

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: JUNE 20, 2018

NUMBER: 8-2018

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF THE STRUCTURE AT 164 MAIN STREET (BLOCK 2903, LOT 1)

WHEREAS, 164 Main Street, LLC (“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 164 Main Street (Block 2903, Lot 1 on the City Tax Map) a 1.5 acres site developed with a shopping center known as “Orange Commons Plaza”; and

WHEREAS, the Application consisting of the Application itself signed by Joseph Alesso, Director of Development, together with certain addenda including property records, and which Application was testified to by Richard Dunn, Vice President of Operations for paramount Assets, of Elizabeth, N.J., who identified himself as the developer; and

WHEREAS, the Commission received and reviewed the Application, addenda and heard and considered the testimony of Richard Dunn, at the May 16, 2018 hearing on the Application, who stated that the building demolition was necessary to make way for another development which he could not disclose due to his or another agent of the developer having signed a Non-Disclosure Agreement, however, he testified that a national retail store was interested in developing the site with a convenience store and fueling station with pumps and a canopy; and

WHEREAS, Mr. Dunn testified that whatever development is proposed will be brought back to the Historic Preservation Commission, but that this Application is simply to demolish the existing structure on the site; and

WHEREAS, Mr. Dunn testified that the existing structure is not historically significant and is of recent vintage (circa 1980s), a fact the Commission agreed with; and

WHEREAS, the Commission recognizes the importance of this site as the gateway to and between the City of East Orange and the City of Orange Township;

WHEREAS, public notice of the Application and testimony 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 and heard testimony and is granting approval in reliance upon the representations made in the Application and in the testimony of Mr. Dunn; 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 property, 164 Main Street, is in the Main Street Historic District.
- B. The Applicant’s representative Richard Dunn testified on behalf of the Applicant and in favor of the Application to demolish the structure at 164 Main Street (Block 2903, Lot 1) on the City of Orange Township Tax Map.
- C. The site will be developed in the future, likely for a convenience store and gas fueling station with pumps and a canopy as described in the Application, but regardless of the nature and type of the future development of the site, or its inclusion in an area in need of redevelopment, and the responses to any request for proposals by developers, the Application for same will be required to be brought before the Historic Preservation Commission for its consideration and approval.
- D. With respect to the Application itself, the question pose by one Commission member was, “Is there anything worth saving about this building (Orange Plaza Commons)?” and the consensus of the Commission was “no.” As such, the Commission agreed to grant and approve the Application for a Certificate of Appropriateness to demolish the structure at 164 Main street (Block 2903, Lot 1).

II. CONCLUSIONS OF LAW

- A. The Commission finds that the Applicant has demonstrated by virtue of the Application and accompanying materials and Mr. Dunn’s testimony that the Application is warranted, i.e., that while the Commission disfavors demolition of structures in the historic district, there is nothing historically significant about this particular structure at 164 Main Street and it does not contribute to the significance or integrity of the Main Street Historic District and that the relief sought in the Application is warranted.
- B. The Commission further finds that the proposed demolition of the structure at 164 Main Street will not impair the integrity or significance of the historic district, will not encroach upon nearby properties within the historic district other than the said demolition of the structure at 164 Main Street, 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. As to the Master Plan, there was no testimony except the reference to the property being within an area in need of redevelopment and the City apparently seeking proposals from developers in response to a request for proposals.
- C. 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 164 Main Street is unique and shall not set a precedent for any future application for demolition in an historic district as even structures which are not themselves significant often materially contribute to the overall aesthetic and character of an historic district and especially its integrity as an historic district.
- 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 structure at 164

Main Street (Block 2903, Lot 1), conditioned upon those conditions specified herein and as described in the conditions of approval below.

- E. Applicant shall return to the Historic Preservation Commission at the appropriate time with site plans for future development.

III. ADDITIONAL CONDITIONS OF APPROVAL

- A. **AS A CONDITION OF THIS APPROVAL, THE CONSTRUCTION MUST PROCEED IN STRICT COMPLIANCE WITH THE PLANS SUBMITTED TO THE CITY 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 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	_____	_____	<u> x </u>	_____
Kathy Dowd	<u> x </u>	_____	_____	_____
Jody Leight	<u> x </u>	_____	_____	_____
Brandon Matthews	_____	_____	<u> x </u>	_____
Bruce Meyer (moved)	<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	<u> x </u>	_____	_____	_____

MEMORIALIZATION:

This Resolution adopted this 20 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