

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: February 21, 2018

NUMBER: 3-2018

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF THE STRUCTURE AT 396 CLARENDON PLACE (BLOCK 4902, LOT 2), AND TO MAKE CERTAIN PARKING AND OTHER SITE IMPROVEMENTS TO 366 CLARENDON PLACE (BLOCK 4902, LOT 5), 386 CLARENDON PLACE (BLOCK 4902, LOT 3) AND 396 CLARENDON PLACE (BLOCK 4902, LOT 2)

WHEREAS, the City of Orange Township Board of Education (“Applicant”) has applied to the Historic Preservation Commission of the City of Orange Township for approval of a Certificate of Appropriateness for demolition of the structure at 396 Clarendon Place (Block 4902, Lot 2) and for approval of a site plan depicting certain parking lot and other improvements to 396 Clarendon Place and to 366 Clarendon Place (Block 4902, Lot 5) and 386 Clarendon Place (Block 4902, Lot 3) on the City of Orange Township Tax Map, respectively; and

WHEREAS, the Application consisting of the Application itself signed by Adekunle James, the School Business Administrator, together with Exhibit A-1, a plan set consisting of a site plan labeled P-1 entitled Parking Lots at 386 and 396 Clarendon Place, together with pages labeled P-2.0 through P-2.6 (the latter being three-dimensional views) which plan set was prepared by Massimo Francis Yezzi, AIA, Yezzi Associates, Architects and Planners, Toms River, New Jersey, dated Feb. 10, 2017, and last revised October 17, 2017, Exhibit A-2, a multi-page PowerPoint presentation in color of the proposed addition(s) and improvements to Orange High School, including a larger print-out from the PowerPoint presentation labeled “Scheme A, First Floor” dated March 15, 2017, a copy of a letter dated August 18, 2015 from the State of New Jersey to the Superintendent of the Orange Public School District, indicating approval of the long range facilities plan major amendment, another PowerPoint presentation presented to City Council, dated September 19, 2017, containing site photos and renderings, were submitted to the City of Orange Township Historic Preservation Commission; and

WHEREAS, the Commission received and reviewed the Application, site plan and communications from the project designer, Thomas R. Petzold, of O’Donnell, Stanton & Associates, Toms River, New Jersey, and Cesare Passarelli, Yezzi Associates, and also received and reviewed a copy of a letter dated August 2, 2017 from the Interim Superintendent of Schools, Ronald C. Lee to Karen Wells, Chair, City of Orange Historic Preservation Commission, indicating that in response to Chair Wells’s letter dated July 28, 2017, “the Orange Board of Education has agreed not to demolish the property located at 386 Clarendon Place[.]” the said July 28, 2017 letter from Chair Wells, various budgetary materials, a list of “Questions for BoE and Plan for Addition 07-26-17” (version “Correction 2”), a document entitled Orange High School Addition – Renovation, NJSDA Central #ES-0042-A01, dated April 28, 2016, and a document entitled Orange High School Proposed New 2-Story Addition, Conceptual Site Plan Schemes A, B and C,”; and

WHEREAS, on March 15, 2017, the Commission heard the testimony of Massimo F. Yezzi, Jr., the architect, based upon a presentation by the Board of Education’s attorney, Melvin Randall, Esq., determined in light of the importance of the matter to create an *ad hoc* subcommittee of its architects, to wit, Commissioners Abdiel Velez, Troy Simmons, and Brandon Matthews, to meet with the Applicant’s professionals, and they met on at least two occasions for technical review and to discuss suggestions beginning on May 1, 2017 and throughout the remainder of 2017 at public meetings of the Orange Board of Education Facilities Committee meetings held at the Administration Building, 451 Lincoln Avenue, Orange, New Jersey; and

WHEREAS, the Application was the subject of further discussion by the Historic Preservation Commission on April 19, 2017, and May 17, 2017 and September 20, 2017 (including an appearance by Ronald C. Lee, Superintendent); and

WHEREAS, public notice of the Application and ongoing testimony and discussions and deliberations occurred by virtue of the publication of the agenda of the Historic Preservation Commission for all meetings; and

WHEREAS, the Commission provided an opportunity for comments from the public and interested parties on the Application; and

WHEREAS, 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, site plan and heard testimony and is granting approval in reliance upon the representations made in the Application and site plan and in testimony and based on the report from its own subcommittee members, together with the testimony of Ronald C. Lee and Massimo F. Yezzi, Jr., in the public presentations 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 subject properties, 366, 386 and 396 Clarendon Place, are located in the Montrose-Seven Oaks Historic District.
- B. The Applicant's representative Ronald C. Lee, Superintendent of Schools, and its architect, Massimo F. Yezzi, Jr., testified on behalf of the Applicant and in favor of the Application to demolish the structure at 396 Clarendon Place (Block 4902, Lot 2) on the City of Orange Township Tax Map and to convert that lot to a parking lot for Applicant's high school which is across the street from the subject property, which additions, modifications and changes, when combined with parking to be constructed at 366 Clarendon Place (Block 4902, Lot 5) and 386 Clarendon Place (Block 4902, Lot 3), around the existing structure at 386 Clarendon Place, will yield 55 parking spaces.
- C. The Historic Preservation Commission appointed a subcommittee consisting of its architect members to review the plans in more and to negotiate with the Applicants as to features the Commission desired to see on the site plan and questions the Commission had respecting storm water runoff management, the BOE long range facilities master plan, fencing, landscaping, lighting and alternative designs.
- D. While additional parking is necessary to accommodate growth and projected growth in student enrollment and hence the need for additional teacher and administrative staff parking, the Commission desired a plan that, from the street view, would make the three relevant properties, i.e., 366 Clarendon Place (Block 4902, Lot 5), 386 Clarendon Place (Block 4902, Lot 3), and 396 Clarendon Place (Block 4902, Lot 2), appear to be nicely landscaped residential properties.

- E. The Applicant originally submitted plans to construct 76 parking spaces, and over the course of discussions with the Historic Preservation Commission, and its subcommittee, the Applicant agreed to reduce the number of parking spaces to 55 spaces.
- F. With respect to storm water runoff, Thomas R. Petzold, the project designer from the civil engineering firm O'Donnell Stanton and Associates, advised via email communication that the recharge basin was pre-sized based on a conversation he had with David Clark, the Applicant's engineer. Mr. Petzold further advised that there will be a small Residential Site Improvement Standards (RSIS) approved roof drain recharge system and shallow basin as shown on the site plan. The Applicant agreed that 1) all storm water will be captured on site and there will be no storm water runoff draining from the site to off-site locations, and that 2) to prevent damage to the remaining historic structures at 366 and 386 Clarendon Place, the storm water will be diverted from the surrounding parking areas away from the foundations of the structures.
- G. The Commission requested that a black, wrought iron fence that is designed to appear to be from the same era as the construction of the homes at 366 and 386 Clarendon Place be installed around the parking areas to further improve the lots and make them appear to be landscaped residential lots from street view, a condition of approval to which the Applicant agreed. The Commission's subcommittee will continue to work with Applicant on the fence design choice, height and location; plans for the fence shall be submitted to the Commission's subcommittee within three months.
- H. With respect to lighting for the parking area, the City has requested shoebox-style lighting as opposed to bollard style lighting, which does not comply with the City's ordinance. The Commission was not presented with a "cut sheet" or mock up for light fixtures. Therefore, the Commission makes a condition of this Approval that the Applicant must return to the Commission or its subcommittee formed to consider this Application, as appropriate, with a lighting plan depicting lighting options that would achieve both level of security desired by the Applicant and the unobtrusive appearance requested by the Commission. As such, the proposed lighting fixtures are not approved.
- I. The Commission's subcommittee will also continue to work with Applicant on the landscape design, species selection, height and location of landscaping for the subject properties; the Applicant agreed to follow the Commission's subcommittee's suggestions with respect to landscaping design and choices, which agreement is specifically made part of this Approval. A full landscaping plan shall be submitted to the Commission's subcommittee within two months of the date of this Approval.
- J. With respect to the structure (house) that will remain at 386 Clarendon Place, Applicant has agreed as a condition of this Approval to preserve it using preservation techniques identified in Preservation Brief #31 published by the U.S. Dept. of the Interior, National Park Service, attached hereto, including preparing a condition assessment of the building, structurally stabilizing the building, based on the professional condition assessment, exterminating or controlling pests, including termites and rodents, protecting the exterior from moisture penetration, securing the building and its component features to reduce vandalism or break-ins, providing adequate ventilation to the interior of the structure, securing or modifying utilities and mechanical systems. The Applicant shall provide the Commission a copy of the condition assessment and a plan to maintain and monitor the structure to avoid deleterious impacts of weather, vandalism or other problems which would impair its historic integrity, within three months of the date of this Approval.
- K. At the January 17, 2018 meeting the Commission's subcommittee that reviewed the technical details with the Applicant's professionals and worked with the Applicant to improve the site plan details recommended that the Commission's goal had been accomplished to the extent feasible and recommended approval of the Certificate of Appropriateness to demolish the structure at 396

Clarendon Place and to make the parking lot and other improvements as depicted on the plan set prepared by Yezzi Associates last revised October 17, 2017.

II. CONCLUSIONS OF LAW

- A. The Commission finds that the Applicant has demonstrated by virtue of the Application and accompanying materials and Mr. Yezzi's testimony and Mr. Lee's testimony that the Application is warranted, i.e., that while the Commission disfavors demolition of structures in the historic district, and non-use of remaining structures, the need for some additional parking across from the high school accommodates the long range facilities master plan for growth and is warranted so long as it remains contextually appropriate to the historic district, and the Applicant further agrees to preserve and not to demolish the structure at 386 Clarendon Place, and to consider using it for administrative or other offices in the future.
- B. The Commission further finds that the proposed demolition of the structure at 396 Clarendon Place and the site improvements to 366 and 386 Clarendon Place will not impair the integrity or significance of the historic district beyond that which was already impaired by the installation of the high school and attendant parking in the first place, will not encroach upon nearby properties within the historic district other than the said demolition of the structure at 396 Clarendon Place, 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.
- C. The site improvements are consistent with the Design Guidelines and ordinance establishing the Commission, historic districts, map and regulations which control the historic districts.
- D. The Commission concludes that the benefits of granting the Certificate of Appropriateness outweighs the detriments in this unique case but notes that the approval of the demolition and preservation of the structures at 396 and 386 Clarendon Place are unique and shall not set a precedent for any future application.
- E. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant, for demolition of the structure at 396 Clarendon Place, and the construction and/or installation of improvements as depicted on the site plan and plan set presented by the Applicant last revised Oct. 17, 2017, conditioned upon those conditions specified herein and continued cooperation with the Commission's subcommittee as to the runoff, fence, landscaping, lighting and preservation method of the house remaining at 386 Clarendon Place described in the conditions of approval above in Section I, Paras. E through J.

III. ADDITIONAL CONDITIONS OF APPROVAL

- A. **AS A CONDITION OF THIS APPROVAL, THE CONSTRUCTION MUST PROCEED IN STRICT COMPLIANCE WITH THE PLANS DATED OCTOBER 17, 2017 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. E through J, Section II. E., 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." Roadway repairs shall be made to the centerline of the roadway should repairs be required in the opinion of the City Engineer or consulting Engineer.
- 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 including the N.J. Department of Education and/or Schools Development Authority or its successor agency.

V. TAXES

Applicant shall pay any outstanding real estate taxes and assessments if any 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

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(2nd)	<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(mover)	<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