

# CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

**DATE:** APRIL 18, 2018

**NUMBER:** 5-2018

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 612 LINCOLN AVENUE, BLOCK 6401, LOT 51, TO REPLACE SIDING ON EXTERIOR OF RESIDENCE AND TO RESTORE FRONT PORCH**

**WHEREAS**, Mr. Michael Lee Bolling and Ms. Onelee Brown (“Applicant”) have 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 612 Lincoln Avenue, Orange, New Jersey, and designated as Block 6401, Lot 51, on the Tax Map of the City of Orange Township; and

**WHEREAS**, the Application consisting of the Application itself signed by the owner’s contractor, Michael Monteavaro, dated March 14, 2018, together with four (4) undated photographs of the exterior of the property; and

**WHEREAS**, the Commission received and reviewed the Application 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 and photographs and is granting approval in reliance upon the representations made in the Application and photographs, together with the testimony of Mr. Paredes 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 Michael Lee Bolling and Onelee Brown, who are the owners of the property located at 612 Lincoln Avenue (Block 6401, Lot 51) presented the Application through the testimony of Ms. Brown and contractor Al Marino from Magnolia Remodeling Group of Union, N.J.
- B. The property is a two-story home located in located in the Montrose-Seven Oaks Historic District, which is used as a rental income property, according to Ms. Brown.
- C. Mr. Marino testified that the house is clad in asbestos shingle which is aged, weathered and cracked, and thus, in poor condition. He said the purpose of the Application was to clad the exterior asbestos shingles (without removing it) in vinyl siding throughout the exterior of the house, including the soffits, and all windows and other features.

- D. Commission members observed that the house while attractive is rather plain architecturally and does not have much in the way of decorative trim and other features which would be destroyed by the use of vinyl siding. It is not a contributing property in terms of its significance, to the district.
- E. Mr. Marino testified that removing the asbestos would be cost-prohibitive, and that encapsulating was a better option for this particular project. He also testified that the house was not suitable for wrapping in a James Hardie plank historic-look type product as all the shingles would have to be removed for that sort of application, because the Hardie plank must be applied to the sheathing itself.
- F. Ultimately, after some discussion, the Commission agreed to allow encapsulation of the asbestos shingles in vinyl siding because they were in poor condition and obviously could not be replaced with like kind materials, and because of the unique situation presented by this Application would not set a precedent for others to use vinyl siding, which is clearly prohibited by the Design Guidelines incorporated into the ordinance creating the HPC and designating the historic districts.
- G. The Commission required that the wooden front porch remain as such, and that it be scraped and painted, including the porch ceiling, floor, steps, and porch railing, to match the existing wood steps, railing, columns, floor, porch roof and supports. There shall be no vinyl siding on any portion of the porch.

## II. CONCLUSIONS OF LAW

- A. The Commission first finds that the Applicant has demonstrated by virtue of the Application and accompanying photographs and Mr. Marino's and Ms. Brown's testimony that the relief sought in the Application is warranted, i.e., that the exterior of the house may be clad in vinyl siding, including the windows and soffits, with new gutters and shutters, however, the front porch must remain wood, and be scraped and painted to match, along with wooden porch roof, ceiling, railing, flooring and steps, using like kind materials to the original.
- B. The Commission further finds that the proposed replacements will not unduly impair the historic significance of the Montrose-Seven Oaks historic district, although it is a deviation from the Design Guidelines, 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, purely because the purpose of the project is to encapsulate the asbestos shingles which are in poor condition.
- C. The Commission concludes that the benefits of granting the Certificate of Appropriateness substantially outweigh any detriments because of the asbestos shingles.
- D. Therefore, it is appropriate and that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant, conditioned upon the conditions described in A. above.

## 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. E, 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:**

	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>NP</b>
Keith Carrol	_____	_____	x _____	_____
Kathy Dowd	x _____	_____	_____	_____
Jody Leight	x _____	_____	_____	_____
Brandon Matthews (moved)	x _____	_____	_____	_____
Bruce Meyer	x _____	_____	_____	_____
Janice Morrell	_____	_____	x (part of mtg) _____	_____
Yolanda Silverio	_____	_____	x _____	_____
Troy Simmons	_____	x(abstain) _____	_____	_____
Abdiel Velez	x _____	_____	_____	_____
Karen Wells (2 <sup>nd</sup> )	x _____	_____	_____	_____

**MEMORIALIZATION:**

This Resolution adopted this **18<sup>th</sup>** day of **April, 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:

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

I hereby certify that the foregoing is a true copy of a Resolution of the City of Orange Township Historic Preservation Commission memorialized on **April 18, 2018.**

Adopted:

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

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Acting Chair