testified as follows:

- (a) She is the Director of Operations of Pro Staff.
- (b) The business of Pro Staff is run through satellite offices throughout New Jersey, Pennsylvania and Florida.
- (c) Approximately 20 individuals report to her.
- (d) Pro Staff has offices in Elizabeth, Union City, Passaic, Perth Amboy and New Brunswick.
- (e) The proposed office in South Amboy is to be a corporate office for administrative needs, payroll and insurance with the CEO of Pro Staff and herself to be located.
- (f) There will be 8 to 10 employees relocated to the South Amboy office, principally payroll, billing clerks and insurance clerks.
- (g) It is anticipated that there will be 10 employees at the South Amboy location.
- (h) Pro Staff is presently utilizing the space in Applicant's building, however, Ms. Campoli had no information as to whether or not Pro Staff had received a Certificate of Occupancy.
- (i) After additional questioning, it was determined that the total employee count would be 12 to 14 at the most.
- (j) Pro Staff would accept as a condition of any approval that they would not do any interviewing at the South Amboy location.
- (h) Days of Operation are Monday to Friday, 9:00 am to 5:00 pm.
- (i) Employees park wherever there is space on side streets, and in the existing parking lot.

14. The Applicant then called Roy L. Quakenbush, Architect.

15 Mr. Quakenbush addressed certain issues raised in the Planning Report, including:

- (a) The fact that the overall dimensions on the architectural plans did not match the Site Plan;
- (b) Clarification of the lease line as between Pro Staff and Applicant;
- (c) Location of emergency fire exit;
- (d) Labeling of stairs to the second floor and roof area;
- (e) Signage

16. Mr. Michael T. Carr previously sworn responded to the updated consultant's report of June 22, 2018 and agreed to make certain changes to the satisfaction of the Board Consultant. Mr. Carr indicated that as to the Planning Report that there was nothing that he objected to and would provide all changes on revised plans.

17. Mr. Carr opined as a Planner that there would be adequate parking to handle the occupancy load including onsite and off site.

18. Mr. Carr opined that the downsizing of the building from its manufacturing use has less of an impact on the City's Master Plan, Zoning Plan and overall ordinance.

CONCLUSIONS

Based upon the findings of facts and for reasons set forth below:

The Board concludes as follows:

1. Applicant's proposed use is permitted in the B-1 Zone, however, multiple uses in the same building are not permitted.
2. Applicant is reducing the intensity of the use by eliminating what had been a historical manufacturing use with more employees, noise and a bigger operation.
4. The grant of the variances and waivers would not substantially impair the intent and purpose of the zone plan and planning ordinance of the City of South Amboy and is not irreconcilable with the requirements of the B-1 Zone.
5. The proposed use is suitable for the property, notwithstanding its failure to comply with the requirements of the B-1 Zone that only one use is permitted per property.
6. There are existing violations with respect to occupancy without a Certificate of Occupancy and installation of a sign without approval.

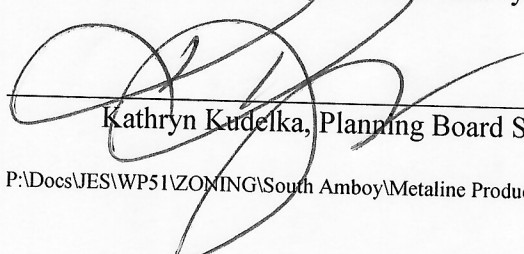
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #391-18 for Use Variance for multiple uses on property and Bulk Variances for minimum parking, and waiver of buffer area between business and residential as to premises located 101 N. Feltus Street, also known as Block 71, Lots 18 & 19 located on the Tax Map of the City of South Amboy (the "Application") with the following conditions:

1. The Applicant agreed that it would comply with the recommendations set forth in the Planning Reports dated May 15, 2018 and June 22, 2018.
2. The tenant space utilized by Pro Staff shall at no time exceed an occupancy load of 15 employees;
3. The variance granted is as to the space occupied by Pro Staff and to the extent there is

use of the ProStaff space by any other tenant, the occupancy load shall always remain the same unless and until there is an application filed to modify or amend.

4. The granting of the relief as requested by the Applicant is not intended to and does not in any manner approve or waive the failure of the Applicant to comply with the City of South Amboy requirements to obtain a Certificate of Occupancy prior to the occupancy of Pro Staff and the failure to obtain a sign permit.
5. The obligation of the Applicant to comply with the requirements of the City of South Amboy and compliance with all rules and regulations remains in full force and effect.
6. Submission of revised plans consistent with the testimony of Michael T. Carr, P.E. and the requirements of the Planning Reports.
7. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation.
8. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on May 23, 2018 and June 27, 2018..
9. All other matters set forth above, and/or incorporated herein.
10. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
11. Payment of all sums now and/or hereafter due for Application fees and/or escrows.
12. The Applicant or Board Secretary shall publish a brief notice of this determination in an official newspaper of the City of South Amboy within twenty (20) days of the date of receipt of a copy of this resolution by the Applicant, and the Applicant shall furnish, to the Planning Board Secretary, an Affidavit of Publication by said newspaper.
13. Prior to the commencement of any site work, all professional escrow fees due the Board Planning Consultant and Planning Board Attorney shall be paid in full.

THIS IS TO CERTIFY that the foregoing is a true copy of the Resolution adopted by the Planning Board of the City of South Amboy at its public meeting held on July 25, 2018.


Kathryn Kudelka, Planning Board Secretary

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