

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: JANUARY 16, 2019

NUMBER: 1-2019

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 25-33 SOUTH CENTER STREET, BLOCK 2802, LOT 10, TO REMOVE THE DAMAGED FAÇADE AND TO REPLACE WITH NEW BRICKS, ADD NEW WINDOWS AND DOORS, IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION

WHEREAS, Mr. Aghogho Emenike, the owner's representative, the owner being Queenie 33, LLC ("Applicant") 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 Queenie 33, LLC owns located at 25-33 South Center Street, Block 2802, Lot 10, in the City of Orange Township, within the Main Street Historic District; and

WHEREAS, the Application consisted of the Application itself signed by the owner dated November 2018, together with a plan set consisting of one page depicting the existing front elevation and the proposed front elevation, and light fixture detail, submitted by the Applicant's architect together with a survey, two photographs and a brick product sheet from E.L. Congdon & Sons Lumber Co. showing brick types and colors with "red wire cut" circled, and other materials appended to the Application; and

WHEREAS, the Commission received and reviewed the Application, plan, survey, product sheet 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, on November 28, 2018, and all members of the Commission voting on this resolution 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, survey, product sheet, and photographs and is granting approval in reliance upon the representations made in the Application and the plan, survey, photographs and product sheet, together with the testimony of Mr. Emenike on behalf of Queenie 33, LLC, the owner, in the public presentation by the Applicant on November 28, 2018; and

WHEREAS, Mr. Emenike testified that the façade of the building, which was formerly the "Private Place Lounge," was materially changed and damaged, and that it was in need of being replaced with new brick; and

WHEREAS, the Commission agreed to allow the replacement of the façade with new bricks, and required that the owner/Applicant also add a new window and doors in order to restore the original look of the structure's exterior façade, conditioned, however, upon the owner's/Applicant's submission to the Commission of architectural drawings (which may include a cut sheet) to the chairman of the OHPC (Troy Simmons), through the OHPC's Secretary Joyce L. Lanier, of the façade, the lighting fixtures, and the detail for the doors, the windows and the top portion of the façade; and

WHEREAS, the Commission understood that the owner/applicant was not going to replace the roof and that it is in good condition, and that the owner/Applicant represented that overall, the building was in good condition; 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 Queenie 33, LLC through its representative, Mr. Aghogho Emenike, testified that Queenie 33, LLC owns the subject property at 25-33 South Center Street in the Main Street Historic District. The property was the former "Private Place Lounge." Unfortunately, the front façade experienced damage, requiring a new real brick façade to be installed. The Applicant has chosen "red wire cut" brick from a product sheet outlined above.
- B. The Applicant/owner applied to the Historic Preservation Commission on November 28, 2018 for approval to make certain changes primarily consisting of a new brick façade, and to add windows and doors and exterior lighting fixtures to bring it back to its original look.
- C. At the first hearing on the matter, Commission members reviewed the Application and the existing front elevation plan and proposed front elevation together with the lighting fixture detail. The Commission approved of the proposed changes however, additional information and detail was needed.
- D. Mr. Emenike testified that the roof is in good condition and that the owner did not intend to replace the roof.
- E. The Applicant further agreed to follow the OHPC Design Guidelines, and to consult with the OHPC chair Troy Simmons (who agreed to be consulted) on any design choices related to the doors, windows and lighting fixtures.
- F. Interior work is not the purview of the Commission unless it is visible from the exterior, closest public street.
- G. The Applicant further agreed as a condition of the approval of the Certificate of Appropriateness to submit an architectural plan including the detail for the doors and windows, and the top portion of the façade where it meets the roof, and a cut sheet for the exterior lighting fixtures, all of which will be reviewed by the OHPC chairman Troy

Simmons. The Applicant shall submit this and any other plans or materials through the OHPC Secretary Joyce Lanier, at City Hall.

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 testimony that the relief sought in the Application is warranted, i.e., that the plans to restore the front façade of the subject property are approved, subject to the submission of additional plans and/or details as outlined above.
- B. The building front façade will be restored to its original exterior look and features, using like kind materials to the original materials, per the plans and product sheet approved. If there is to be any deviation from the plans approved, the Applicant shall return to the HPC.
- C. The Commission further finds that the proposed replacements will not unduly impair the historic significance of the Main Street Historic District and in fact, will enhance same, 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.
- D. The Commission concludes that the benefits of granting the Certificate of Appropriateness substantially outweigh any detriments because of the opportunity to restore this property in the Main Street Historic district.
- E. 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 I A-G above and section II. A-E. 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. A through G, Section II A through E, section III. A through I, and Section IV. A-D, hereof, and the following additional conditions of Section IV, 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.

VIII. 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 (2 nd)	<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 (mover)	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Janice Morrell	<u> </u>	<u> </u>	<u> x </u>	<u> </u>
Troy Simmons	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Abdiel Velez	<u> </u>	<u> </u>	<u> x </u>	<u> </u>
Karen Wells	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

MEMORIALIZATION:

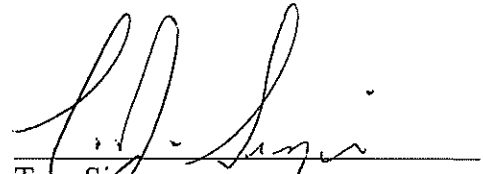
This Resolution adopted this 16th day of January, 2019 memorializes the action taken at a meeting of the City of Orange Township Historic Preservation Commission with the roll call vote on the memorialization as follows:

	Yes	No	Absent	NP
Keith Carrol	<u> 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> </u>	<u> x </u>
Janice Morrell	<u> </u>	<u> </u>	<u> </u>	<u> x </u>
Troy Simmons	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Abdiel Velez	<u> </u>	<u> </u>	<u> </u>	<u> x </u>
Karen Wells	<u> </u>	<u> </u>	<u> x </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 January 16, 2019.

Adopted:


Joyce Lanier
Secretary


Troy Simmons
Chair