

# CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: February 21, 2018

NUMBER: 2-2018

## TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 592 BEACH STREET, BLOCK 6202, LOT 4, TO REPLACE EXISTING VINYL SIDING WITH VINYL SIDING

**WHEREAS**, Yosef Chaim, LLC (“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 the property he owns located at 592 Beach Street, Orange, New Jersey, and designated as Block 6202, Lot 4 on the Tax Map of the City of Orange Township; and

**WHEREAS**, the Application consisting of the Application itself signed by Meital Levi, the owner’s representative, together with three (3) undated photographs, and one exhibits, A-1 which was an undated Violation Warning (#CVIO-16-00483) issued by the City’s Code Enforcement officer Lonnie Saunders, to the contractor, Justin Sanzari, requiring the owner to “replace siding;” and

**WHEREAS**, the Commission received and reviewed the Application, Exhibit and photographs as well as any memoranda from the Zoning Officer, Department of Public Works, Planner, Engineer, Building Department or Construction Code Official, Fire Department, Police Department, and any appropriate division or officer thereof, and any other agencies (if any such memoranda were received) and the Commission 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, Exhibits and photographs and is granting approval in reliance upon the representations made in the Application and photographs, together with the testimony of Mr. Levi in the public presentation by the Applicant; 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’s representative Meital Levi testified on behalf of Yosef Chaim, LLC in favor of the Application for 592 Beach Street, also known as Block 6202, Lot 4 on the City’s Tax Map.
- B. The property is located in the Valley Historic District, and it is a two-family home.
- C. Mr. Levi testified that his contractor received the violation warning, and that he wants to replace the vinyl siding on the structure with new vinyl siding, which will require removing the existing vinyl siding. In some areas, the vinyl is in disrepair. One wall of the house is existing wood cedar shakes. Mr. Levi further testified that he is not going to replace any of the windows as they are in good condition.
- D. Commissioners Matthews and Meyer encouraged Mr. Levi to examine the wood once the vinyl siding is removed, and to repair it and paint it, pointing out that it will last longer and be cheaper in the long run

than a new application of vinyl siding (and potential replacements of that vinyl siding). They opined that vinyl siding looks bad after only 15 or 20 years (compared to the wood underneath which is likely 100 years old and can be repaired and painted and will look good).

- E. Mr. Levi noted that the cost of the replacement vinyl siding is \$3,800, and he thought that the cost would be higher to repair and paint the wood.
- F. Mr. Levi agreed to consider not installing replacement vinyl siding, after he examines the wood cladding underneath.
- G. The Commission then reluctantly agreed to the Application to replace the existing vinyl with new vinyl siding.

## II. CONCLUSIONS OF LAW

- A. The Commission first finds that the Applicant has demonstrated by virtue of the Application and accompanying materials and Mr. Levi's testimony that the Application is warranted, i.e., that while vinyl siding is not allowed to be placed on buildings that are not already clad in vinyl, that this is a pre-existing situation, and that it is in disrepair and the City has issued a violation warning notice to the property owner.
- B. The Commission further finds that the proposed replacement of vinyl will not impair the historic significance of the historic district beyond that which was already impaired by the installation of vinyl siding in the first place, 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 beyond that which has already occurred, and that while vinyl is inconsistent with the Design Guidelines and ordinance establishing the Commission, historic districts, map and regulations which control the historic districts, overall, the Master Plan does not address the subject of vinyl siding.
- C. The Commission concludes that the benefits of granting the Certificate of Appropriateness outweigh any detriment only because the vinyl is pre-existing and in disrepair.
- D. Therefore, it is appropriate and that the Historic Preservation Commission hereby APPROVES the issuance of a limited CERTIFICATE OF APPROPRIATENESS to the Applicant, for the replacement of pre-existing vinyl siding with new vinyl siding, on the condition that the Applicant will examine the wood when the existing vinyl is removed to determine whether the new vinyl replacement job can be avoided by repairing and painting the wood cladding on the structure.

## III. ADDITIONAL 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 I. F, Section II. D., and Section III. A-I, 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:**

	Yes	No	Absent	NP
Keith Carrol(2nd)	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Kathy Dowd	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Jody Leight	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Brandon Matthews	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Bruce Meyer	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Janice Morrell	<u>          </u>	<u>          </u>	<u>  x  </u>	<u>          </u>
Yolanda Silverio	<u>          </u>	<u>          </u>	<u>  x  </u>	<u>          </u>
Troy Simmons(mover)	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Abdiel Velez	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Karen Wells	<u>          </u>	<u>          </u>	<u>  x  </u>	<u>          </u>

**MEMORIALIZATION:**

This Resolution adopted this \_\_\_ day of \_\_\_\_\_, 2018 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	NP
Keith Carrol	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Kathy Dowd	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Jody Leight	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Brandon Matthews	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Bruce Meyer	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Janice Morrell	<u>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>
Yolanda Silverio	<u>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>
Troy Simmons	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Abdiel Velez	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Karen Wells	<u>          </u>	<u>          </u>	<u>          </u>	<u>  x  </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 \_\_\_\_\_, 2018.

Adopted:

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

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