

**CITY OF ORANGE HISTORIC PRESERVATION COMMISSION**

**DATE:** JANUARY 16, 2019

**NUMBER:** 2-2019

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 438 TREMONT AVENUE, BLOCK 6401, LOT 2, TO REPLACE OR REPAIR EXTERIOR FAÇADE CLADDING, WINDOWS, DOORS AND PORCH, WITH WOOD AND LIKE-KIND MATERIALS PRESERVING THE ORIGINAL FEATURES, WOOD WORK, TRIM AND OTHER ASPECTS OF THE HOUSE AS NEEDED PER PLANS**

**WHEREAS**, Shaun and Brooke Jones (“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 they own located at 438 Tremont Avenue, Block 6401, Lot 2, in the City of Orange Township within the Montrose District; and

**WHEREAS**, the Application consisted of the Application itself signed by the owner dated November 2018, together with a plan set submitted by their architect consisting of 17 pages prepared by Nancy Dougherty, AIA of Studio 1200, LLC, Short Hills, N.J., and other materials appended to the Application; 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, 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 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. and Mrs. Jones in the public presentation by the Applicant on November 28, 2018; and

**WHEREAS**, the Joneses testified that the façade of their otherwise historic home was materially changed, that it was converted to a two-family rental, and that there may have been a fire. They testified that they intend to restore the property to its original exterior façade to the extent possible, including wood trim and other architectural features, the doors, the windows, and the porch. The Joneses agreed that they would not use vinyl, aluminum, plastic or other non-natural siding for the exterior cladding of any elevation of the façade of the home, and instead agreed to use either cedar shakes or wooden clapboard as the cladding of the exterior where such replacement is necessary; 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 Shaun and Brooke Jones own the home at 438 Tremont Avenue. The subject property which is a significant example of the large beautiful homes in the Montrose-Seven Oaks Historic District. Unfortunately, the home experienced several debilitating changes over the years including material changes to the exterior façade, conversion to a two-family rental property, and a fire.
- B. The Joneses applied to the Historic Preservation Commission on November 28, 2018 for approval to make certain changes primarily consisting of repairs and replacement to the exterior façade to restore the home to its prior status in terms of wood trim, architectural features, doors, windows, and the porch.
- C. At the first hearing on the matter, Commission members reviewed the Application and architect’s plan set and any reports and photographs and other materials appended to the Application.
- D. The Commission asked the Joneses not to use vinyl, aluminum, plastic or other non-natural siding for the exterior cladding of any elevation of the façade of the home, and instead the Jones agreed with the Commission to use either cedar shakes or wooden clapboard as the cladding of the exterior where such replacement is necessary.
- E. The Commission further requested that when and if exterior gutters are installed, that they may be either Yankee gutters or anchored gutters.
- F. The Joneses testified that the roof is in good condition and that they did not intend to replace it; however, the chimney will be repointed.
- G. The Applicant further agreed to follow the OHPC Design Guidelines, and to consult with the OHPC chair Troy Simmons (who agreed to be consulted) with respect to the paint colors for the exterior.
- H. Interior work is not the purview of the Commission unless it is visible from the exterior, closest public street.
- I. The Applicant further agreed as a condition of the approval of the Certificate of Appropriateness to submit an architectural plan or cut sheet for the exterior lighting fixtures, 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 home are approved, that wood cladding or cedar shakes shall be used for the exterior façade and all elevations, that repairs and replacements of doors, windows and the porch will be of like-kind materials. In other words, the house will be restored to its original exterior look and features, using like kind materials to the original materials, per the plans approved. If there is to be any deviation from the plans approved, the Applicant 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, 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. A through I, 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:**

	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>NP</b>
Keith Carrol (2 <sup>nd</sup> )	<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>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Janice Morrell	<u>      </u>	<u>      </u>	<u>  x  </u>	<u>      </u>
Troy Simmons (moved)	<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:**

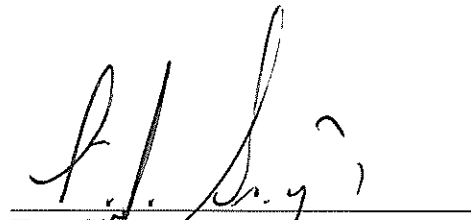
This Resolution adopted this 16<sup>th</sup> day of January, 2019 memorializes the action taken at a meeting of the City of Orange Township Historic Preservation Commission with the roll call vote on the memorialization as follows:

	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>NP</b>
Keith Carrol (mover)	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Kathy Dowd	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Jody Leight (2 <sup>nd</sup> )	<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