

**CITY OF ORANGE HISTORIC PRESERVATION COMMISSION**

**DATES: NOVEMBER 29, 2017 AND DECEMBER 20, 2017**

**NUMBER: 27-2017**

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 434 HEYWOOD AVENUE, BLOCK 6901, LOT 7 TO REPLACE SHINGLE ROOF AND GUTTERS, TO CONSTRUCT A FENCE, TO REPLACE SIDING ON SIDE WALLS AND TO OPEN UP THE PORCH**

**WHEREAS**, Varinia Y. Menjivar and Jose E. Macias (“Applicant”) 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 they own located at 434 Heywood Avenue, Orange, New Jersey, and designated as Block 6901, Lot 7 on the Tax Map of the City of Orange Township; and

**WHEREAS**, the original Application consisting of the Application itself signed by the owners, together with photograph and two letters one of which is not dated and the other is stamped “received October 12, 2017” and an additional plan set with sheets numbered 1 through 14 prepared by Artek Studio was submitted prior to the December 20, 2017 meeting of the Commission; and

**WHEREAS**, the Commission received and reviewed the Application, letters and photographs, Artek Studio plan set, and other materials 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 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, Artek Studio plan set and photographs and other materials and is granting approval in reliance upon the representations made in the Application, together with the plans and notes on the plans, and testimony by the Applicants at the first hearing and by Applicant’s representative on December 20, 2017 (Elisa Avila) 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 Applicants are Jose Macias and Varinia Menjivar. They testified in favor of the Application at the first hearing and Elissa Avila (cousin of Varinia Menjivar) testified at the second hearing on behalf of the Application.
- B. The property is a single family residence in the Montrose-Seven Oaks Historic district, located at 434 Heywood Avenue, City of Orange Township, also known as Block 6901, Lot 7 on the City’s Tax Map.

- C. The owners intend to make this property their home; in their letters they described a property in serious disrepair, especially the roof and side walls. They stated that “would like to replace the existing roof using the same material that has been there which is shingles” and that they “would replace the existing siding (composed asbestos)” changing it to vinyl siding. They also want to replace the gutters to guard against further water intrusion.
- D. The further stated that the existing enclosed porch will be opened up and converted to an open front porch, and that they would like to install a fence.
- E. The Commission agreed that the existing roof shingles could be replaced with new asphalt shingles; the Applicants testified that a Timberline product will be chosen with a thirty-year warranty and that was acceptable to the Commission. The Commission agreed that the gutters may be replaced.
- F. The Commission denied the request for vinyl siding but approved the request to replace the siding on the existing walls (to the extent that there is siding remaining) with AZIK material or James Hardie planking or a similar historic-look composite product.
- G. The Commission agreed to the installation of a fence which may not be vinyl, but instead has to be made of iron or wood.
- H. With respect to the now-enclosed porch which is a relatively recent addition to this historic home, the Commission required the Applicants to return with an architectural plan or drawing showing the proposed changes before the Commission would consider this aspect of the proposal, which the Applicants did at the hearing on December 20, 2017.
- I. Based on the plan set (sheets 1-14) prepared by Artek Studio showing the plan to open up the now-enclosed porch, the Commission agreed to issue a Certificate of Appropriateness for opening up the porch which must be renovated in strict compliance with the plans and drawings of the Artek Studio plan set submitted to the Commission. The Certificate of Appropriateness originally issued also remains intact with the same conditions.
- J. The Applicant was asked at the December 20, 2017 hearing whether she agreed to comply with all conditions of the City’s October 19, 2017 letter on the original Application and the Applicant’s representative Ms. Avila agreed to same.

## **II. CONCLUSIONS OF LAW**

- A. The Commission first finds that the Applicant has demonstrated by virtue of the Application and accompanying materials that the Application is warranted, that the roof shingles may be replaced with asphalt shingles, that the gutters may be replaced, that the walls may be clad with a James Hardie, AZIK or similar composite historic-look product but not vinyl siding, and that a fence could be installed made of wood or iron, but not vinyl.
- B. The Commission further finds that the proposed repairs, construction or replacements 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, and that the same are consistent with the Master Plan and ordinance establishing the Commission, historic districts, map and regulations.
- C. The Commission concludes that the benefits of granting the Certificate of Appropriateness substantially outweigh any detriments.
- D. Therefore, it is appropriate and that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant, including opening up the front porch, based on the plans and drawings of Artek Studio and notes thereon submitted to the Commission in advance of the December 20, 2017 hearing as a supplement to the original Application.

### 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 and relevant, 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-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	_____	_____	<u>  x  </u>	_____
Kathy Dowd	<u>  x  </u>	_____	_____	_____
Jody Leight	<u>  x  </u>	_____	_____	_____
Brandon Matthews (moved)	<u>  x  </u>	_____	_____	_____
Bruce Meyer	_____	_____	<u>  x  </u>	_____
Janice Morrell	_____	_____	<u>  x  </u>	_____
Yolanda Silverio	_____	_____	<u>  x  </u>	_____
Troy Simmons	_____	<u>  x  </u>	_____	_____
Abdiel Velez	<u>  x  </u>	_____	_____	_____
Karen Wells (2d)	<u>  x  </u>	_____	_____	_____

MEMORIALIZATION:

This Resolution adopted this 17<sup>th</sup> day of January, 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 (2d)	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Kathy Dowd	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Jody Leight (moved)	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Brandon Matthews	<u>          </u>	<u>          </u>	<u>          </u>	<u>  x  </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	<u>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>
Abdiel Velez	<u>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>
Karen Wells	<u>          </u>	<u>          </u>	<u>  x  </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 January 17, 2018.

Adopted:

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

\_\_\_\_\_  
 Troy Simmons  
 Chair