

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: JUNE 20, 2018

NUMBER: 7-2018

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF THE STRUCTURES AT 145-147 MAIN STREET (BLOCK 1801, LOTS 1 AND 25), AND CONSTRUCTION OF A MCDONALD'S RESTAURANT AND DRIVE THROUGH WITH AN ENTRANCE ON MAIN STREET AND EXITS ON MAIN STREET AND PARK AVENUE, ADDITIONAL PARKING, LANDSCAPING AND OTHER STREETScape IMPROVEMENTS

WHEREAS, the McDonald's Corporation ("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 structures at 145 and 147 Main Street (Block 1801, Lots 1 and 25 on the City of Orange Township Tax Map) and for approval of a site plan depicting the construction of a new McDonald's restaurant, with a drive through driveway with an entrance on Main Street, two exits from the drive through driveway, one on Main Street and one on Park Avenue, and entrance from Park Avenue but which is separated from the drive through driveway (by paint) such that the driver entering from Park Avenue will have to drive around the building in order to access the menu boards and order take-out food and then continue on to pick up the food; additional parking (22 spaces), landscaping and streetscape improvements; and

WHEREAS, the Application consists of the Application itself signed by Scott R. Lippert, Esq., Applicant's counsel, a plan set entitled Preliminary and Final Site Plan consisting of 16 sheets labeled C-1 through C-16 (C-3 being the Demolition Plan), front, rear and side elevations labeled A2.0 and A2.1 and a floor plan labeled R1.3, prepared by Dynamic Engineering, last revised May 9, 2018, a land title survey of both properties prepared by Dynamic Survey (Craig Black), and two exhibits, Exhibit A-1 prepared by CoreStates Group showing colorized front, rear and side elevations with a legend depicting materials to be used (brick, Hardie Plank, aluminum, prefinished metal, window glazing) dated April 11, 2018 and submitted at the May 16, 2018 hearing, and Exhibit A-2 prepared by Dynamic Engineering dated 5/23/2018 which is a colorized rendering of C-1 from the plan set; and

WHEREAS, Joseph C. Sparone, P.E., testified for the Applicant in favor of the Application, and indicated how the design and materials had been revised to accommodate the Commission's earlier comments with the color and material palette revamped to reflect a more "global urban" design, additional glazing was added to the building, both Hardie Plank siding and a brick base were employed together with vertical wood grained batten architectural features and a cornice above the parapet, as well as the use and placement of yellow M logo signs on the elevations shown on Exhibit A-1 (5/16/18) rather than a long yellow flattened arch which was shown in the original plans dated January 2018; and

WHEREAS, the Commission asked questions of Mr. Sparone about protecting pedestrians from drive-through traffic, whether traffic calming features should be installed (Mr. Sparone opined that the bollards and tight turns in the driveway would slow the vehicles down and allow flow through traffic at a safe speed and accommodate pedestrians crossing the driveway to enter the restaurant from the sidewalk area), whether vehicles may enter from Park Avenue into the drive-through flow of traffic (yes, vehicles may enter; no, vehicles may not enter the drive-through lane from Park Avenue), the planting of shade trees and shrubs, the rain garden, streetscape furniture such as outdoor seating in the form of benches facing the street, trash receptacles, and planters, all of which questions were answered satisfactorily; and

WHEREAS, the Commission received and reviewed the Application, revised site plan set and survey, Exhibits, and on February 21, 2018 and May 16, 2018, the Commission heard the testimony of Joseph C. Sparone, P.E.; and

WHEREAS, public notice of the Application 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, after carefully considering the evidence submitted by the Applicant, and any comments from 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, 145 and 147 Main Street (Block 1801, Lots 1 and 25 on the City Tax Map) are located in the Main Street Historic District.
- B. The Applicant's representative Joseph C. Sparone, P.E., testified on behalf of the Applicant and in favor of the Application to demolish the structures on the subject properties and to construct a new modern McDonald's restaurant with a drive-through driveway, entrances and exits on Main Street and Park Avenue, 22 parking spaces, landscaping, street furniture, shade trees and shrubs and other improvements per the revised plan set dated May 9, 2018, and Exhibits A-1 and A-2 dated May 16, 2018. His testimony was taken on February 21, 2018 and May 16, 2018.
- C. On February 21, 2018, the Commission asked for a different design, and noted certain changes they wanted including more glazing on the Park Avenue side elevation (one Commissioner noted that, "This is a very long, uninteresting wall facing Park Avenue."), more trees and landscaping, better protection for pedestrians crossing the driveway area, color and materials that fit into the Main street Historic District better and which reflected more of the façade of the building on 147 Main Street (to be demolished), and generally to take more cues from the other buildings in this urban but historic Main Street. The Commission did prefer some of the other design features which were included at that point in time including the arcades, coping and parapet. Several Commission members searched the internet during that February 21, 2018 hearing and showed Mr. Sparone photographs of McDonald's restaurants that they preferred in other urban areas, including in Englewood, N.J. on Palisades Avenue, in Garwood, N.J., and in London, U.K. Chairwoman Wells opined that he proposed design (i.e., the design presented at the February 21, 2018 meeting) was across the street from Grace Episcopal Church built in 1857 and one of the oldest in the City of Orange, and that it did not fit in at all.
- D. Applicant used the time between the February and May hearings to revise the plans. Joseph C. Sparone, P.E., testified for the Applicant in favor of the Application, and indicated how the design and materials had been revised to accommodate the Commission's earlier comments with the color and material palette revamped to reflect a more "global urban" design, additional glazing was

added to the building, both Hardie Plank siding and a brick base were employed together with vertical wood grained batten architectural features and a cornice above the parapet, as well as the use and placement of yellow “M” logo signs on the elevations shown on Exhibit A-1 (5/16/18) rather than a long yellow flattened arch which was shown in the original plans dated January 2018; and

- E. After reviewing the revised plan set and Exhibits, the Commission asked questions of Mr. Sparone at the May 16, 2018 hearing about protecting pedestrians from drive-through traffic, whether traffic calming features should be installed (Mr. Sparone opined that the bollards and tight turns in the driveway would slow the vehicles down and allow flow through traffic at a safe speed and accommodate pedestrians crossing the driveway to enter the restaurant from the sidewalk area), whether vehicles may enter from Park Avenue into the drive-through flow of traffic (yes, vehicles may enter; no, vehicles may not enter the drive-through lane from Park Avenue), the planting of shade trees and shrubs, the rain garden, streetscape furniture such as outdoor seating in the form of benches facing the street, trash receptacles, and planters, all of which questions were answered satisfactorily;
- F. The revised plans, diagrams and Exhibits were deemed satisfactory to the Commission. The Commission granted and approved demolition of the structures at 145 and 147 Main Street (Block 1801, Lots 1 and 25) and also granted and approved the construction of a new McDonald’s restaurant together with all other site improvements as depicted on the revised plan set and addenda and the colorized Exhibits A-1 and A-2 dated May 16, 2018.

II. CONCLUSIONS OF LAW

- A. The Commission finds that the Applicant has demonstrated by virtue of the Application and accompanying materials, Exhibits and representations made in the testimony of Mr. Sparone, that the relief sought in the Application is warranted, i.e., that while the Commission disfavors demolition of structures in the historic district, the need for a modern restaurant and additional parking and to avoid queueing on Main street is appropriate, so long as the development remains as contextually appropriate to the historic district through design and especially color and materials as possible given the modern nature of the development itself, i.e. it is a McDonald’s drive-through restaurant.
- B. The Commission further finds that the proposed demolition of the structures and development of the new restaurant and accompanying site improvements will not impair the integrity or significance of the historic district beyond that which has already occurred by virtue of the development of the restaurant in the first place, which happened many years ago; and that the structure at 147 Main Street is not in itself significant and is not materially contributing to the historic fabric of Main Street; and that the entire development will not encroach upon nearby properties within the historic district; and that the development overall 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 Commission concludes that the benefits of granting the relief sought in the Application by virtue of the approval of the Certificate of Appropriateness outweighs the detriments in this unique case but notes that the approval of the demolition and construction of the new restaurant and site improvements are unique and pre-existing elements of the subject properties and this approval shall not set a precedent for any future application.

- D. 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 structures at 145-147 Main Street and the construction of a new restaurant, drive-through driveway, parking and other site improvements as depicted on the revised plan set last revised May 8, 2018 and as depicted on the Exhibits A-1 and A-2 marked into evidence on May 16, 2018 at the hearing on said date, conditioned upon the terms and conditions specified herein described in the conditions of approval above and below.

III. ADDITIONAL CONDITIONS OF APPROVAL

- A. **AS A CONDITION OF THIS APPROVAL, THE CONSTRUCTION MUST PROCEED IN STRICT COMPLIANCE WITH THE PLANS DATED MAY 9, 2018, EXHIBITS A-1 AND A-2 SUBMITTED ON MAY 16, 2018 AND/OR REPRESENTATIONS MADE IN THE TESTIMONY SUBMITTED BY JOSEPH C. SPARONE, 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 elevations, photographs, and the like, is approved and granted subject to the foregoing conditions, 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	_____	_____	x _____	_____
Kathy Dowd (2 nd)	x _____	_____	_____	_____
Jody Leight	x _____	_____	_____	_____
Brandon Matthews	_____	_____	x _____	_____
Bruce Meyer (mover)	x _____	_____	_____	_____
Janice Morrell	x _____	_____	_____	_____
Yolanda Silverio	_____	_____	x _____	_____
Troy Simmons	x _____	_____	_____	_____
Abdiel Velez	_____	_____	x _____	_____
Karen Wells	x _____	_____	_____	_____

MEMORIALIZATION:

This Resolution adopted this 20th day of June, 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	_____	_____	_____	_____
Kathy Dowd	_____	_____	_____	_____
Jody Leight	_____	_____	_____	_____
Brandon Matthews	_____	_____	_____	_____
Bruce Meyer	_____	_____	_____	_____
Janice Morrell	_____	_____	_____	_____
Yolanda Silverio	_____	_____	_____	_____
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 June 20, 2018.

Adopted:

 Joyce Lanier
 Secretary

 Karen Wells
 Chair