

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
May 26, 2021

Members present: Mary Szaro, Scott Kominkiewicz, Mayor Fred A. Henry, Holly Hughes, Janet Kern, Jorge Gonzalez-Gomez, William DeMasi

Members absent: Councilman Tom Reilly, Thomas Kelly, George Baranowski, Gary Forshner

Also present: Jason C. Valetutto, P.E., P.P., James E. Stahl, Esq.

Chairwoman Szaro called this meeting to order.

Adequate notice of this meeting has been provided under “The Open Public Meeting Act of New Jersey” by advertisement published in the Home News Tribune, on the City of South Amboy Planning/Zoning Board website, and by posting on the information board at City Hall. Electronic notice has been provided via the agenda on the City Website and the agenda posted on the bulletin board at City Hall.

Roll call was taken at this time.

Motion by Janet Kern, seconded by Scott Kominkiewicz to accept the Minutes of the April 28, 2021, meeting. Motion carried: 6-0, 1 abstention.

Chairwoman Szaro then reviewed the evening’s agenda.

ANNOUNCEMENT of APPLICATIONS CARRIED

PB Application # 408-20 - Brian Vallee, Ken Barton & Charnie Stein

167 N. Broadway / Block 47, Lot 16

Motion by Holly Hughes, second by Janet Kern to accept the request made by Mr. Salvatore Alfieri Esq, to carry the application to the June 23, 2021, meeting with no further notice required. All in favor

PB Application # 411-20 - Center SA, LLC.

536 Center Street / Block 136, Lot 1

Motion by Jorge Gonzalez-Gomez, second by Janet Kern to accept the request made by Mr. Kenneth Pape, Esq., to carry the application to the June 23, 2021, meeting with re- notice required. All in favor

PB Application # 412-20 - Johnrose FM, LLC.

3630 and 3640 Highway 35 / Block 90, Lot 3 & 6

Motion by Scott Kominkiewicz, second by Janet Kern to accept the request made by Mr. Kenneth Pape, Esq., to carry the application to the June 23, 2021, meeting with re- notice required. All in favor

COMPLETENESS

PB Application # 389-18A - 200 Broadway, LLC.

200 Broadway / Block 42, Lot 19.01 & 20.01

Completeness committee member, Holly Hughes, stated that she is in receipt of a letter from AJV Engineering, Inc. dated May 26, 2021, regarding Application #389-18A, 200 Broadway, LLC. recommending **Incompleteness**.

Motion by Holly Hughes, seconded by Janet Kern, to accept the recommendation of **Incompleteness** for Application #389-18A, 200 Broadway, LLC.

Motion carried: 3-0, 0 abstentions.

PB Application # 419-21 - Amboy Main Street Industrial Urban Renewal, LLC.

111 Main Street / Block 160, Lot 1.03

Completeness committee member, Holly Hughes, stated that she is in receipt of a letter from AJV Engineering, Inc. dated May 26, 2021, regarding Application #419-21, Amboy Main Street Industrial Urban Renewal, LLC. recommending **Conditionally Complete**.

Motion by Holly Hughes, seconded by Janet Kern, to accept the recommendation of **Conditionally Complete** for Application #419-21, Amboy Main Street Industrial Urban Renewal, LLC.

Motion carried: 3-0, 0 abstentions.

RESOLUTIONS

Application #414-20 – Brian McGuinness

116 – 118 David Street / Block 10, Lot 39

Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern to accept the resolution as written granting Use Variance and Bulk Variance Approval.

Motion carried 6-0, 1 abstention.

Helen-S Remodeling, LLC. – Application # 415-20

415 Main Street / Block 69, Lot 1

Motion by Scott Kominkiewicz seconded by Holly Hughes to accept the resolution as written granting Bulk Variance Approval.

Motion carried 7-0, 0 abstention

ANNOUNCEMENT of RESOLUTION CARRIED

Historic Designation of Independence Engine & Hose Co. Firehouse – PB# 6-21

To be carried to the June 23, 2021 Planning Board meeting. The Planning Board Members did not have adequate time to review the resolution to consider a vote.

PUBLIC HEARING

PB Application # 391-18A – Metaline Products Company, Inc.
101 N Feltus Street / Block 71, Lot 19

Please refer to the attached transcript

Chairwoman Szaro asked for a motion to open this portion of the to the public. Motion by Janet Kern, seconded by Holly Hughes. With no members of the public wishing to speak, Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Janet Kern seconded by Scott Kominkiewicz. All in favor

Chairwoman Szaro asked for a motion for this application PB #391-18A to be continued to be heard at the next regularly scheduled meeting on June 23, 2021, with no further notice required. Motion by Scott Kominkiewicz seconded by Holly Hughes. Motion carried 6-0, 1 abstention

PB Application # 418-21 – Huiwen Yu
23 Lighthouse Bay / Block 166, Lot 4

Mr. Huiwen Yu would like to extend his existing deck to the width of his home that is located in the Southern Waterfront Redevelopment Area. The proposal will cause one Deviation from the Southern Waterfront Redevelopment Plan for Maximum Lot Coverage the board has similar proposals for the waterfront homes within Lighthouse Bay looking to expand their deck. Jason C. Valetutto, P.E., P.P. asked questions from the review letter from AJV Engineering, Inc. dated May 13, 2021, Mr. Valetutto asked why does the existing deck need to be expanded? Mr. Yu replied he would like to enjoy outside living and have ample space on the deck for his family to enjoy. Mr. Valetutto question who will be doing the construction? Mr. Yu contracted Master Kairos Construction, LLC. located in South Bound Brook, NJ 08880 will be expanding the deck. Mr. Valetutto stated that all building permits and inspections should be submitted through the Building Department, Mr. Yu agreed.

Comments based on the submitted documents from the review letter from AJV Engineering, Inc. dated May 13, 2021:

1. Beachfront lots that are two stories have a maximum lot coverage of 25%. The Redevelopment Plan allows for attached garages up to 450 square feet and raised decks up to 250 square feet not be included in the calculation.
2. The existing garage is 672 square feet, so it is included in the lot coverage calculation.
3. The existing deck is 313.25 square feet. The proposed addition is 195.5 square feet. The total proposed deck area is 508.75 square feet, so it is included in the lot coverage calculation.
4. The remaining footprint of the building is 1,923 square feet.
5. The property is 7,051 square feet.
6. The lot coverage is calculated by adding the building, garage. and total deck. then dividing by the lot area. Therefore: $(1,923 + 672 + 508.75) / 7,051 = 44.02\%$
7. $44.02\% > 25\%$ requiring a Deviation from the Southern Waterfront Redevelopment Plan.

8. No other Deviations are required.
9. No other outside agency approval is required.

Deviations Required	Requirement	Proposed
Maximum Lot Coverage Beach Front Lot	25%	44.02%

Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Janet Kern seconded by Scott Kominkiewicz. With no members of the public that wish to speak, Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Janet Kern, seconded by Scott Kominkiewicz.

Motion by Jorge Gonzales-Gomez, seconded by Janet Kern to approve the Deck expansion with Deviation portion of the application subject to all the testimony and all conditions outlined in the letter from AJV Engineering, Inc. dated May 13, 2021.

INFORMAL

Meliora Investment VI, LLC.
108 South Broadway / Block 45, Lot 27

Dr. Igor Trogan, MD is seeking advice from the Planning Board to expand the administrative medical office by converting the unfinished basement to a finished basement. Dr. Trogan started his medical practice in 2009 now has nine different locations. The business office hours are Monday – Thursday 8 am to 7 pm Friday 8 am – 6 pm and Saturday 9 am – 4:30 pm with six to eight employees, more staff would be adding if Dr. Trogan submits an application for a parking variance. Jason C. Valetutto, P.E., P.P. mentioned with expanding to the basement the Code Enforcement would have to inspect the basement is up to code with the ceiling height. Chairwoman Mary Szaro asked Mr. Trogan if he is aware of when the building was built Mr. Trogan is not aware of that question. Dr. Trogan had an architect inspect the basement the architect advises that half of the basement can be used for storage the other half for office management use. The basement does have a sprinkler system installed and has two different exits. Chairwoman Mary Szaro suggested if Dr. Trogan proceeds with an application it would be wise to provide photos of the basement. Dr. Trogan’s mentioned the main obstacle is receiving a variance for the parking since the basement ceilings higher than 6’5ft, no windows, dry area, full steps, and separate entrance. James E. Stahl, Esq. asked how many parking spaces are allocated now. Dr. Trogan replied there is assigned parking everything is on-street parking. Jason Valetutto mentioned the application reads that staff could use 175 N Broadway for extra parking. Valetutto explained that the parking area is mixed-used for residential and business with 10 extra parking spots for public parking with no extra parking for staff. Valetutto mentioned that Dr. Trogan's argument is to expand the basement due to COVID but with restrictions being lifted Dr. Trogan would need a stronger argument for expanding. Chairwoman Mary Szaro suggested using the second floor for the medical office instead of a rental unit. Valetutto mentioned by using second for the business would create more of a variance. Jorge Gonzalez-Gomes asked if the apartment were approved for an apartment Jason answered Dr. Trogan would have needed a CO and these older building typically have rental units. Holly Hughes asked what the potential addition of employees Dr. Trogan replied maybe 4 more employees in the future, not at this time. Holly Hughes mentioned businesses are great to keep in the City of South Amboy and we should support exciting businesses. Mary Szaro asked if the residents have any vehicles Dr. Trogan replied to the residents do not have

any vehicles. Valetutto suggested having Dr. Trogan's architect contact Tom Kelly for a coding conversation. Holly Hughes asked if anyone knows who owns the parking lot next to Colleens Kitchen, Mayor Henry answered that Transit owns the parking area. Holly Hughes recommends to the Doctor to look for an empty parking lot. Dr. Trogan asked if the city or anyone will be providing a municipal parking lot in the future. Scott Kominkiewicz asked the Doctor what the main reason for expanding Dr. Trogan replied he would like to be prepared for any other COVID outbreak and to give his office staff more function in the office space. Dr. Trogan mentioned he realizes parking is an issue but in Manhattan, there is no parking anywhere and business still open any City has parking issues. Jim Stahl mentioned how the Board is only advising whether Dr. Trogan would like to proceed with the application that would be his choice. Dr. Trogan thanked the Planning Board for hearing his idea on expanding but at this time he will not be looking into submitting an application to the Planning Board.

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Janet Kern, seconded by Scott Kominkiewicz. With no one from the public wishing to speak, Chairwoman Szaro asked for a motion to close the public portion of this meeting. Motion by Janet Kern, seconded by William DeMasi.

Chairwoman Szaro announced that the next virtually scheduled meeting would be held on Wednesday, June 23, 2021, at 7:00 pm.

Chairwoman Szaro called this meeting to adjourn. All in favor.

Respectfully submitted,

Amy Russo
Planning Board Secretary
Minutes Approved on June 23, 2021

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PLANNING BOARD
CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:) Transcript of
METALINE PRODUCTS COMPANY, INC.) Proceedings
#391-18A)
101 N. Feltus Street)
Block 71, Lot 19)

Wednesday, May 26, 2021
Remote Proceedings Via
GoToMeeting Videoconference

PLANNING BOARD

MARY SZARO, Chairwoman
SCOTT KOMINKIEWICZ
FRED A. HENRY, Mayor
HOLLY HUGHES
JANET KERN
JORGE GONZALES-GOMEZ
BILL DeMASI

AMY RUSSO, Secretary
JASON VALETUTTO, Engineer/Planner
ANGELO VALETUTTO

DEBORAH A. MASTERTON
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1 A p p e a r a n c e s :

2 JAMES E. STAHL, ESQUIRE,
3 Attorney for the BOARD

4 THOMAS E. DOWNS, IV, P.A.,
5 Attorney for the APPLICANT

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I N D E X T O E X H I B I T S

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1 THE CHAIRWOMAN: For our hearings
2 tonight, our first hearing -- we have two. The
3 first is 391-18A, Metaline Products Company.
4 Mr. Downs is the attorney. The address is 101 North
5 Feltus.

6 Good evening, Mr. Downs, and I would ask
7 you to just kind of start us off in your
8 presentation from the beginning. We have some of
9 the board members I think were here for the original
10 application, and some were not, so if you could
11 start us off with I guess where we left off and
12 everything that's been completed and where you are
13 now.

14 MR. J. VALETUTTO: And, Mary, I think
15 you should disclose that we don't have seven voting
16 members tonight, that there's only six voting
17 members. Mayor cannot vote because of it being a
18 use variance.

19 THE CHAIRWOMAN: So, Mr. Downs --

20 MR. DOWNS: Gary Forshner is not going
21 to be able -- is going to excuse himself because of
22 our working on a similar case.

23 MR. STAHL: Mary -- Amy, can we have --
24 go through the roll call and just see how many are
25 here for the record that can vote without the mayor.

1 I see -- who else do we have --

2 MS. RUSSO: We have Chairwoman Mary
3 Szaro. We have Scott, Holly Hughes, Janet Kern,
4 Jorge Gonzales, and William DeMasi. That's six.

5 MR. STAHL: Mr. Downs, I mean, you
6 obviously have the right to proceed.

7 MR. DOWNS: Jim, is Tom Kelly here?

8 MR. STAHL: No.

9 MS. RUSSO: No.

10 MR. DOWNS: I see a Mike Kelly. I see
11 Jerry Kelly, who I know. I see just Kelly. I don't
12 know who that one is.

13 THE CHAIRWOMAN: Different client.

14 MR. STAHL: Well, it's up to you, Tom.
15 I mean, we can go with six and then -- what?

16 MR. DOWNS: I understand.

17 MR. STAHL: No, no, let me finish. We
18 can go with six and then carry the application and a
19 decision until next month and have someone, one of
20 the absent board members who's eligible, be it Kelly
21 or someone else, read the transcript, and then we
22 would be prepared to vote with seven voting members
23 in June.

24 MR. DOWNS: I think I'm going to take
25 that tactic, Jim. I'm going to go forward because

1 the board just approved Helen-S so we have to move
2 forward on this application.

3 MR. STAHL: All right. Well, you still
4 get your seven people.

5 MR. DOWNS: I understand. Yes, I
6 understand.

7 MR. STAHL: I know you do.

8 MR. DOWNS: (Audio disruption)

9 MR. STAHL: I will tell you, Tom, and
10 then you can respond to it, as well. As the
11 chairwoman indicated, I think you should just bring
12 us up to date as to the application which preceded,
13 you this one, what was approved, what you are
14 seeking to do to modify that, and I think you also
15 ought to address on behalf of your client the
16 incomplete aspect of the permitting and compliance
17 with the prior resolution, which is out there for
18 several years now, and I'm not being judgmental, but
19 the board is going to consider certain conditions
20 depending upon what the response is during the
21 application.

22 Jason, have I been accurate?

23 MR. J. VALETUTTO: You have been
24 accurate, and while I'm speaking, I just want to put
25 on the record if Mr. Downs has received my report

1 dated April 23, 2021.

2 MR. DOWNS: Yes, I have.

3 MR. STAHL: Thank you, Tom. All right.

4 MR. DOWNS: Ready? Good afternoon --
5 good evening, ladies and gentlemen, and this is
6 wonderful because I had a hard time getting in, as
7 everybody else did, as I understand.

8 This is a request for an amendment of
9 the original application that was approved in 2018
10 to take the Metaline manufacturing building on
11 the -- at 101 Feltus Street. It was originally just
12 for the parking lot, but because of the changeover
13 from the manufacturing to office space and a
14 showroom, it required a full use variance and a site
15 plan approval. Michael Carr, as you will -- as the
16 members of the board know, was the original engineer
17 on the project, and he passed away, it's -- near the
18 end of the planning board application process.

19 The approval was granted. It took some
20 time to get things done. Metaline is upstairs.
21 ProStaff is downstairs. I spoke to the owner of
22 ProStaff, and he indicates to me that he was advised
23 that his zoning application was denied because of
24 the parking lot, and I don't know -- and I haven't
25 been able to pin him down as to whether that was

1 before the resolution was granted approving the
2 parking lot or whether that was after the parking
3 lot has been approved and then installed. There is
4 an issue with the sign still, I believe, and that's
5 where we are with ProStaff.

6 Metaline, as I understand it talking to
7 Mr. Zilincar -- and I believe he's either caller 13
8 or 15. I'm not sure because he's calling in on his
9 cell phone -- indicated to me that the parking lot
10 has been completed, the striping has been completed,
11 the lighting is completed. He has contracted for
12 the landscaping, which is due in in the next week or
13 two. His major -- his landscaper that has been
14 doing all his landscaping work over 30 years
15 developed COVID, and he was out of work for the
16 better part of 6 months --

17 MR. STAHL: Let me interrupt you one
18 second, Tom, and we appreciate your update, but some
19 of the information is going to have to come from a
20 responsible party. Is the owner going to testify
21 tonight?

22 MR. DOWNS: I anticipate. He's one of
23 these people that are here, but Mary asked for
24 what's going on, and I'm just trying to get people
25 up to speed.

1 MR. STAHL: I appreciate it, but I just
2 -- I don't want to put you -- you should not be on
3 the spot. You're making representations, but we
4 need somebody that the board can inquire of as to
5 what's going on. Go ahead.

6 MR. DOWNS: All right. Mr. Diaz is
7 there. I just saw he has entered there as -- he's
8 on the monitor, so we'll be able to have him testify
9 what he's done. Mr. Zilincar is supposed to be on
10 there, and I know as I'm sitting here that Mr.
11 Zilincar and the Accurate Concrete people are having
12 a major battle because of permits that were or were
13 not obtained and the inspections that were not done.
14 I am aware of that, and there was a big whoop-de-doo
15 today about that when someone called for getting
16 paid and was told unceremoniously that's not
17 happening until the permits are obtained and the
18 inspections are done.

19 So that's where we are. So at this
20 point, the building presently is a showroom on the
21 first floor to the left of the -- when you're facing
22 the building to the left. ProStaff is on the first
23 floor to the right, and upstairs is the -- upstairs
24 is the Metaline office space. And that's where we
25 are.

1 The new application is to permit the
2 showroom to become an office, an attorney's office,
3 more specifically, my office, as I have to move from
4 my location, 415 Main Street, due to the fact that
5 my landlord is going to be moving in here as soon as
6 he can get me out of here, for want of a better
7 word. So that's the gist of what we're doing, and
8 I'm ready to put my people on to testify as
9 necessary, Mr. Stahl and Miss Szaro.

10 THE CHAIRWOMAN: Thank you.

11 MR. DOWNS: Okay. How about if we start
12 with Mr. Zilincar. Are you on? You're number 15?

13 MR. ZILINCAR: Hey, Tom, can you hear
14 me?

15 MR. DOWNS: I can hear somebody.

16 MR. ZILINCAR: Tom.

17 MR. DOWNS: Yes.

18 MR. ZILINCAR: I'm here.

19 MR. DOWNS: It's Augie?

20 MR. ZILINCAR: Yes.

21 MR. DOWNS: So caller 15 is August
22 Zilincar, III.

23 Okay. You've heard my statement, have
24 you not, August?

25 MR. STAHL: Wait, he's not been -- wait

1 a second. Slow down a little. Well, I have a
2 problem here. I'm willing to -- I mean, you're
3 taking the risk. The DCA rules and the court
4 requirements state that witnesses must be on, you
5 know, on TV, so to speak. Now, your witness is on
6 the telephone. I mean, I will permit it if that's
7 the only way it can be done, but I just have to put
8 on the record that if there were a dispute or an
9 appeal, jeopardy could attach by virtue of the fact
10 that we have not complied with the requirements of
11 the court direction during COVID.

12 MR. DOWNS: Unfortunately, I think a
13 number of people found out -- and Miss Kern is one
14 of them. She's -- again, you can't -- it's very
15 difficult time getting into your system today. It
16 took me almost half an hour to get in.

17 MR. STAHL: I don't have a problem
18 working with you. I'm just trying to put on the
19 record that if someone wanted to contest, they may
20 or may not be successful. There was a storm. We
21 were all knocked off. But I just -- my role is to
22 protect the board. We will proceed as you've
23 requested, but, you know, I just want everyone to be
24 aware that I'm not stupid -- not that you said
25 that -- but that I have to, you know, say what the

1 requirements are. So let's -- what's your client's
2 full name?

3 MR. ZILINCAR: August Zilincar, III.

4 MR. STAHL: All right, Mr. Zilincar, are
5 you there?

6 MR. ZILINCAR: Yes, I am. The reason
7 I'm not in Tom's office is I had an issue with my
8 car. It was being repaired. My son had to bring me
9 home.

10 MR. STAHL: That's all right. We don't
11 judge people, except Mr. Downs. So I want you to
12 raise your right hand and acknowledge that your hand
13 is raised, and then I want you to --

14 MR. ZILINCAR: It is.

15

16 A U G U S T Z I L I N C A R, III, sworn.

17 DIRECT EXAMINATION BY MR. DOWNS:

18 MR. STAHL: All right. Please state
19 your full name, spelling your last name, for the
20 record, and as I will remind everyone, including any
21 witnesses, when anyone speaks, they should just say
22 their first or last name so Miss Masterton is aware
23 of who is speaking, okay?

24 THE WITNESS: Okay. Thank you. First
25 name is --

1 MR. STAHL: All right. Let's hear your
2 name. Spell your name.

3 THE WITNESS: First name is August like
4 the month, A-u-g-u-s-t; middle initial J for John.
5 Last name is Zilincar, Z-i-l-i-n-c-a-r. I'm the
6 third. I'm the CEO.

7 Q. Thank you. So, Mr. Zilincar, your
8 position --

9 MR. STAHL: I'm off TV and off mic. I
10 will be off mic.

11 Q. Mr. Zilincar, your position with
12 Metaline is what, sir?

13 MR. STAHL: Let me see.

14 (Audio disruption; reporter asks for
15 clarification)

16 THE CHAIRWOMAN: If we can hold off for
17 just one second. Will everyone who's not speaking,
18 which is Mr. Zilincar or Mr. Down, please put
19 yourself on mute. We have a lot of background
20 noise.

21 THE WITNESS: Can you hear me? This is
22 Zilincar.

23 THE CHAIRWOMAN: Thank you, yes.

24 THE WITNESS: Thank you.

25 MR. DOWNS: This is Tom, Tom Downs.

1 Better?

2 THE CHAIRWOMAN: Yes. Thank you, Tom.

3 MR. ZILINCAR: By the way, the board
4 members, I want to thank you for braving the storm.
5 I'm in Atlantic Highlands on top of the hill, and we
6 lost power. We're on generator now, and we may blow
7 off the hill, so if don't hear from me, thank you.

8 Q. Now, Mr. -- Augie, what is your position
9 with Metaline, Incorporated?

10 A. CEO.

11 Q. Okay. How long have you been the CEO?

12 A. Well, until my son came. My son came
13 the year 2000, and I was president. He was vice
14 president. Then maybe 5 or 10 years after that I
15 made my son president because he is in charge of
16 day-to-day, and I've been at Metaline since
17 January '69. My 53rd year is coming up soon.

18 Q. Okay. Now, you're presently -- your
19 company presently has offices at 101 North Feltus
20 Street; is that correct?

21 A. Yes, upstairs.

22 Q. Okay, and you had a prior approval back
23 in 2018 for -- to make this a use variance and to
24 make it -- change it from commercial space --
25 manufacturing to office space, is that correct, and

1 a showroom?

2 A. Yes, it is.

3 Q. Now, so who are the occupants of the
4 building at the present time?

5 A. Did you say the occupants? You broke
6 up.

7 Q. Yes, the occupants. Who's presently in
8 the building, yourself as Metaline?

9 A. ProStaff is the tenant downstairs, and
10 Metaline has their office upstairs.

11 Q. Okay, and how many employees do you
12 presently have at Metaline on a regular basis?

13 A. The office -- right, right. In the
14 office, no more than eight at a time, but usually
15 there will be less than that because a lot of the
16 employees, the salespeople work over at Raritan
17 Street. They have an office over there, but the
18 maximum we would have that would need parking would
19 be eight.

20 Q. Okay, now, but during the pandemic, have
21 you -- how many people have been in the office
22 during the pandemic?

23 A. Oh, boy. It's gone from one to maybe
24 four the most.

25 Q. Okay, and are any of your employees, are

1 they -- do they walk to work?

2 A. One employee is next door. Her first
3 name is Abby, A-b-b-y, and she just walks across, so
4 there's no parking issue.

5 Q. Okay, so she walks across the street.
6 She's what they used to say a walker from grammar
7 school years.

8 A. Whatever.

9 Q. Now, you had a parking lot as part of
10 the deal; is that correct?

11 A. Correct.

12 Q. Okay. Now, have you -- has the parking
13 lot been installed?

14 A. Installed, yes.

15 Q. Who installed it?

16 A. Our lovely friends at Accurate Concrete.

17 Q. As part of your contract with Accurate,
18 they were to obtain permits?

19 A. I spoke with Daryl many times. He was
20 supposed to get permits for the parking lot, the
21 wall, and the door that was constructed on the side
22 there.

23 Q. Okay, and has he pulled the permits, or
24 don't you know?

25 A. He ain't getting paid until I see it.

1 Q. Okay.

2 A. I don't think he has it.

3 Q. Okay. Now, has the lighting been
4 installed?

5 A. The lights have been there, yes.

6 Q. Okay, and you had to do some
7 landscaping; is that correct?

8 A. Landscaper is a fellow we've dealt with
9 for maybe 30 years. He landscaped our house in Old
10 Bridge. He landscaped Raritan Street. He
11 landscaped the house I'm in right now, Atlantic
12 Highlands. He's a great guy. I wouldn't use anyone
13 else, but unfortunately, he had an issue with COVID.
14 All his workers got COVID, and he got COVID, so
15 that's what held us up, but we're ready to move
16 forward with all the paperwork and everything.

17 Q. Have you contracted with him to obtain
18 the shrubbery and install it?

19 A. So verbally, yes, but he's coming in
20 tomorrow for the final okay and for me to give him a
21 down payment.

22 Q. Okay, and to give you a timeline as to
23 when this is going to be done?

24 A. The most, 4 weeks, could be sooner, and
25 it would take two days for him to do it.

1 Q. Okay. Now, have you -- is the signage
2 in place in the parking lot?

3 A. The signage I ordered last week. It
4 should be all delivered. I ordered the signs for
5 the parking lot and for the handicapped access, the
6 parking area, and soon as they come in, we're going
7 to put them up.

8 Q. Did you have a timeline on that?

9 A. As soon as they come in. They should be
10 in I think June 1, so if we can be given a couple
11 days to put the them up, that would be great.

12 Q. Okay. Do you know of any other
13 outstanding permits that you have for just for
14 Metaline on the building?

15 A. I think we have to get a final electric.
16 I know I've been in touch with Glenn Strouse, and
17 he's supposed to call Dawn and get that rolling.
18 And as far as that goes, maybe we need -- after the
19 electric, we need a final for the building. I need
20 a little direction on that, please.

21 Q. That will be Mr. Kelly, but he's not
22 here.

23 A. Okay.

24 Q. So basically, you have a few outstanding
25 items. I'm sure Mr. Valetutto will be asking you

1 some questions about them, also. Now, what are you
2 going to -- what's going to happen with the showroom
3 if in the event that there's an approval to make
4 that a law office?

5 A. Well, the showroom -- we have a
6 multitude of displays which we've done. We're going
7 to eliminate most of them, and the ones that are
8 let's say more attractive than others we're going to
9 move upstairs to our office and put it around the
10 perimeter, and that should be it, and the reason
11 that, Tom, we'd like you to move in, between dealing
12 with China and the pandemic, with all due respect,
13 we need some more income, so hopefully this can get
14 resolved and you can move in.

15 Q. Thank you.

16 MR. DOWNS: No other questions of
17 Mr. Zilincar at this point.

18 A. Pardon me?

19 Q. I have no more questions of you at this
20 point. Miss Szaro --

21 MR. STAHL: Let me ask you a question if
22 I may.

23 THE CHAIRWOMAN: (Audio disruption) any
24 questions?

25 MR. STAHL: Miss Chairwoman, let me just

1 ask a question. Mr. Zilincar, do you recall -- I'm
2 looking at my computer -- when were you before the
3 board and received your last approval?

4 THE WITNESS: Well, first of all, I'm
5 not on my computer, either, I'm on the cell phone,
6 but maybe Tommy Downs would help me with that.

7 MR. J. VALETUTTO: Jim, I can jump in on
8 that. The resolution of approval is dated July 25,
9 2018.

10 MR. STAHL: Okay. Thank you, Jason, as
11 always. I mean, my question is -- and I'm going to
12 be honest with you. July 19, 2018. We know COVID
13 came along in a year later in '19. It seems an
14 awful long time to get resolution compliance, and
15 the board is very concerned that if they allow
16 occupancy of Mr. Downs, who's pressing the board for
17 certain personal reasons, that these issues will not
18 be resolved. The sign was an issue, and I remember,
19 before the board in 2018, and today, 3 years later
20 almost, it's not resolved. The electrical, some of
21 the permits are not resolved. What can you tell
22 this board that you can -- and the landscaping. I
23 understand he's your guy, but he's not the only
24 landscaper in the world. I mean, you've got to tell
25 the board how they are going to have a comfort level

1 that everything that was required back in 2018 will
2 be accomplished for Mr. Downs' occupancy. I mean,
3 that's a question that I think the board is entitled
4 to.

5 THE WITNESS: Okay. With all due
6 respect to yourself, I'll answer that. Number 1,
7 this is my first -- what should I say -- getting to
8 the construction of anything. I thought it would be
9 a lot easier. I had no knowledge of this prior, but
10 I learned a lot with this, and hopefully the board
11 will see that side of the coin.

12 As far as vendors, I'm very loyal to our
13 vendors, whether it's personal or business-wise. We
14 don't deal with anyone out of the country, and
15 especially when they're friends, we like to keep it
16 to the -- let's say the money flowing amongst
17 friends instead of outsiders, and that's why I've
18 always been loyal to my vendors, and I plan on
19 staying that way.

20 MR. STAHL: Well, I appreciate that, and
21 I'm not going to get in an argument with you that
22 it's a very valid position, but you can be loyal to
23 your friends and vendors, but you have an obligation
24 to the city as a landlord and an owner and a
25 taxpayer, but, you know, I'll let the rest of the

1 board have questions on that. I.

2 THE WITNESS: I understand. We've been
3 in South Amboy since '49. My grandfather and dad
4 bought the building. And as far as anything
5 construction, I've never had to do anything like
6 that. So with all due respect, if you like to
7 consider me ignorant, yes, I was.

8 MR. STAHL: No, no, that's not
9 happening. That's not my style. I respect --

10 THE WITNESS: I learned -- believe me, I
11 learned a lot from this, and believe me, if we ever
12 try to expand on Raritan Street, which we're
13 thinking about, I will get a planner first. This is
14 all new to me, and I appreciate your -- for a
15 variance, but I learned a lot, believe me.

16 MR. STAHL: That's all I have, Miss
17 Chairwoman.

18 MR. DOWNS: If I can interject here,
19 please. One of main reasons the resolution was
20 granted -- was approved in July of 2018 --

21 THE CHAIRWOMAN: Hold that thought.

22 MR. DOWNS: I will.

23 THE CHAIRWOMAN: Mr. Downs, hold on.
24 You're frozen.

25 MR. DOWNS: I am?

1 THE CHAIRWOMAN: Okay. Yeah -- try
2 again. Go ahead.

3 MR. DOWNS: Okay. The resolution was
4 approved in July of 2018. That is true. The issue
5 was that getting the plans resolution compliant with
6 Mr. Carr going back and forth with Mr. Valetutto,
7 and then eventually it was -- he passed and was
8 replaced by -- I forget who the person is from
9 Rahway that Accurate Concrete got to do the parking
10 lot, and that took some time. I believe if
11 Mr. Valetutto --

12 THE WITNESS: Tom, can I mention
13 something.

14 MR. DOWNS: Let me finish, Augie,
15 please. It took three to four different sets of
16 plans being submitted by the Rahway firm, which I
17 don't remember the person's name at the present
18 time, for Mr. Valetutto to approve the plans so they
19 could even start the parking lot. That's -- that
20 takes us into -- that takes us well into 2019 by the
21 time that got straightened out, but neither here nor
22 to there.

23 THE WITNESS: With Carr we had like six
24 revisions basically because of his not adhering to
25 the facts, and that was very frustrating, to say the

1 least.

2 MR. J. VALETUTTO: I can just interject
3 real quick. Your builder's agreement expired on
4 May 5, 2021, and builder's agreements are valid for
5 2 years, so that means you signed it on May 3 of
6 2019. So from May 3 of 2019 until now is when
7 construction would have occurred.

8 MR. DOWNS: Right.

9 THE WITNESS: Right. Thank you.

10 MR. J. VALETUTTO: Not a problem.

11 MR. DOWNS: Okay. Any other questions
12 the board at this point?

13 THE CHAIRWOMAN: Does the board have any
14 questions? Okay. I have just a general question.
15 It sounds like you've got a lot of things lined up
16 to complete the outstanding conditions. Can you
17 give an estimated time of right now how long do you
18 think it will take you to complete those.

19 THE WITNESS: Okay. The landscaping
20 once he starts will take two days from what he told
21 me.

22 THE CHAIRWOMAN: Okay.

23 THE WITNESS: As far as -- we need
24 inspections. As soon as inspectors can come in,
25 maybe we can wrap everything up. I'm not privy to

1 when they're able to come in, but all I can do is
2 request.

3 THE CHAIRWOMAN: And the signage you
4 said is ordered and on the way, so that's around the
5 corner, as well?

6 THE WITNESS: If you need the invoice, I
7 can forward it to you tomorrow, but I have invoices
8 that was paid. The sign is around \$600. And so
9 June 1 they promise delivery. As soon as we get
10 delivery, we'll put them up. If you can give us a
11 few days to put them up, that will be great.

12 THE CHAIRWOMAN: Okay. Thank you. I
13 have no other questions.

14 Mr. Valetutto, senior.

15 MR. A. VALETUTTO: Yes, thank you, Madam
16 Chairwoman, Angelo Valetutto. Just a couple of
17 points that we heard earlier to the meeting. Number
18 1, the permits that we're talking about are internal
19 permits, and I had a lengthy discussion with Mr.
20 Kelly. Listening to the applicant right now, he's
21 indicating it's just an issue of having inspections,
22 so he should just follow through with the
23 inspections. As far as the site work, that is
24 covered by his builders agreement, which, as Jason
25 indicated, he had signed over a couple of years ago.

1 Now, while there was an expiration, we know the
2 permit extension under COVID is keeping it alive,
3 and everything out there has been personally
4 inspected by myself, and we're satisfied. The only
5 thing remaining is the landscaping and the signage,
6 so the issue about not paying Accurate, I'm not
7 getting in the middle of that, but the permit that
8 we're talking about is not for the site work but
9 everything inside the building.

10 THE WITNESS: Okay. Understood.

11 THE CHAIRWOMAN: Okay, Mr. Downs.

12 MR. DOWNS: Go to Mr. Diaz. He's here.

13 MR. J. VALETUTTO: Mr. Downs, excuse me,
14 it's my turn now. You got the younger Valetutto.

15 MR. DOWNS: Okay.

16 MR. J. VALETUTTO: This is Jason
17 Valetutto for the court reporter. Just going with
18 my review report, if Mr. Zilincar can talk about the
19 garbage cans that were being stored on the
20 handicapped parking space.

21 THE WITNESS: Jason, I'm glad you
22 brought that out. The reason why they were where
23 you took the picture, because during the snow
24 storms, the garbage cans were next to the building,
25 but since they weren't shoveled, it was easier for

1 me; however, I agree with you. That was a -- it
2 wasn't a nice sight to see; however, if you drive
3 past the building now, you can notice I put them all
4 the way in the back on the right-hand side. You
5 can't see them from the road. But thank you for
6 that observation.

7 MR. J. VALETUTTO: And then can you just
8 put on the record that you're staying in compliance
9 with the city recycling ordinance.

10 THE WITNESS: Yes.

11 MR. J. VALETUTTO: And you testified --

12 THE WITNESS: Go ahead.

13 MR. J. VALETUTTO: No, go ahead, finish
14 your thought.

15 THE WITNESS: That was a lapse of
16 judgment on my side -- on my terms or on my side
17 putting the garbage cans on that one side, but
18 because of the snow, it seemed to be easier for me
19 to do it, but I understand where you're coming from,
20 and as soon as I got the nice picture, I moved them
21 back, and you can't see them at all. Thank you.

22 MR. J. VALETUTTO: Not a problem. It's
23 just a matter of ADA compliance.

24 THE WITNESS: You know, I have a home,
25 and I try to keep it as best as I can, and I want to

1 treat my factory and -- or my office the same way,
2 and we've been in South Amboy since '49. We love
3 the town and we respect the town. So it was a slip
4 of judgment on my side, but I corrected it. Thank
5 you.

6 MR. J. VALETUTTO: Not a problem. You
7 also testified that you have a maximum of eight
8 employees on site with one employee that possibly --
9 of that eight that walks -- lives next door to the
10 property. How many --

11 THE WITNESS: Yes, there is one.

12 MR. J. VALETUTTO: Because you say that
13 there's a maximum of eight on site, that leads me to
14 believe that there's like a rotation of people that
15 may or may not be on the property. We just want
16 to --

17 THE WITNESS: Right.

18 MR. J. VALETUTTO: -- be clear that
19 eight is the maximum allowed under the prior
20 approval and that we'll discuss further about the
21 building occupancy when we go through the other
22 testimony.

23 THE WITNESS: Jason, you're right, eight
24 is the maximum. A lot of those eight people also go
25 over to Raritan Street from time to time. They have

1 offices over there.

2 MR. J. VALETUTTO: Right.

3 THE WITNESS: But as you just stated,
4 eight is the maximum aside from the -- maximum where
5 we need car positions. The one lady or one girl
6 that works for us -- her name is Abby. She lives
7 right across the street, so obviously she doesn't
8 need a car.

9 MR. J. VALETUTTO: Understood.

10 Mr. Downs, I think that's all I have for your
11 witness.

12 MR. DOWNS: Thank you. Mr. Diaz,
13 unmute, please.

14 MR. DIAZ: Hi.

15 MR. DOWNS: Can you state your name for
16 the record, Mr. Diaz.

17 MR. DIAZ: Yeah, my name is Juan, middle
18 name Carlos, last name Diaz.

19 MR. STAHL: Is he on the screen, Tom?

20 MR. DOWNS: No, he's not.

21 MR. DIAZ: I can put my face on. I'm
22 trying.

23 UNIDENTIFIED SPEAKER: (Inaudible)

24 THE CHAIRWOMAN: Whoever is speaking, we
25 can hear you.

1 MR. STAHL: I hear -- I see Mr. Diaz.
2 Mr. Diaz, raise your right hand. In this matter, do
3 you swear the testimony you're about to give is the
4 truth, the whole truth, and nothing but the truth,
5 so help you God? Hello? Yes, Mr. Diaz? Unmute.
6 Mr. Diaz, did you hear me?

7 THE CHAIRWOMAN: Is he caller 13?

8 MR. DOWNS: He's -- no, he's Juan Diaz.
9 He's next to Mr. DeMasi.

10 MR. STAHL: Here he is. Mr. Diaz, are
11 you there?

12 THE CHAIRWOMAN: I see him now again.

13 MR. STAHL: Mr. Diaz.

14 MR. DIAZ: Yes, I'm here. Actually, I
15 was trying to put the camera on. Can you guys see
16 me?

17 MR. STAHL: Raise your right hand, sir.

18

19 J U A N C A R L O S D I A Z, sworn.

20 DIRECT EXAMINATION BY MR. DOWNS:

21 MR. STAHL: And state your name, spell
22 your last name, please.

23 THE WITNESS: My first name is Juan,
24 J-u-a-n; middle name Carlos; Diaz, D-i-a-z.

25 MR. STAHL: There you are. Okay.

1 Mr. Downs, he's your man.

2 MR. DOWNS: Did you swear him?

3 MR. STAHL: I thought I did. Raise your
4 right hand again. I think I did. Yes, he has.
5 I've sworn him.

6 THE WITNESS: Yes, I did.

7 Q. Juan, what's your position with
8 ProStaff?

9 A. I'm the CEO and president.

10 Q. And how long have you been in South
11 Amboy with your office?

12 A. It's been over 3 years I believe, yeah.

13 Q. Okay. Now, during that period of time,
14 how many employees do you have on site? And
15 describe --

16 A. Yeah, go ahead.

17 Q. And describe to the board exactly what
18 your company does.

19 A. Okay, so we are an employment agency.
20 Our office here in South Amboy, it's a corporate
21 office where we only handle all the administrative
22 part of running an employment agency, so we
23 basically do here the payroll and, you know, and
24 executive positions.

25 Q. Do you do any interviewing on site?

1 A. We only do it through phone. We only do
2 through phone. We don't have people here come in.

3 Q. You have other offices throughout the --

4 A. Yes, we have -- we do. We have seven
5 office throughout New Jersey. We have one in
6 Pennsylvania and one in New York.

7 Q. Okay, and they are the offices where the
8 job interviewing takes place; is that correct?

9 A. Correct, correct. That's where our
10 associates go for interviews or to apply for jobs.

11 Q. Okay. Now, have you applied for a
12 zoning permit?

13 A. Correct, yes.

14 Q. Tell me what happened with the zoning
15 permit.

16 A. So as soon as we applied, I believe Dawn
17 -- we had a conversation that because of the parking
18 lot we were denied.

19 Q. How long ago was that?

20 A. It was right after we moved here,
21 probably about 2 months after we moved into this
22 location.

23 Q. You have to apply again at the present
24 time; is that correct?

25 A. We spoke to her this morning, and she is

1 trying to get back to us and see what the status is
2 and if we need to reapply.

3 Q. I talked -- by she, you're talking about
4 Dawn Lewis; is that correct?

5 A. Correct.

6 Q. Have you -- do you have a permit for the
7 signage in the --

8 A. We do, yeah. I lost -- it was on our
9 window, but something happened. Our cleaning lady
10 -- it looks like we misplaced it, but we do have a
11 permit for the sign.

12 Q. And how many people -- and how many --
13 what are your office hours?

14 A. So we're here from 8:30 to 5.

15 Q. Is that Monday through Friday?

16 A. Monday through Friday -- I'm sorry --
17 yeah.

18 Q. And how many people on the average are
19 in your office today because of the pandemic?

20 A. Yeah, mostly six. I think that's
21 probably our max. We do have -- we run a meeting
22 every Wednesday that we could have maybe eight,
23 eight to nine people, but it's only on Wednesdays.

24 MR. DOWNS: Okay, I don't think I have
25 any other questions about Mr. Diaz. I think that's

1 what Mr. Valetutto was looking for in his letter.

2 THE CHAIRWOMAN: Does anyone have any
3 questions for Mr. Diaz. Jason.

4 MR. J. VALETUTTO: Hello, Mr. Diaz.

5 THE WITNESS: Hi, Jason.

6 MR. J. VALETUTTO: Just to be clear, you
7 said that you conduct phone interviews. It's not in
8 person, correct? I didn't hear --

9 THE WITNESS: Correct.

10 MR. J. VALETUTTO: Just want to be a
11 hundred percent clear to the board members there's
12 nothing going on in person --

13 THE WITNESS: Yes, sir --

14 MR. J. VALETUTTO: -- as far as
15 interviews.

16 THE WITNESS: -- nothing going on. We
17 do not have any associates, temps coming into our
18 office. Maybe on Fridays we could have one or two
19 picking up checks, but that happens rarely. We
20 actually got away from checks. We use mostly direct
21 deposits and pay cards.

22 MR. J. VALETUTTO: And you said that the
23 maximum staff you have on site is eight?

24 THE WITNESS: Uh-huh.

25 MR. J. VALETUTTO: Because at the last

1 meeting when you were approved, the representative
2 was Miss Campoli, and she testified that the most
3 will be 12 to 14, but the board granted you a
4 maximum of 15. I just want to be sure that you're
5 nowhere near the maximum of 15.

6 THE WITNESS: Okay. Well, it's because
7 of the pandemic. A lot of our employees have
8 decided to work, you know, remotely, so we have
9 recruiters working remotely. We have payroll people
10 working. I have people working in North Carolina,
11 Florida, so, yeah, we downgraded a little bit, you
12 know.

13 MR. J. VALETUTTO: Okay, but as we're
14 now getting out of the pandemic, do you foresee the
15 business going back to the way it was?

16 THE WITNESS: I don't think so. I don't
17 think so, yeah. Again, people are getting more
18 comfortable, and -- by working, you know, out of
19 their houses, and, you know, we are also -- we feel
20 more, you know, safe not having that many people
21 here.

22 MR. J. VALETUTTO: Understood. And you
23 said the hours of operation are 8:30 to what?

24 THE WITNESS: Five, around five, yeah.

25 MR. J. VALETUTTO: Around 5, yeah,

1 because last time it was testified was 9 to 5 job.
2 Just wanted to make sure.

3 THE WITNESS: Yeah, yeah, 9 to 5 is
4 fine.

5 MR. J. VALETUTTO: Okay, I think that's
6 all I had for Mr. Diaz.

7 THE CHAIRWOMAN: Thank you, Jason.
8 Anybody else have any other questions for Mr. Diaz
9 from the board? Okay. Thank you.

10 THE WITNESS: Thank you.

11 MR. DOWNS: Thank you. Okay. At this
12 point, I think I'm up, Mr. Stahl, to testify what my
13 office is going to be like, and I'll have
14 Mr. Higgins do cleanup as his zoning and planning
15 end.

16 MR. STAHL: So, Mr. Downs, even though
17 we all know you, please raise your right hand.

18

19 T H O M A S E . D O W N S , sworn.

20 MR. STAHL: And your name is Thomas
21 Downs, and you're a licensed attorney in the State
22 of New Jersey?

23 MR. DOWNS: For the last 45 years, sir,
24 going on 46.

25 MR. STAHL: Okay. All right go ahead.

1 MR. DOWNS: I've been practicing law
2 between Old Bridge and South Amboy for the last
3 45 years. My office is presently at 415 Main
4 Street. I moved to the Sheehan building, which was
5 the subject of an application last month by Helen-S
6 Home Remodeling to change it back to a residential
7 use. I need to go somewhere, and I'm -- because of
8 my age and my clientele, I'm looking to be on the
9 first floor. Metaline Products, quite frankly, fits
10 the bill because it's an entry level right --
11 literally right off the street right into the
12 building. I would be taking the -- what is called
13 the showroom at this point, which is 20 -- little
14 short of 2,500 square feet, and my office -- my
15 practice is comprised of residential real estate,
16 estates and -- wills and estates, mostly municipal
17 court, and some commercial transactional law. I
18 have one full-time secretary. I did have a
19 part-time secretary, who left me in December as she
20 was pregnant and she didn't want to jeopardize her
21 child during the period of -- during her gestation.
22 I hope to get her back. But my office hours are
23 from 9 to 5 for the general public. I'm usually
24 here later than that, just like Mr. Stahl is at his
25 office or Mr. Valetutto at his, but it depends upon

1 what I have to do. When I do a residential real
2 estate closing, I will have -- which is probably
3 once a week or maybe twice if it's a good month, I
4 will have my client, a broker, and the other
5 attorney, possibly the other side of the
6 transaction. That's only if it's being permitted.
7 Most closings take place by mail now because of
8 COVID, but that's what it would be. I have people
9 coming in for a will, I would actually have to have
10 them come in and have people who the parties are. I
11 would have them. I will have myself, my secretary,
12 another witness, and usually the witness is either
13 my wife or my son, who are -- my son is within
14 walking distance of the office. He lives on the 300
15 block of David Street. And my wife comes down from
16 home. She works from home up off of Route 9.

17 And basically, South Amboy -- I'm born
18 and raised. You all know that I'm born and raised
19 and my family's been in this town since 19 -- 1848,
20 and I have a -- basically, I'm a South Amboy boy
21 through and through.

22 That's what I propose to do with the
23 building. I see that -- I go past the Metaline
24 during the course of the day because I'm going back
25 to the post office, and I see most of the time that

1 there's a good five or six parking spaces that are
2 available on the David Street lot. I do know that
3 off street on David Street between -- on David
4 Street, itself, they can get a good six cars from
5 the street parking from the driveway to the setback
6 line where the stop sign is on David Street. So
7 there is street parking there, and I know that
8 that's not what the ordinance requires, but there is
9 -- between the street parking and the parking lot, I
10 think there's ample parking to facilitate my office
11 on the site.

12 Any questions?

13 THE CHAIRWOMAN: Any questions for
14 Mr. Downs. Jason.

15 MR. J. VALETUTTO: So, Mr. Downs, all --
16 the only occupants for your business are yourself
17 and your secretary?

18 MR. DOWNS: And I have a part-timer that
19 will be part-time.

20 MR. J. VALETUTTO: And then a part-time.
21 How many people or how many clients do you usually
22 have on site at a time? Is it just one, or do you
23 have one and then a waiting room or --

24 MR. DOWNS: Jason, I have a --

25 MR. J. VALETUTTO: I know it varies.

1 MR. DOWNS: -- a husband and wife --
2 like in a municipal court case, it's going to be the
3 guy that got the ticket, unless it's a youth and
4 then the father and mother will come in because
5 somebody's got to pay, and I got to make sure -- the
6 kids not going to do it, and they're there every
7 step of the day. Doing the wills it's two.
8 Sometimes the real estate closing is going to be --
9 like I said, that's where it's going to be the most
10 number of people going to be here, but it's probably
11 somewhere around four or five people for a closing.
12 If I'm doing an application in the old circumstance
13 -- the old way, which would be down city hall, I
14 would have the meeting in my conference room with my
15 planner, my engineer, my client so we could go over
16 what's going to happen (audio disruption) and that's
17 basically probably the most intensive use of my
18 office would be if I have a zoning application.

19 MR. J. VALETUTTO: Okay. Thank you for
20 that, Mr. Downs. The reason why I asked is because
21 the prior approval, the building had a maximum
22 occupancy of 23, which was broken down into eight
23 for Metaline and 15 for ProStaff. So ProStaff
24 testified they have a maximum of eight on site now,
25 so that leaves -- and Metaline still maintains

1 eight, so that leaves a difference of seven for
2 maximum occupancy. I just wanted the board to be
3 aware that if they want to -- if you do receive an
4 approval tonight and they put on the stipulation
5 that maximum occupancy for Metaline's eight, maximum
6 occupancy if they want to give ProStaff a couple
7 more, and then if they want to give you however
8 many, because the maximum occupancy of 23 was what
9 they came up with to grant the use variance or the
10 -- my apologies -- the bulk variance for the
11 parking.

12 THE CHAIRWOMAN: Jason, I have a
13 question for you regarding this.

14 MR. J. VALETUTTO: Sure.

15 THE CHAIRWOMAN: As it stands now, the
16 parking is based on that 23, correct?

17 MR. J. VALETUTTO: Correct. The
18 approval was given to the property for a maximum
19 occupancy of the building as 23 where they're
20 providing 11 parking spaces, so I was just asking
21 Mr. Downs for what his possible maximum would be
22 just to kind of give the board a flavor for what the
23 maximum that they're not going to go over that 23 so
24 if you do decide to give an approval and you
25 condition the approval and you give a maximum

1 occupancy for each business and it's --

2 MR. DOWNS: The reality, Jason, is that
3 if I'm having my zoning hearings or my land use
4 hearings, they're after hours. It's after 5
5 o'clock, usually 5:30, 6 o'clock. Everybody is gone
6 in the building at that time. During the normal
7 time would be the closings, which would be the four
8 to five people plus my staff.

9 MR. J. VALETUTTO: Okay, so then the
10 board can condition it based on the hours of 9 to 5.
11 Mr. Downs' office only has however many employees
12 they wish to give you, and then after hours, as long
13 as you're not going over 23 occupants in your office
14 and there is nobody else in the building, I mean,
15 that's all I'm just trying to get on the record.

16 MR. DOWNS: I understand that.

17 MR. J. VALETUTTO: Did you want to say
18 anything about your sign that you're proposing, or
19 you're going to leave that for Mr. Higgins?

20 MR. DOWNS: Well, the sign I'm going to
21 propose is the one that's on the front door of my
22 office right now. The main sign that's out on the
23 street is going to go inside and hang over the
24 doorway entrance, so that's going to be inside the
25 building, but the outside sign is going to be hung

1 -- I'm envisioning it to be hung inside the building
2 in the window, and that's the sign that is on my --
3 on the front door of 415 Main Street right now.
4 That's what it's going to be.

5 MR. J. VALETUTTO: Just calling it out
6 because, like we said, the bulk variance for signage
7 because there's already two signs on the building
8 and you're looking for a third.

9 MR. DOWNS: Mine will be interior.
10 Anything else?

11 MR. J. VALETUTTO: Your architect is not
12 here to address the comments I'm assuming, but they
13 are simple, add this to the plan, add this to the
14 plan. I don't know if Mr. Zilincar wants to handle
15 comment number 2 about that emergency exit hallway
16 should only be one directional so it's not used as
17 an entrance to the building, that it is purpose is
18 for emergency exit only.

19 MR. ZILINCAR: I'm sorry. Please repeat
20 that. You broke up a little bit.

21 MR. J. VALETUTTO: Sure, Augie. On my
22 report -- I don't know if you ever saw it -- from
23 April 23, for the architectural plan, I called out
24 the emergency exit hallway to the rear of the
25 building. I called out that all those doors should

1 be made one directional, that you can only exit and
2 use that as an emergency hallway. That way there is
3 nobody entering the building through that hallway.

4 MR. ZILINCAR: Okay.

5 MR. DOWNS: That's my understanding,
6 also.

7 MR. ZILINCAR: It's my understanding,
8 but I have a question. Maybe it can be answered.
9 The doorway going from ProStaff into let's say where
10 our showroom now is one-way. The door going from
11 the showroom out to the -- let's say the lot next to
12 our building, the small lot, a lot of people use
13 that door just to go out and get some air or
14 something. If it's a one-way, what -- how can I
15 address that, or what would you like me to do?

16 MR. J. VALETUTTO: They could use the
17 main means of ingress and egress.

18 MR. ZILINCAR: The front door.

19 MR. J. VALETUTTO: Emergency only, not
20 for smoking.

21 MR. DOWNS: I'm going to have a
22 discussion about that because I don't want anybody
23 being able to break into my office from that door.

24 MR. J. VALETUTTO: That's why one
25 directional makes it a lot easier for people not to

1 be able to break in.

2 MR. DOWNS: I understand that.

3 THE CHAIRWOMAN: Any other questions?

4 MR. J. VALETUTTO: I think that's all I
5 had for Mr. Downs.

6 MR. DOWNS: Mr. Higgins, you're up.
7 Unmute yourself, Jim.

8 MR. HIGGINS: I'm here. Can you hear
9 me?

10 MR. STAHL: Yes. Mr. Higgins, again,
11 Mr. Higgins, raise your right hand, sir.

12

13 J A M E S W. H I G G I N S, sworn.

14 DIRECT EXAMINATION BY MR. DOWNS:

15 MR. STAHL: Okay. State your name for
16 the record and spell your last name, please.

17 THE WITNESS: James, W. Higgins,
18 H-i-g-g-i-n-s. I am president of James W. Higgins
19 Associates. I'm a professional planner, and like
20 Mr. Downs, I've been licensed for 45 years.

21 MR. STAHL: And can I assume that
22 nothing has changed since your last appearance
23 before the board and that your license is still in
24 good standing over those years?

25 THE WITNESS: Yeah, I've gotten a little

1 bit older, but my license is still in good standing.

2 MR. STAHL: Madam Chairwoman, it's up to
3 the board. Mr. Higgins has been a regular before
4 the board so it's your call.

5 THE CHAIRWOMAN: Yes, and I'll just ask
6 does anyone from the board have any concerns or
7 oppositions for accepting the credentials of
8 Mr. Higgins? No concerns.

9 Go right ahead, Mr. Higgins.

10 THE WITNESS: Yes. I think Jason gave a
11 lot of the testimony I was going to give. The fact
12 is the application site has a use variance approval
13 that would allow for 23, and as I understand, it's
14 23 employees to be on the site at any one time as
15 opposed to 23 occupants in the building. That was
16 my understanding because you had the two offices
17 that were approved for 23 employees, and you also
18 had the showroom, which could have people coming in
19 and looking at an object, at things in the showroom
20 that would be in the addition to the 23 employees,
21 but quite frankly, the testimony tonight is that
22 you're going to have between the two existing
23 businesses in this building a maximum of 16
24 employees. With Mr. Downs' application, you're
25 going to have three employees plus occasionally

1 customers coming to visit the site. So chances are
2 at any one time, most of the time, you're going to
3 have fewer than that 23 maximum that's currently
4 approved for this site for the use.

5 And the use, the office use was actually
6 approved on the site, so it's simply an expansion of
7 that office use, and I think what you have to do
8 then is look at the negative criteria, and I think
9 when you're looking at the negatives on this, the
10 use is actually going to be slightly less intensive
11 than was anticipated by the board when it approved
12 the use variance in 2018, where you would have 23
13 employees on the site or 23 occupants, and most of
14 the time now on the site you're going to have fewer
15 than that, fewer than 20.

16 So I don't see any substantial negative
17 impact. I think it's taking a portion of a building
18 that's not going to be used, that's currently
19 inefficiently used, and utilizing it efficiently,
20 allowing a business to remain in South Amboy that
21 has been in South Amboy for a number of years. So I
22 think there are positives to this. I think there
23 are special reasons for granting the variance, and I
24 don't see any substantial negative impact to what's
25 currently approved on the site.

1 THE CHAIRWOMAN: Thank you, Mr. Higgins.
2 Any questions for Mr. Higgins? Jason.

3 MR. J. VALETUTTO: I can support
4 everything that Mr. Higgins has said; however, just
5 one correction. The resolution does say occupancy
6 load, occupancy load, not employees, so there is a
7 difference.

8 THE WITNESS: Yes, okay, I was looking
9 for clarification there because I wasn't sure.
10 Okay.

11 THE CHAIRWOMAN: Thank you. Any other
12 questions?

13 Mr. Downs.

14 MR. DOWNS: That's all that I have, Miss
15 Szaro.

16 THE CHAIRWOMAN: Okay. Are there any
17 other questions in general for anyone else? Then at
18 this time, we can open up to the public. Do I have
19 a motion to open the meeting up to the public?

20 MS. KERN: I'd like to make a motion
21 (audio disruption) public.

22 THE CHAIRWOMAN: Thank you, Janet.
23 Second?

24 MR. KOMINKIEWICZ: I'll second,
25 Kominkiewicz.

1 THE CHAIRWOMAN: Thank you. At this
2 time, would anyone from the public like to speak on
3 this application?

4 MR. STAHL: We didn't vote yet, Mary.

5 THE CHAIRWOMAN: Oh, I'm sorry.

6 MR. STAHL: That's all right. I'm just
7 trying to -- Amy.

8 We can do it by voice vote, all in
9 favor, if you wish.

10 THE CHAIRWOMAN: All in favor? Any
11 opposed?

12 MR. STAHL: Thank you.

13 THE CHAIRWOMAN: Thank you. At this
14 time, I'd like to open up to the public. Is there
15 anyone from the public who has any questions,
16 comments, concerns on this application? One last
17 call.

18 Okay, do I have a motion to close to the
19 public?

20 MS. KERN: Make the motion to close,
21 Janet.

22 THE CHAIRWOMAN: Thank you, Janet.
23 Second?

24 MS. HUGHES: I'll second. This is
25 Holly.

1 THE CHAIRWOMAN: Thank you. Who was
2 that? I'm sorry, Holly Hughes.

3 MS. HUGHES: Holly.

4 THE CHAIRWOMAN: Thank you. Okay. All
5 in favor to close to public?

6 Any closing remarks, Mr. Downs?

7 MR. DOWNS: I didn't hear you, Miss
8 Szaro.

9 THE CHAIRWOMAN: I was going to say, any
10 closing remarks. I think we did discuss earlier
11 before taking a vote we're going to hold that, carry
12 that until the next meeting?

13 MR. DOWNS: Yes, I would wish that be
14 carried to the next meeting so that Mr. Kelly can
15 read the transcript. I just have a question of
16 housekeeping probably Mr. Stahl. In the event, Mr.
17 Stahl, that Mr. Kelly does review and votes, could
18 it be possible to have not only the approval
19 resolution but have it memorialized the same day?
20 I'm just curious if that can be done.

21 MR. STAHL: Well, two things. I'm not
22 so sure it will be Mr. Kelly. I don't know who is
23 left who is qualified. Mr. Forshner is not, the
24 mayor's not. Mr. Reilly is not.

25 MR. J. VALETUTTO: George Baranowski.

1 MR. STAHL: So it's just going to be one
2 of the missing people will decide to read the
3 transcript. Assuming I have the transcript, as
4 always, and I'm able to, I will do. It's a short
5 transcript. It's short testimony. I will according
6 to our new protocol, I will get to Jason
7 immediately, and then if it's done in time, you will
8 be on the next meeting. I can't promise. And I
9 don't want to put Miss Masterton on the spot, but as
10 soon as I get the transcript, I will work on it.

11 THE CHAIRWOMAN: Jason.

12 MR. J. VALETUTTO: I don't think it's
13 fair to have a resolution ready for next month
14 because there's going to be certain conditions that
15 we cannot predict --

16 MR. STAHL: Correct.

17 MR. J. VALETUTTO: -- if they even grant
18 an approval. We don't know if the board is going to
19 grant a yes or a no, and if they do yes, there's
20 going to be certain conditions that are going to be
21 added and attached, so that's not going to be able
22 to be printed in advance.

23 MR. STAHL: Jason, as usual -- and I
24 spoke too soon to be too amenable, but he's right.
25 You really have to wait for whoever is going to

1 hear. We know that Mr. Kelly often has very
2 important notes and comments, and I think he has to
3 have the ability to do that. So I don't think
4 that's possible.

5 MR. DOWNS: Just asking.

6 I'd like to just direct this to Miss
7 Masterton. Deb, can you call me tomorrow so we can
8 get this transcript expedited.

9 THE COURT REPORTER: Yes.

10 MR. DOWNS: Thank you.

11 That's all I have, Miss Szaro.

12 THE CHAIRWOMAN: Okay. Thank you. And
13 I will just maybe for Mr. Zilincar, you made mention
14 of multiple items that sound like they can be more
15 than completed within a month, so by the time next
16 meeting comes, it would be nice to come and you can
17 tell us all of those check boxes have been
18 completed.

19 MR. ZILINCAR: Yes, ma'am.

20 THE CHAIRWOMAN: So, Jim, at this point,
21 do we just have a motion to continue?

22 MR. STAHL: We should have a motion to
23 keep the case open and to continue it for additional
24 questions at next month's meeting.

25 THE CHAIRWOMAN: Okay. Do I have a

1 motion to keep this application open and continue to
2 our June meeting?

3 MR. KOMINKIEWICZ: Motion to continue
4 application to next meeting, Kominkiewicz.

5 THE CHAIRWOMAN: Thank you, and I see
6 Holly second.

7 MS. HUGHES: Second. Thank you.

8 THE CHAIRWOMAN: Roll call, Amy, please.

9 MS. RUSSO: Chairwoman Mary Szaro.

10 THE CHAIRWOMAN: Yes.

11 MS. RUSSO: Scott Kominkiewicz.

12 MR. KOMINKIEWICZ: Yes.

13 MS. RUSSO: Holly Hughes.

14 MS. HUGHES: Yes.

15 MS. RUSSO: Janet Kern.

16 MS. KERN: Yes.

17 MS. RUSSO: Jorge Gonzales.

18 MR. GONZALES: Yes.

19 MS. RUSSO: William DeMasi.

20 MR. DeMASI: Yes.

21 MS. RUSSO: Roll call complete.

22 MR. DOWNS: Thank you, ladies and
23 gentlemen. Have a good evening.

24 THE CHAIRWOMAN: We will see you next
25 month, and luckily, the weather held out.

1 MR. ZILINCAR: May I make a comment.

2 THE CHAIRWOMAN: Who was that?

3 MR. STAHL: Identify.

4 MR. ZILINCAR: Can I make a comment.

5 THE CHAIRWOMAN: Go ahead, Mr. Zilincar.

6 MR. ZILINCAR: I just want to apologize
7 to the board for my shortcomings. This is all new
8 to me. I'm good in making displays, but as far as
9 construction goes, I have learned a lot. I want to
10 thank you for your patience. Especially Jason, I
11 want to thank you for your patience dealing with
12 Mike Carr and John Munck. I think it was as hard as
13 you had to deal with him, I had to deal with him,
14 but I want to thank you for your patience, and this
15 was all new to me.

16 MR. J. VALETUTTO: I appreciate that,
17 Mr. Zilincar. No comment as far as other
18 professionals or contractors, but we try to be as
19 helpful as we can to try to move things along.

20 MR. ZILINCAR: I appreciate it, Jason.
21 Thank you, everyone.

22 THE CHAIRWOMAN: Thank you, all.

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PLANNING BOARD
CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:)
METALINE PRODUCTS COMPANY, INC.) CERTIFICATE
#391-18A)
101 N. Feltus Street)
Block 71, Lot 19)

I, DEBORAH A. MASTERTON, a Certified Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the proceedings in the above entitled matter at the time and place aforesaid.

DATE: May 28, 2021

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