

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: JULY 18, 2018

NUMBER: 10-2018

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 179 TREMONT AVENUE, BLOCK 5602, LOT 27, TO REPLACE ROOF, WINDOWS, DOORS, STEPS AND OTHER EXTERIOR FEATURES AND SIDING DAMAGES IN FIRE AND TO MAKE STRUCTURAL REPAIRS AND REPLACEMENTS AS NEEDED PER PLANS

WHEREAS, Mr. Authority Ugbenin (“Applicant”) has 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 he and his wife own located at 179 Tremont Avenue, Orange, New Jersey, and designated as Block 5602, Lot 27, on the Tax Map of the City of Orange Township; and

WHEREAS, the Application consisting of the Application itself signed by the owner dated May 1, 2018, together with a plan set of nine (9) sheets prepared by Buckman Architectural Group, P.A., Kenilworth, N.J. labeled T-1 and T-2, A-1 through A-6, and PE-1 and PE-2, a structural engineer’s report, an asbestos report, and one photograph dated Sept. 12, 2016 before the fire and eight (8) photographs of the subject property after the fire (both exterior and interior); and

WHEREAS, the Commission received and reviewed the Application, plans, reports 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, plan set, reports and photographs and is granting approval in reliance upon the representations made in the Application and the plan set, reports, photographs, together with the testimony of Mr. Ugbenin in the public presentation by the Applicant on May 16, 2018 and June 20, 2018; 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 Authority Ugbenin and his wife own the home and subject property which is a significant example of the large beautiful homes in the Montrose-Seven Oaks Historic

District. Unfortunately, the home experienced a devastating fire. Mr. Ugbenin applied to the Historic Preservation Commission on May 1, 2018 to demolish the home which he then intended to rebuild.

- B. At the first hearing on the matter, Commission members reviewed the Application and report and photographs and suggested to Mr. Ugbenin and his wife that the home did not appear to need to be demolished and that he would probably save a significant amount of money by replacing any damaged structural members and/or shoring and assisting those that did not need replacement, and otherwise restoring the home, gutting any interior features as necessary, replacing the roof and windows, and maintaining the existing structure which looked to be sound. Mr. Ugbenin was asked to get a structural engineer's report and to return to the Commission the following month and also to get a copy of the design Guidelines and to review them.
- C. Subsequently, Mr. Ugbenin and/or his architect, Buckman Architectural Group, P.A., Kenilworth, N.J., procured an engineer's report which demonstrated that about thirty-five percent (35%) of the structural elements needed to be replaced or shored up, but that otherwise the home and its foundation was structurally sound and did not require demolition. A pre-demolition asbestos report showed no asbestos-containing materials.
- D. Mr. Ugbenin decided to restore the home in accordance with the plans drawn up by the architect, specifically, a nine-sheet plan set labeled T-1 and T-2, A-1 through A-6, and PE-1 and PE-2, last revised on May 22, 2018.
- E. Mr. Ugbenin had been planning to make one change in the exterior in the home to be built as-new, however, he testified that he decided not to make that change, and to restore the home as it was before the fire, which is what is shown on the plans approved in this Resolution.
- F. Commission member Brandon Matthews asked Mr. Ugbenin to use wood or wood composite for the soffits and fascia boards and area under the soffits because that type of material would accommodate the gutters and leaders which need to be affixed to them and the flashing. Mr. Ugbenin agreed to use wood or wood composite for these areas in the rebuild work.
- G. In terms of the windows, all windows in the entire house were broken during the fire-fighting process. While normally the Commission does not approve replacement windows made of vinyl, given the cost and expenses of replacing so many windows in this large home with wood replacement windows, the Commission asked Mr. Ugbenin to use vinyl replacement windows that are framed and clad in aluminum, if he is going to consider using vinyl replacement windows. Mr. Ugbenin agreed to replace the windows with vinyl windows clad and framed in aluminum.
- H. The existing roof is typical asphalt shingle and will be replaced with same.
- I. The Commission required that all other features of the home's exterior remain the same as before the fire, which is what the architect's plans show, and the Commission reiterated that the plans were approved and that this is what must be built, from an exterior perspective.
- J. Although no action was taken on the Application at the prior meeting, it was determined that Messrs. Velez, Matthews and Carrol would not be voting on this application as they were not present at the May 16 meeting when the Applicant was asked to return with a structural engineer's report.

II. CONCLUSIONS OF LAW

- A. The Commission first finds that the Applicant has demonstrated by virtue of the Application and plans, reports and accompanying photographs and Mr. Ugbenin's testimony that the relief sought in the Application is warranted, i.e., that the plans to restore the home are approved, that wood or wood composite shall be used for the soffits, and the area under the soffits, and for the fascia boards, and that vinyl replacement windows may be installed if they are clad and framed in aluminum. Otherwise, the house will be restored to its original exterior look and features, using like kind materials to the original materials, per the plans approved. The roof may be replaced with asphalt shingles. If there is to be any deviation from the plans approved, Mr. Ugbenin shall return to the HPC.
- 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 opportunity to restore this large beautiful home in the historic district which unfortunately suffered a devastating fire.
- 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 section II. 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 over this work and project, and where applicable, with the standards of the Secretary of Interior for Rehabilitation and the 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. F through I, Section II. A., 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 | Absent | NP |
|--------------------------------|---------------|---------------|---------------|---------------|
| Keith Carrol | <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 (mover) | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Bruce Meyer | <u> </u> | <u> </u> | <u> x </u> | <u> </u> |
| Janice Morrell | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Yolanda Silverio | <u> </u> | <u> </u> | <u> x </u> | <u> </u> |
| Troy Simmons | <u> </u> | <u> </u> | <u> x </u> | <u> </u> |
| Abdiel Velez | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Karen Wells (2 nd) | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

MEMORIALIZATION:


This Resolution adopted this 18th day of July, 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:

MOTION: Dowd -----

| | Yes | SECØND No | leight Absent | NP |
|------------------|---------------|--------------------------------|------------------------------------|---------------|
| Keith Carrol | <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> </u> | <u> </u> | <u> x </u> | <u> </u> |
| Bruce Meyer | <u> </u> | <u> </u> | <u> x </u> | <u> x </u> |
| Janice Morrell | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Yolanda Silverio | <u> </u> | <u> </u> | <u> x </u> | <u> x </u> |
| Troy Simmons | <u> x </u> | <u> </u> | <u> </u> | <u> x </u> |
| Abdiel Velez | <u> </u> | <u> </u> | <u> x </u> | <u> </u> |
| Karen Wells | <u> x </u> | <u> </u> | <u> </u> | <u> </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 July 18, 2018.

Adopted:


 Joyce L. Lanier
 Secretary


 Karen Wells
 Chair