

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: DECEMBER 18, 2019

NUMBER 22-2019

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 572 NASSAU STREET, CITY OF ORANGE TOWNSHIP, N.J., BLOCK 6003, LOT 19 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO REMOVE DAMAGED SIDING AND REPLACE WITH BRICK ON THE FRONT FAÇADE AND VINYL SIDING ON THE SIDES AND REAR OF THE STRUCTURE IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION

WHEREAS, the Applicant and owners Rafael and Jackie Macdonal (“Applicant”) applied to the City of Orange Township Historic Preservation Commission (“OHPC”) for approval of a Certificate of Appropriateness for work to be done at the property they own located at 572 Nassau Street, City of Orange Township, N.J., which is Block 6003, Lot 19 on the City of Orange Tax Map; and

WHEREAS, the Commission received and reviewed the Application, together with two photographs and a rendering presented on a single large sheet (marked Exhibit A-1) depicting the appearance of houses on either side of the subject structure, with a rendering of the proposal in the Application which depicts a vinyl front façade, shutters and related features; and

WHEREAS, testifying on behalf of the Applicant were both Mr. and Mrs. Macdonal who stated that the existing vinyl siding was damaged in a storm, that they were seeking a reasonable cost alternative for replacement siding but that they “want to comply with the law,” that the roof is leaking, that they intend to install a flat rolled roof, that they will keep the partial overhang structure in the front top of the facade, they will install operable (“real”) shutters on the front, and ultimately, they agreed to install a brick front façade because vinyl siding is not allowed on visible parts of structures in historic districts; and

WHEREAS, the Application was the subject of public notice by virtue of the publication of the agenda of the Historic Preservation Commission, and the Commission provided an opportunity for comments from the public and interested parties 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 and photographic sheet marked Exhibit A-1, and, together with the testimony of the owners, in the public presentation by the Applicant on October 16, 2019; and

WHEREAS, the Commission, after carefully considering the evidence submitted by the Applicant, its own professionals and City’s professional staff, if any, and the general public, makes the following findings of fact and conclusions of law:

I. FINDINGS OF FACT

A. The Applicant and owner Rafael Macdonal submitted an Application together with four (4) photographs, in the Applicant's quest for approval for siding and façade cladding that was reasonable in cost for their two-family investment property.

B. The Applicant testified that the vinyl siding was badly damaged and needs to be replaced. Also the roof is leaking and water is penetrating the structure.

C. At the hearing, the Applicant produced a larger sheet, marked Exhibit A-1, depicting a rendering of the subject property with buff-colored vinyl siding, and a rendering of the buff-colored vinyl-sided two-family structure next to the other houses on the same side of Nassau Street, which have vinyl siding.

D. The Commissioners explained that vinyl siding is not allowed in historic districts. After discussion, the Commission agreed to allow the Applicant to use vinyl siding to clad the rear and sides of the house. The rear is not visible from the street and most of the area of the two sides is not visible from the street. The front façade of the house will be clad in real brick.

E. The Applicant agreed to keep all of the architectural features of the house including but not limited to the angled roof at the top of the front façade at the roofline, the small roof-type eave on the front façade at the break between the first floor (top) and second floor (bottom), all of the molding around the windows, including cornices, lintels, headers, mullions, and to keep double hung windows.

F. The Applicant agreed to install a new door that matches the period to the extent possible and new shutters that are operable and not fake (not screwed or nailed to the brick, and non-operable).

G. The only reason some leeway was provided for the vinyl siding on the sides of the structure was that the roof is leaking badly and water is penetrating the structure, and it needs to be re-roofed and buttoned up, and the existing cladding is a pressed paper or cardboard type of covering (a sample was shown to the Commission by the Applicant). Therefore, unlike having wood clapboard or shakes/shingles underneath which would be worth repairing, saving, and painting, after removal of the damaged siding, there is no such cladding on this house worth saving.

H. A permit must be obtained from the City for all work. This is not a zoning or land use approval.

II. CONCLUSIONS OF LAW

A. The Commission agreed that installing brick on the front façade of this house with a new door, new shutters and double-hung windows while preserving the various architectural features including the roof/eave overhang and the fenestration (window) design and size, will not impair the zone plan and zoning ordinance's objectives, or the Master Plan. While vinyl siding applied to

any structure even on the sides and rear elevations is inconsistent with the Historic District and Design Guidelines, the inconsistency will not significantly impair the Historic District or Design Guideline's application in this area, given the multiple applications of vinyl siding on the nearby structures as evidenced by the Applicants photographs.

B. As such, the Commission agrees that the front façade may be clad in brick with a new door and new shutters, keeping all architectural features, and keeping intact the double-hung windows and the existing window sizes and design. This will advance and not impair the goals of the Master Plan, the zone plan and ordinance, and the Municipal Land Use Law and will not cause substantial detriment to the public good.

C. The Commission also finds that the Applicant has demonstrated by virtue of the Application, testimony, photographs and rendering that the relief is warranted.

D. Therefore, it is appropriate 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-H above and Section II. A-D together with all other conditions in Sections III through VIII below. This approval is not precedential and is based on the unique conditions of this application.

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, is approved and granted subject to the foregoing conditions in Section I. A through D, Section II A through C, Section III A through I, and Section IV. A-D, hereof, and the following additional conditions of Section V to IX, 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. 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	Abstain	Absent
Keith Carroll (2 nd)	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Kathy Dowd (mover)	<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> </u>	<u> </u>	<u> </u>	<u> X </u>
Abdiel Velez	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Karen Wells	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

MEMORIALIZATION:

This Resolution adopted this 18th day of December, 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:


Motion: Carroll

Second: Dowd .

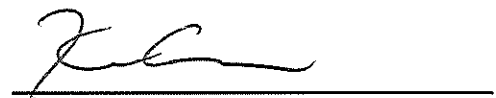
	Yes	No	Abstain	Absent
Keith Carroll	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Kathy Dowd	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Jody Leight	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Brandon Matthews	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Janice Morrell	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Troy Simmons	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Abdiel Velez	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Karen Wells	<u> </u>	<u> </u>	<u> </u>	<u> X </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 December 18, 2019.

ADOPTED: DECEMBER 18, 2019



 Joyce L. Lanier
 Secretary



 Keith Carroll
 Vice Chair