

**CITY OF ORANGE HISTORIC PRESERVATION COMMISSION**

**DATE: MAY 16, 2018**

**NUMBER: 6-2018**

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING A LIMITED CERTIFICATE OF APPROPRIATENESS FOR 307-309 MAIN STREET, BLOCK 2001, LOT 40, TO REMOVE STUCCO AND CLEAN FAÇADE REPOINT OR REPAIR BRICK FAÇADE AND CORRECT STRUCTURAL PROBLEMS CAUSING THE CRACKING AND TO SUBMIT APPLICATION AND PLAN FOR FAÇADE**

**WHEREAS**, Mr. Gerald Goldfein, Applicant, who is the owner of the structure at 307-309 Main Street, which is also Block 2001, Lot 40 on the City of Orange Tax Map, appeared before the City of Orange Historic Preservation Commission without a plan or an application, but with a photograph partly showing (and partly obscured due to the scaffolding) seeking guidance during his building façade renovations; and

**WHEREAS**, the Applicant Mr. Goldfein testified (along with Ms. Sharly Trinidad) that he wanted to remove the stucco applied to the façade and re-apply stucco; and

**WHEREAS**, the building façade actually extends to three buildings, and in its current state consists of exposed brick façade with significant cracks, windows which were reduced previously from their original size, with a black panel above the window area, a copper friese removed, exposed cinderblock at the top of the facade, a stone arch above the center window which is damaged, and other problems; and

**WHEREAS**, the side of the building is stucco, and in need of repair and painting, and as observed by one of the Commissioners, the original side elevation may have been stucco; and

**WHEREAS**, the Applicant desires to improve the façade and is willing to clean the façade and to return to the Commission with plans that show the proposed restoration, rehabilitation and/or repair of the façade and the side elevations of the building; and

**WHEREAS**, the Commission received no 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, or any other agencies however, the Commission did receive and review a chronological history of the treatment of the façade by the building's owners and/or lessees over the decades; and

**WHEREAS**, 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 photograph and is granting a limited Certificate of Appropriateness in reliance upon the representations made in the Application and photograph, together with the testimony of Mr. Goldfein 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, Gerald Goldfein, is the owner of the property located at 307-309 Main Street (Block 2001, Lot 40) which is a commercial building in the heart of the Main Street Historic district.
- B. Mr. Goldfein is desirous of improving the façade of the building, which actually extends over three buildings, and to do so he sought a City permit to erect scaffolding and began to remove the stucco covering part of the façade. Several problems became evident including cracking and spalling indicating structural problems that needed to be corrected or repaired before any further stucco or other coating or veneer was applied or re-applied to the façade surface (otherwise it would simply crack again).
- C. Now, in its current state, the facade consists of exposed brick façade with significant cracks, windows which were reduced previously from their original size, with a black panel above the window area, a copper frieze removed, exposed cinderblock at the top of the facade, a stone arch above the center window which is damaged, and other problems. As well, the side elevation needs to be repaired or have stucco re-applied and painted.
- D. Commission members observed that the brick front façade was attractive in its original design and to the extent that can be restored, it should be. They advised that the façade should be cleaned first to see how it appears afterward, and that the brick should be pointed if possible, and that brick veneer may be applied if it does not look attractive after cleaning. Brick may be placed on top of the exposed cinderblock area.
- E. The damage to the center window has to be fixed meaning the stone arch on top; Commission members suggested keeping the stone or painting it if restoring the stone arch was not possible. The Commission asked to see a color scheme when the Applicant returns which he was willing to provide.
- F. In terms of the windows, Commission members observed that there may have been metal in the original façade, probably copper, and that the gap over the smaller-than-original windows may be filled with metal or a black panel, but not vinyl. The window is to appear as though it is full original height. The Applicant advised that the existing windows will be kept in place, not replaced, and that was acceptable to the Commission.

**II. CONCLUSIONS OF LAW**

- A. The Commission first finds that the Applicant has demonstrated that the relief sought is warranted, i.e., that the exterior of the façade needs cleaning and repair, and that is the extent of the limited Certificate of Appropriateness granted by this approval.
- B. The guidance the Applicant sought in terms of future planning and design was provided, to which the Applicant was agreeable. The Applicant will return with proposed plans and elevations or a “cut sheet” showing the Applicant’s proposed solution for the windows, the stone arch, the façade itself and the area above the windows, as well as a color scheme. Additional photographs were specifically requested showing all areas of the façade, and not obscured by the scaffolding.
- C. The Commission made no findings about whether the proposed plan would impair or not impair the Main Street Historic District, such a finding being premature. The same was true for the other, usual findings (i.e., 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).

- D. Because of the repairs needed, the Commission concluded that the benefits of granting the limited Certificate of Appropriateness substantially outweighed any detriments.
- E. Therefore, it is appropriate and that the Historic Preservation Commission hereby APPROVES the issuance of a LIMITED CERTIFICATE OF APPROPRIATENESS to the Applicant, conditioned upon the conditions described 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:**

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

**MEMORIALIZATION:**

This Resolution adopted this 16th day of May, 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>  x  </u>	<u>          </u>
Kathy Dowd (2 <sup>nd</sup> )	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Jody Leight	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Brandon Matthews	<u>          </u>	<u>          </u>	<u>  x  </u>	<u>          </u>
Bruce Meyer	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Janice Morrell	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>

Yolanda Silverio	_____	_____	<u>  x  </u>	_____
Troy Simmons	<u>  x  </u>	_____	_____	_____
Abdiel Velez	_____	_____	<u>  x  </u>	_____
Karen Wells (mover)	<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 May 16, 2018.

Adopted:

\_\_\_\_\_  
 Madeline Smith  
 Acting Secretary

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