

# THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION

DATE: May 17, 2017

NUMBER: 16-2017

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS TO DAVID TSEITIN, FOR BLOCK 2301, LOT 39 TO REMOVE AND REPLACE A RETAINING WALL (495 MAIN STREET)**

**WHEREAS**, David Tseitlin (“Applicant”) has applied to the Historic Preservation Commission of the City of Orange Township for approval of a Certificate of Appropriateness for work to be done on his property located at 495 Main Street, Orange, New Jersey, and designated as Block 2301, Lot 39 on the Tax Map of the City of Orange Township; and

**WHEREAS**, the Application consisting of the Application itself signed by David Tseitlin, an application for City of Orange Building Subcode permit or approval signed by Angel Bolivar, Sr., CTO, a license for Consec Builders, Inc. issued by the N.J. Division of Consumer Affairs dated April 3, 2017, and a set of engineering plans drawn by QEA of Union City, N.J. dated March 2017 consisting of page S-101, S-102 and S-103, showing the elevations, concrete block construction proposed, wrought iron fence atop the masonry wall section, as well as details for the concrete sidewalk in the vicinity of the retaining wall proposed to be reconstructed; and

**WHEREAS**, the Commission received and reviewed the Application and attachments as described above from the Applicant, as well as any memoranda from the Department of Public Works, Planner, Engineer, Construction Code Official, Fire department, Police department, and any appropriate division or officer thereof, and any other agencies and provided an opportunity for comments from the public and interested parties; and

**WHEREAS**, the Application was the subject of public notice by virtue of the publication of the agenda of the Historic Preservation Commission, and all members of the Commission voting on this resolution have attended the public hearing(s) or have certified that they have read the transcript(s) or listened to the tape(s) of the hearing pursuant to N.J.S.A. 40:55D-10.2; and

**WHEREAS**, the Commission reviewed the application and plan(s) (if any) and any other submission of the Applicant and is granting approval in reliance upon the representations made in the application, plans, notes on the plans and testimony in the public presentation by the Applicant and the Applicant’s professional(s); and

**WHEREAS**, the Commission, after carefully considering the evidence submitted by the Applicant, its own professionals and City’s professional staff, and the general public, makes the following findings of fact and conclusions of law:

## **I. FINDINGS OF FACT**

- A. The Applicant is David Tseitlin; the owner of the property is Elmora 2002, LLC. The existing use of the property is residential apartments and it is located next to the Dunkin’ Donuts shop. The property has a retaining wall which the owner seeks to reconstruct. The Tax Map ID is Block 2301, Lot 39, and the property is located at 495 Main Street, in the Main Street historic district.

- B. Based upon the representations of the Applicant's representative, David Tseitlin and Elmora 2002, LLC want to remove and replace the existing retaining wall at the property with like kind materials. The Applicant's representative represented that the property will look the same as now. He described the cinderblock footing with brick upper on the masonry section, concrete cap, the front facing walk that will be built. The existing fence is straight on top now, and the plan shows a curved top of the metal portion of the fence atop the masonry. The Commission requested that the fence be designed as it is now with a straight line top of fence, not curved, and the Applicant's representative agreed to that change. This will require an amendment to sheet S-102 on the plan set submitted by the engineer. With that change, the Commission approved of the project.

## II. CONCLUSIONS OF LAW

- A. The Commission first finds that the Applicant has demonstrated by virtue of the Application and accompanying materials that the retaining wall must be replaced and that doing so with like kind materials will not impair the historic significance of the district, will not encroach upon nearby properties within the historic district, and will not cause substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.
- B. Therefore, a Certificate of Appropriateness is appropriate to issue under the Historic Preservation Commission ordinance and the development ordinance of the City of Orange Township, recited above, the Master Plan Historic Preservation Element, and the Municipal Land Use Law (MLUL). The Commission concludes that the benefits of granting the Certificate of Appropriateness substantially outweigh any detriments.
- C. Therefore, it is appropriate and that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant.

## III. CONDITIONS OF APPROVAL

- A. **AS A CONDITION OF THIS APPROVAL, THE CONSTRUCTION MUST PROCEED IN STRICT COMPLIANCE WITH THE PLANS AND/OR REPRESENTATIONS MADE IN THE TESTIMONY SUBMITTED, AS THOSE PLANS AND THE REPRESENTATIONS MADE BY THE APPLICANT IN HIS, HER OR ITS TESTIMONY ARE WHAT IS APPROVED BY THE COMMISSION. SHOULD ANY CHANGE BE MADE INCONSISTENT WITH THE PLANS OR TESTIMONY, THE APPLICANT MUST RETURN TO THE HISTORIC PRESERVATION COMMISSION FOR AN AMENDED CERTIFICATE OF APPROPRIATENESS. "FIELD ADJUSTMENTS" THAT RESULT IN ANY SIGNIFICANT CHANGE WILL NOT BE TOLERATED AND A STOP WORK ORDER WILL ISSUE, NECESSITATING A RETURN APPEARANCE BEFORE THE COMMISSION AT THE FOLLOWING MONTHLY MEETING. ANY DELAY OR DELAY DAMAGES ASSERTED BY THE CONTRACTOR OR OTHERS WILL BE STRICTLY THE FAULT OF THE OWNER, APPLICANT AND/OR CONTRACTOR FOR NOT PROPERLY EXECUTING THE PLANS OR ABIDING THE TESTIMONY SUBMITTED WHICH RESULTED IN THIS APPROVAL.**
- B. PLANS: All revisions to the Application as described and the papers submitted, including plans and drawings (if any) after the first submission must be properly identified on subsequent submissions

and submitted for review and become part of the file for this property at the City of Orange Township.

- C. UTILITIES, PROTECT ADJACENT CONSTRUCTION, AND INHABITANTS/NEIGHBORS: Comply with all applicable requirements of governing authorities including, but not limited to, public utilities (provide mark-out and 24 hour notification of any discontinuity of utility services with owner). Provide temporary facilities, service utilities, and protection as required to safely execute all work.
- D. CONSTRUCTION DEBRIS: Contractor shall be responsible to remove and legally dispose of all materials from the job site. A permit may be required to place a unit for storage of debris at the job site or in the street. This is the Applicant's responsibility to obtain.
- E. PLANS AND DRAWINGS: The contractor shall prepare and maintain a complete set of record construction drawings (if any) indicating all actual work, modification and revisions to the work delineated on the construction drawings as well as any concealed construction work. Include any other information which would be helpful to the owner, at the site.
- F. SUBSTANTIAL COMPLETION: At project closeout, contractor shall procure final certificate of occupancy upon completion of the project and forward same to the owner. Contractor shall clean premises, test applicable systems, and leave ready for occupancy.
- G. PERMITS: The Applicant shall be responsible for obtaining and paying for all the required permits, inspections, etc.
- H. PROJECT COMPLETION: Upon FULL completion of the project, architect and/or contractor to submit certificate of occupancy or continued certificate of occupancy approved by the Building Department to the owner.
- I. CODE AND STANDARDS COMPLIANCE: All work, materials, and equipment shall meet the latest requirements of all applicable state & local building codes, regulations, the requirements of the authorities having jurisdiction, and the standards of the Secretary of Interior for Rehabilitation. Where applicable, comply with all requirements of the NJUCC Barrier Free Subcode and/or Americans With Disabilities Act (ADA).

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Orange Township Historic Preservation Commission that the Application for a Certificate of Appropriateness for the work described in the Application and, including any photographs, is approved and granted subject to the foregoing conditions in Section II. A-M, hereof, and the following additional conditions, where applicable:

**IV. PLAN REVISIONS AND SUBMISSIONS**

Prior to signing the final site plan approval, Applicant shall submit any requested revisions to the plans or otherwise provide studies, plans, or documents, as follows:

- A. The Applicant should address all of the findings, if any, in the comments and reports made by the City Engineer, Police Department, Fire Department, and any other relevant departments and agencies, in addition to the Department of Public Works and all of its officers and divisions, if any.

- B. Pursuant to City of Orange Township municipal ordinance, prior to the issuance of building permits, the Applicant shall have installed or shall have furnished any required performance guarantees for the ultimate installation of all streets, street signs, curbs, gutters, sidewalks, street lighting, shade trees, storm drains, sanitary sewerage and utilities, monuments, and/or top soil required, if any, by this approved work.
- C. The Applicant shall ensure that its general contractor and subcontractors do not damage the roadway pavement, curbing, sidewalk, grass strip between the curb and the sidewalk or any other improvements in the public right of way, whether on the public right of way or the privately owned property including but not limited to slate or bluestone sidewalks and walk ways. A note shall be added to the plans stating, “Any damage to the right of way including the sidewalk must be repaired / installed to equal standards.”
- D. **OTHER APPROVALS.** Prior to signing the final site plan, Applicant shall submit any requested revisions to the plans or otherwise shall obtain and comply with the requirements of all outside agencies from which approval is required, and it shall be Applicant’s duty to determine whether such further approvals are required, including but not limited to:
  1. Final approval of the Essex County Planning Board, if required.
  2. Final approval from and comply with the requirements of the Union County Soil Conservation Service, if required.
  3. All other necessary approvals from applicable county, state, regional and federal agencies.

**V. TAXES**

Applicant shall pay any outstanding real estate taxes and assessments within fourteen days of this Resolution and provide proof by an official search for municipal liens.

**VI. FEES**

Applicant will post an escrow fee to cover and pay for the professionals’ review of this application and preparation of this Resolution in accordance with City ordinance. Applicant will pay all outstanding escrow and application fees within fourteen days of the Resolution and receipt by Applicant of the bills for such charges including those that arrive after the Resolution is memorialized. No construction permits will be issued until this section is satisfied.

**VII. INSPECTION FEES**

Applicant shall post inspection fees, in an amount to be determined by the City Engineer, before any improvements are installed, if and as required by the City.

**VII. OTHER REQUIREMENTS**

A. Applicant will post a notice of decision in the Official Paper and provide an affidavit of publication to the Planning and Development Department.

**IX. SATISFACTION OF CONDITIONS**

This approval of the Certificate of Appropriateness shall not be deemed satisfied and construction permits shall not be issued until such time as the Director of the Department of Public Works and/or his designee and/or the City Engineer finds that all conditions of approval have been satisfied.

**ROLL CALL ON THE MOTION TO APPROVE:**

Keith Carrol (2d)	<u>  x  </u>	<u>          </u>	<u>          </u>
Kathy Dowd	<u>  x  </u>	<u>          </u>	<u>          </u>
Jody Leight	<u>  x  </u>	<u>          </u>	<u>          </u>
Brandon Matthews	<u>  x  </u>	<u>          </u>	<u>          </u>
Bruce Meyer	<u>  x  </u>	<u>          </u>	<u>          </u>
Janice Morrell	<u>  x  </u>	<u>          </u>	<u>          </u>
Yolanda Silverio	<u>          </u>	<u>          </u>	<u>  x  </u>
Troy Simmons	<u>  x  </u>	<u>          </u>	<u>          </u>
Abdiel Velez	<u>  x  </u>	<u>          </u>	<u>          </u>
Karen Wells (moved)	<u>  x  </u>	<u>          </u>	<u>          </u>

**MEMORIALIZATION:**

This Resolution adopted this 17th day of May, 2017 memorializes the action taken at a meeting of the City of Orange Township Historic Preservation Commission with the roll call vote on the memorialization as follows:

	Yes	No	Absent
Keith Carrol	<u>          </u>	<u>          </u>	<u>          </u>
Kathy Dowd	<u>          </u>	<u>          </u>	<u>          </u>
Jody Leight	<u>          </u>	<u>          </u>	<u>          </u>
Brandon Matthews	<u>          </u>	<u>          </u>	<u>          </u>
Bruce Meyer	<u>          </u>	<u>          </u>	<u>          </u>
Janice Morrell	<u>          </u>	<u>          </u>	<u>          </u>
Yolanda Silverio	<u>          </u>	<u>          </u>	<u>  x  </u>
Troy Simmons	<u>          </u>	<u>          </u>	<u>          </u>
Abdiel Velez	<u>          </u>	<u>          </u>	<u>          </u>
Karen Wells	<u>          </u>	<u>          </u>	<u>          </u>

I hereby certify that the foregoing is a true copy of a Resolution of the City of Orange Township Historic Preservation Commission memorialized on May 17, 2017.

Adopted:

\_\_\_\_\_  
Joyce Lanier  
Secretary

\_\_\_\_\_  
Karen Wells  
Chair